



**DEVELOPMENT MANAGEMENT  
COMMITTEE  
WEDNESDAY 3 SEPTEMBER 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)**

**Keith Ferry  
Krishna James  
Thaya Idaikkadar**

**Reserve Members:**

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

**1. Mrinal Choudhury  
2. Graham Henson  
3. Jerry Miles**

**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**

**WEDNESDAY 3 SEPTEMBER 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 15 July 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

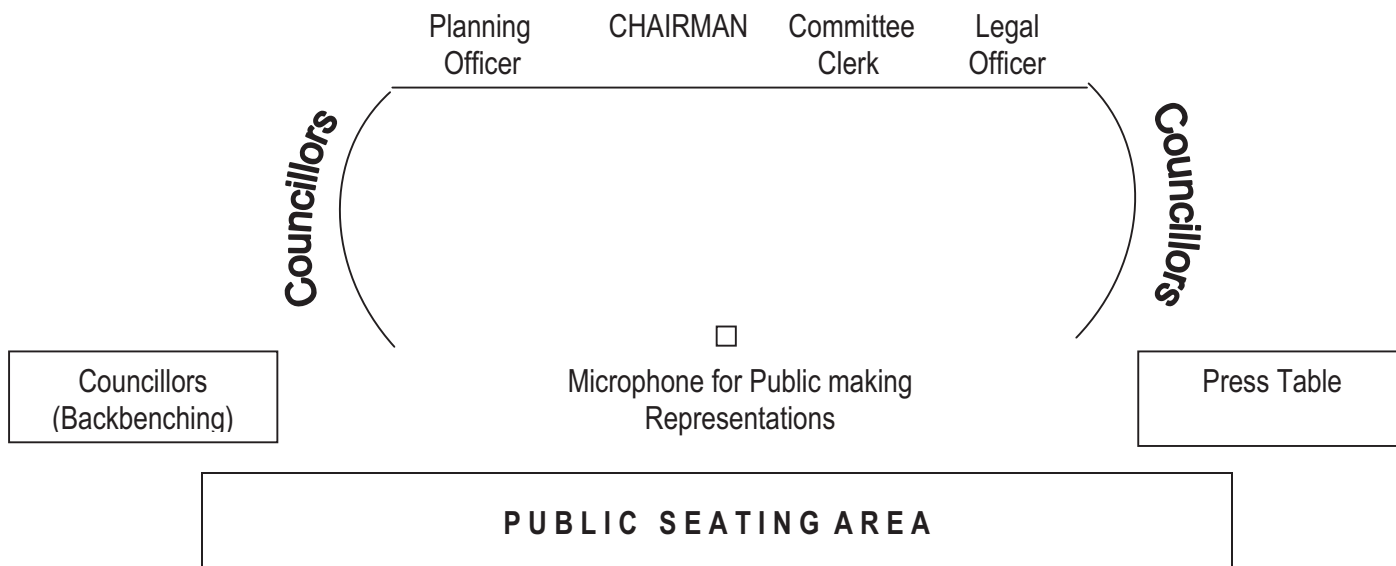
provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).

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. **Stopping Up of the Highway - Rayners Lane Estate, Areas Adjacent to Scott Crescent and Goldsmith Close:** (Pages 21 - 26)  
Report of the Head of Development Management.
  - Enc 14. **Stopping Up of the Highway - Strongbridge Close Estate, Rayners Lane:** (Pages 27 - 32)  
Report of the Head of Development Management.
  - Enc 15. **Tree Preservation Order No. 916 - 125 Whitchurch Gardens:** (Pages 33 - 36)  
Report of the Head of Development Management.
  - Enc 16. **79 Marsh Road - Extension of time - Section 106 Agreement:** (Pages 37 - 40)  
Report of the Director of Legal and Governance Services.
  17. **Member Site Visits:**  
To arrange dates for Member site visits that have been agreed during the course of the meeting (if any).
  18. **Any Other Urgent Business:**  
Which cannot otherwise be dealt with.
- AGENDA - PART II**
- Enc 19. **Urgent Non Executive Decision - Bothy, 65 Old Redding, Harrow:** (Pages 41 - 44)  
Report of the Director of Legal and Governance Services.

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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).***

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**REPORT OF DEVELOPMENT MANAGEMENT COMMITTEE**

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**MEETING HELD ON 15 JULY 2008**

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Chairman: \* Councillor Marilyn Ashton

Councillors: \* Don Billson \* Thaya Idaikkadar  
\* Mrinal Choudhury (1) \* Julia Merison  
\* G Chowdhury (2) \* Joyce Nickolay  
\* Keith Ferry

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

**PART I - RECOMMENDATIONS - NIL**

**PART II - MINUTES**

246. **Attendance by Reserve Members:**

**RESOLVED:** To note the attendance of the following duly appointed Reserve Members:

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Robert Benson	Councillor Golam Chowdhury
Councillor Krishna James	Councillor Mrinal Choudhury

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

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

248. **Declarations of Interest:**

**RESOLVED:** To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
11. Planning Applications Received item 2/09 Bentley Wood High School, Bridges Road, Stanmore, HA7 3NA	Councillor Marilyn Ashton	Personal interest in that Councillor Ashton had been invited to the reopening of the school's building in her capacity as a ward Councillor. Councillor Ashton remained in the room and took part in the discussion and decision making on this item.
11. Planning Applications Received item 3/01 – 3 Aylwards Rise, Stanmore, HA7 3EH	Councillor Marilyn Ashton	Prejudicial interest in that Councillor Ashton had a close involvement in a cluster of houses near the site. Councillor Ashton left the room and took no part in the discussion or decision making on this item.
11. Planning Applications Received item 2/13 – 190 Kenmore Avenue, Harrow, HA3 8PR	Councillor Golam Chowdhury	Personal interest in that Councillor Chowdhury lived on the same road as the application to be determined, although not nearby. Councillor Chowdhury remained in the room and took part in the discussion and decision making on this item.

11. Planning Applications Received item 3/03 174 – 178 Kenton Road, Harrow, HA3 8BL	Councillor Mrinal Choudhury	Personal interest in that Councillor Choudhury lived close to the application site. Councillor Choudhury remained in the room and took part in the discussion and decision making on this item.
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249. **Arrangement of Agenda:**

**RESOLVED:** That (1) in accordance with the Local Government (Access to Information) Act 1985, the following items 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.
9. References from Council and Other Committees / Panels	These reports were not available at the time the agenda was printed and circulated as the referrals from Council were made on 10 July 2008. Members were requested to consider this item, as a matter of urgency, so that the referrals could be reported as soon as possible.

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

250. **Minutes:**

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

251. **Public Questions, Petitions and Deputations:**

**RESOLVED:** To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 19, 16 and 17 respectively.

252. **Reference from Council Meeting Held on 10 July 2008: Petition Relating to Proposal at 39 High Worple, Harrow, HA2 9SX:**

The Committee received the above petition which had been presented to the Council meeting on 10 July 2008.

**RESOLVED:** That the petition be received and noted.

253. **Reference from Council Meeting Held on 10 July 2008: Petition Relating to Proposal at 15 The Close, HA5 1PH:**

The Committee received the above petition which had been presented to the Council meeting on 10 July 2008.

**RESOLVED:** That the petition be received and noted.

254. **Representations on Planning Applications:**

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

255. **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.



256. **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.
257. **The Future of Building Control CLG Consultation:**  
The Committee received an information report of the Head of Development Management and Building Regulations on the Department for Communities and Local Government (CLG) consultation paper on the future of Building Control.
- RESOLVED:** That officers, in consultation with the chairman and nominated member, write to the Department for Communities and Local Government expressing concerns relating to the proposal that money raised from the building control department should be ringfenced and restricted, as contained in the consultation paper on the future of Building Control
258. **31 Bellfield Avenue, Harrow, HA3 6ST:**  
The Committee received a report of the Director of Legal and Governance Services which requested a two month extension of time to complete a Section 106 Agreement relating to 31 Bellfield Avenue, Harrow, HA3 6ST.
- RESOLVED:** That the time for completion of a Section 106 Agreement relating to 31 Bellfield Avenue, Harrow, HA3 6ST be extended by two months from 15<sup>th</sup> July 2008.
259. **Member Site Visits:**
- RESOLVED:** That Member visits to the following sites takes place on Friday 1 August 2008 from 6.00pm.
- 2/02 – 11 Norman Crescent, Pinner, HA5 3QQ  
2/03 – 176 Marsh Lane, Stanmore, HA7 2SL.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.06 pm).

(Signed) COUNCILLOR MARILYN ASHTON  
Chairman

**SECTION 2 – OTHER APPLICATIONS RECOMMENDED FOR GRANT**

<b>LIST NO:</b>	2/01	<b>APPLICATION NO:</b>	P/0990/08/DFU/MT
<b>LOCATION:</b>	10 Hillcrest Avenue, Pinner, HA5 1AJ.		
<b>APPLICANT:</b>	Mr G Orengo & Miss L Fennelly.		
<b>PROPOSAL:</b>	Two Storey Side Extension.		
<b>DECISION:</b>	<p>REFUSED permission for the development described in the application and submitted plans for the following reason:</p> <p>(i) The proposal, by reason of the orientation and relationship with number 9 Hillcrest Avenue does not comply with the 45 degree code as set out in Harrow's Supplementary Planning Guidance, Extensions: 'A Householders Guide' and would materially affect the amount of daylight and sunlight in the protected kitchen window on the flank wall of the neighbouring property to the detriment of the residential amenities of the occupiers thereof, contrary to HUDP policy D4.</p> <p>[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 a vote, this was carried;</p> <p>(2) Councillors Marilyn Ashton, Don Billson, Golam Chowdhury, Julia Merison and Joyce Nickolay wished to be recorded as having voted for the decision to refuse the application.</p> <p>(3) Councillors Mrinal Choudhury, Keith Ferry and Thaya Idaikkadar wished to be recorded as having voted against the decision to refuse the application;</p> <p>(4) The Head of Planning had recommended that the above application be granted].</p>		

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<b>LIST NO:</b>	2/02	<b>APPLICATION NO:</b>	P/1608/08/DFU/HG
<b>LOCATION:</b>	11 Norman Crescent, Pinner, HA5 3QQ.		
<b>APPLICANT:</b>	Mr R Dattani.		
<b>PROPOSAL:</b>	Single and Two Storey Side and Rear Extensions.		
<b>DECISION:</b>	DEFERRED for a Member Site Visit.		
	[Prior to discussing the above application, the Committee received representations from an objector and the applicant's representative, which were noted].		

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<b>LIST NO:</b>	2/03	<b>APPLICATION NO:</b>	P/1427/08/DCO/NR
<b>LOCATION:</b>	176 Marsh Lane, Stanmore, HA7 2SL.		
<b>APPLICANT:</b>	Mr N Ahmed.		
<b>PROPOSAL:</b>	Retention of Single Storey Rear Extension and Alterations.		
<b>DECISION:</b>	DEFERRED for a Member Site Visit.		

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**LIST NO:** 2/04                      **APPLICATION NO:** P/0190/08/DFU/SB5  
**LOCATION:** 4 Greenway, Pinner, HA5 3SR.  
**APPLICANT:** Mr S Gupta.  
**PROPOSAL:** Conversion of Dwelling House to Two Flats; Single Storey Rear Extension; External Alterations.  
**DECISION:** GRANTED permission for the development described in the application and submitted plans, as amended on the Addendum, subject to the conditions and informatives reported.  
  
[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

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**LIST NO:** 2/05                      **APPLICATION NO:** P/1302/08/DFU/MRE  
**LOCATION:** 47 Balmoral Road, Harrow, HA2 8TE  
**APPLICANT:** Mr Shany Gupta.  
**PROPOSAL:** Single Storey Rear Extension and Conversion of Dwelling House to Two Flats with Front Ramp; External Alterations and One Parking Space.  
**DECISION:** GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.  
  
[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

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**LIST NO:** 2/06                      **APPLICATION NO:** P/1386/08/DFU/NR  
**LOCATION:** Elm Park Clinic, 69 Elm Park, Stanmore, HA7 4AJ  
**APPLICANT:** Dr N N O'Sullivan.  
**PROPOSAL:** Variation of Condition 7 of Planning Permission LBH/36494 to Allow Two Doctors to Practice Concurrently at the Premises.  
**DECISION:** GRANTED permission for the variation described in the application and submitted plans, as amended on the Addendum, subject to a legal agreement and the conditions and informatives reported.  
  
[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

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**LIST NO:** 2/07                      **APPLICATION NO:** P/1317/08/DFU/SB5  
**LOCATION:** Land to the Rear of 40 – 42 Greenford Road, Harrow, Middlesex, HA1 3QH.  
**APPLICANT:** Genesis Housing Group.  
**PROPOSAL:** Two Storey Building Providing Six Flats and Parking with Access Between 30 and 36 Greenford Road.  
**DECISION:** GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.

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**LIST NO:** 2/08                      **APPLICATION NO:** P/1696/08/DCO/MRE  
**LOCATION:** 19-23 High Street, Pinner, HA5 5PJ.  
**APPLICANT:** Starbucks Coffee Co (UK) LTD.  
**PROPOSAL:** Retention of Air Conditioning Units and Extraction Apparatus at Rear.  
**DECISION:** GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.  
  
[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

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**LIST NO:** 2/09                      **APPLICATION NO:** P/1630/08/CFU/ML1  
**LOCATION:** Bentley Wood High School, Bridges Road, Stanmore, HA7 3NA.  
**APPLICANT:** Harrow Council.  
**PROPOSAL:** Replacement Temporary Mobile Classroom (2 Years).  
**DECISION:** DEFERRED at officers' request to obtain further information on the proposal and other existing temporary classrooms on the site.

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**LIST NO:** 2/10                      **APPLICATION NO:** P/0772/08/DFU/GL  
**LOCATION:** 6 Kingsway Crescent, Harrow, HA2 6BG.  
**APPLICANT:** Mark Maley.  
**PROPOSAL:** Single Storey Rear Extension; Front Porch.  
**DECISION:** GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.  
  
[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

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**LIST NO:** 2/11                      **APPLICATION NO:** P/1681/08/DFU/JB1  
**LOCATION:** 26 Bellfield Avenue, Harrow, HA3 6SX  
**APPLICANT:** Mr Nick Fitzgerald.  
**PROPOSAL:** Single Storey Outbuilding in Rear Garden.  
**DECISION:** GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.  
  
[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

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**LIST NO:** 2/12                      **APPLICATION NO:** P/1139/08/DAD/SG

**LOCATION:** 6 Canons Corner, Edgware, HA8 8AE.

**APPLICANT:** Bankmachine Ltd.

**PROPOSAL:** Illuminated ATM Sign on Shopfront.

**DECISION:** GRANTED permission for the advertisement described in the application and submitted plans, subject to the conditions and informatives reported.

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

**LIST NO:** 2/13                      **APPLICATION NO:** P/1938/08/DFU/BS

**LOCATION:** 190 Kenmore Avenue, Harrow, HA3 8PR.

**APPLICANT:** Mr Hitesh Patel.

**PROPOSAL:** Single Storey Rear Extension.

**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.

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

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**SECTION 3 – OTHER APPLICATIONS RECOMMENDED FOR REFUSAL**

**LIST NO:** 3/01                      **APPLICATION NO:** P/1196/08/DFU/NR

**LOCATION:** 3 Aylwards Rise, Stanmore, HA7 3EH

**APPLICANT:** Mrs Valerie Bloohn.

**PROPOSAL:** Removal of Condition 2 of Appeal Planning Permission APP/M5450/A/07/2039231 Which Requires Glazing in Front Dormer Window to be made of Purpose Made Obscure Glass and Permanently Fixed Shut.

**DECISION:** REFUSED permission for the development described in the application and submitted plans, as amended on the Addendum, for reason reported.

[Note: The Chairman, Councillor Marilyn Ashton, having declared a prejudicial interest in the above item, the Vice Chairman, Councillor Joyce Nickolay took the chair for the duration of the item].

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**LIST NO:** 3/02                      **APPLICATION NO:** P/1304/08/DFU/SG  
**LOCATION:** 6 Canons Corner, Edgware, HA8 8AE  
**APPLICANT:** Bankmachine Ltd.  
**PROPOSAL:** ATM on Shop Frontage.  
**DECISION:** REFUSED permission for the development described in the application and submitted plans for the reason reported.  
  
[Note: The Committee wished for it to be recorded that the decision to refuse the application was unanimous].

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**LIST NO:** 3/03                      **APPLICATION NO:** P/0029/08/DFU/ML1  
**LOCATION:** 174 – 178 Kenton Road, Harrow, HA3 8BL.  
**APPLICANT:** Mr N Patel.  
**PROPOSAL:** Change of Use From Retail to Restaurant / Drinking Establishment (Class A1 to Classes A3 and A4).  
**DECISION:** REFUSED permission for the development described in the application and submitted plans, as amended on the Addendum, for the reasons reported.  
  
[Note: The Committee wished for it to be recorded that the decision to refuse the application was unanimous].

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**ENFORCEMENT NOTICES AWAITING COMPLIANCE 20 August 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 04. 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

ENFORCEMENT NOTICES AWAITING COMPLIANCE 20 August 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. <b>Needs prosecution report by Enforcement Officer.</b>



ENFORCEMENT NOTICES AWAITING COMPLIANCE 20 August 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. <b>Site visit required by Enforcement Officer.</b>
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	<b>Site visit required by Enforcement Officer.</b>

**ENFORCEMENT NOTICES AWAITING COMPLIANCE 20 August 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.
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.	26/08/2008 (from appeal decision)	Notice was withdrawn on 13 September 2007 and reissued on 13 September 2007. Awaiting appeal decision. <b>The appeal succeeds in part and the notice is upheld with variations (27/02/2008).</b> 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.  <b>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).</b> The site is being monitored.
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. <b>Appeal dismissed 24/04/2008.</b>

**ENFORCEMENT NOTICES AWAITING COMPLIANCE 20 August 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
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. <b>The appeal is allowed and the enforcement notice is quashed (21/02/2008).</b> <b>Planning Inspectorate reissued the Appeal Decision on 24/04/2008.</b>
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. <b>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.</b> 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	<b>Update site visit required by compliance check.</b>
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 COMPLIANCE 20 August 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
43 HIGH STREET, Harrow on the Hill (Ward = Harrow on the Hill)  Unauthorised cash machine.	ENF/56/08/P	MRE		14/02/08	25/07/08	05/09/08		3 months		Planning permission refused for the development (application reference P/3593/07 on 20 December 2007). Draft report prepared for delegation and passed to Legal. Notice served 25/7/8.
29 RAYNERS LANE, SOUTH HARROW (Ward = Roxbourne)  Unauthorised single side & rear extension	ENF/0669/07/P	GW		21/05/08	25/07/08	05/09/08		3 months	04/12/08	Notice served 25/7/8.
85a WHITCHURCH LANE, EDGWARE (Ward = Canons)  Single Storey rear extension	ENF/956/05/P	GW		27/05/08	31/07/08	12/09/08		3 months	11/12/08	Notice served 05/08/08.
18 BELMONT CIRCLE, BELMONT (Ward = Belmont)  Change of use to estate agents	ENF/0711/07/P	GW		08/07/08	31/07/08	12/09/08		3 months	11/12/08	Notice served 05/08/08.

**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; <b>public inquiry to be held 9 September 2008</b> . 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.
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.

**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
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.





Meeting:	Development Management Committee
Date:	3 <sup>rd</sup> September 2008
Subject:	Stopping Up of the Highway – Rayners Lane Estate, Areas adjacent to Scott Crescent and Goldsmith Close.
Key Decision: (Executive-side only)	No
Responsible Officer:	Andy Parsons, Head of Development Management
Portfolio Holder:	Cllr Marilyn Ashton, Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	Appendix 1 – Area to be stopped up

## **SECTION 1 – SUMMARY AND RECOMMENDATIONS**

Permission (Ref: West/112/02/OUT) was granted by the Planning Committee in June 2002 for Rayners Lane Estate regeneration.

The development footprint of the approved scheme encroaches onto public highway. A resolution is therefore sought to stop up areas of highway fronting Scott Crescent and Goldsmith Close, as shown at Appendix 1, to enable completion of the development in accordance with the permission granted.

**RECOMMENDATIONS:**

The Committee is recommended to:

1. Authorise the Director of Legal and Governance Services to take the necessary steps to commence the process of stopping up of the areas of highway shown on the plan at Appendix 1 as required under sections 247 and 252 of the Town and Country Planning Act 1990 (the Act).
2. Authorise that any objections made to the proposed order to stop up the highway, and not withdrawn within the prescribed period be referred to the Mayor for London for determination as to whether or not a public inquiry should be held in accordance with section 252 of the Act.
3. Authorise that if there are no objections to the proposed order, or the Mayor of London decides that a public inquiry is unnecessary, officers proceed with the making of the order without further reference to the Committee.

**REASON:**

To enable the development to be carried out in accordance with the planning permission granted.

**SECTION 2 - REPORT**

**Background**

As Members are aware the Rayners Lane housing estate is undergoing a regeneration process by the Warden Housing Association( part of the Home Group Ltd), appointed as the regeneration developer by executive action in May 2001. Outline permission was granted in June 2002 for the overall scheme, subject to a legal agreement, that was signed on 14<sup>th</sup> October 2002 at which time the planning permission was issued. The scheme was for construction of 735 dwellings plus a number of ancillary facilities including a number of changes to the road network. Various sections of public highway have already been stopped up as agreed by the Environment and Transport portfolio holder on 20<sup>th</sup> December 2002.

The areas now to be stopped up, subject of this report, were omitted by Warden Housing in the original stopping up application and are therefore required to enable the development to be carried out in accordance with the planning permission granted. The areas of highway are deemed surplus to requirements.

Accordingly, authority is sought from the Committee to commence the stopping up process.

## **Statutory Requirements**

(Outside London the power is in the hands of the Secretary of State). The responsibility was devolved to the London Boroughs through the Greater London Authority Act 1999.

## **Financial Implications**

The London Local Authorities (charges for stopping up) Regulations 2000 gives authority to the Council to recover the costs of making the order from the applicant and therefore there should be no costs incurred by the Council. Legal officers will be obtaining adequate monies on account from the applicant prior to the commencement of the process pertaining to the stopping up order.

## **Legal Comments**

Section 247 of the Town and Country Planning Act 1990 gives power to London Boroughs to make stopping up orders for highways within their Boroughs if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the planning permission granted.

The process for the making of the order is as follows:

- Notices of the proposed order will be advertised in a local newspaper circulating in the area and in the London Gazette.
- Notices will be served on relevant authorities, principally statutory undertakers having equipment in or under the subject highway, and displayed on each end of the highway to be stopped up.
- If no objections are received after a period of 28 days, the Council may proceed to make the stopping up order.
- If, however, an objection is received which is not withdrawn, the Council must inform the Mayor of London and a public inquiry may be held to determine the objection.
- Where an inquiry has been held, the Council, after considering the inspector's report and subject to the consent of the Mayor for London, may make the order with or without modification.
- On making the order, the Council must publish in the London Gazette and in at least one local newspaper a notice stating that the Order has been made and specifying a place where a copy of the Order can be seen at all reasonable hours.

## **Performance Issues**

Not applicable.

### Section 3 - Statutory Officer Clearance

Signature: .....		
Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 18 August 2008		
Signature: .....		
Name: .....	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: .....		

\*Delete the words "on behalf of the" if the report is cleared directly by Myfanwy or Hugh.

### Section 4 – Performance Officer Clearance

Signature: .....		
Name:.....	<input checked="" type="checkbox"/>	on behalf of the* Divisional Director (Strategy and Improvement)
Date: .....		

\*Delete the words "on behalf of the" if the report is cleared directly by Tom Whiting.

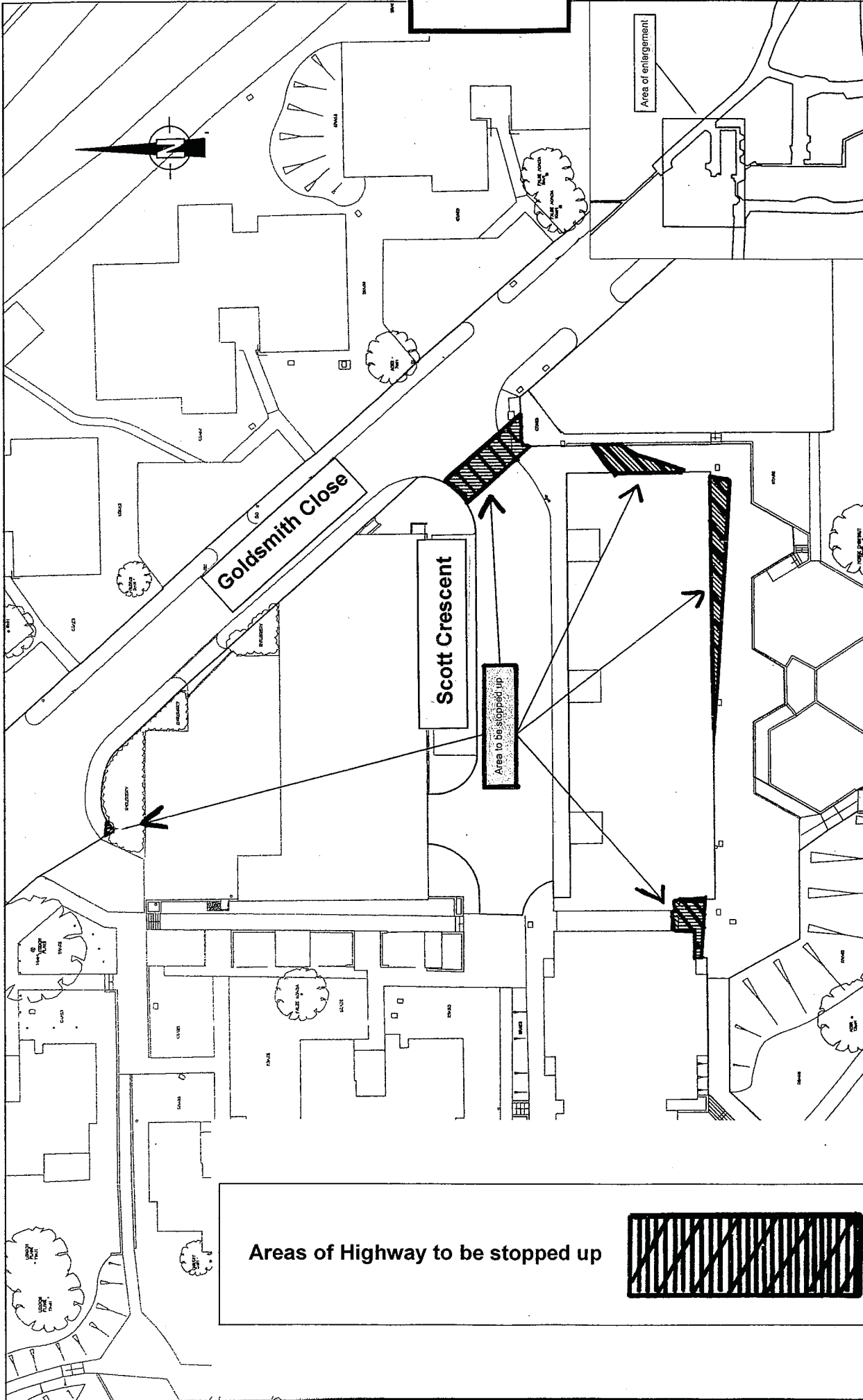
### Section 5 - Contact Details and Background Papers

Contact: Richard Michalski, Senior Development Engineer, 020 736 6146.

Background Papers:

- Appendix 1 – Plan showing area to be stopped up
- Delegated powers decision notice

Appendix 1



Scale 1:500	Original use A3	Checked MP	Date 09/11/2007
Drawing Title Information			
Drawing Number G080445-01			
Rev. A			
Project Warden Home Group Association		Title Areas To Be Stopped Up	
Project Rayners Lane Phase D2		Title Areas To Be Stopped Up	

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Meeting:	Development Management Committee
Date:	3 <sup>rd</sup> September 2008
Subject:	Stopping Up of the Highway – Strongbridge Close Estate, Rayners Lane
Key Decision: (Executive-side only)	No
Responsible Officer:	Andy Parsons, Head of Development Management
Portfolio Holder:	Cllr Marilyn Ashton, Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	Appendix 1&2 – Area to be stopped up & adopted

## **SECTION 1 – SUMMARY AND RECOMMENDATIONS**

Permission (Ref: P/3171/06) was granted by the Strategic Planning Committee in January 2007 for the redevelopment of the Strongbridge Close estate.

The development footprint of the approved scheme encroaches onto the existing adopted public highway road and footpath network. A resolution is therefore sought to stop up all of the public highway areas on the estate as shown at Appendix 1, to enable completion of the development in accordance with the permission granted.

The proposal is to create an alternative road and footpath in order to replace the road and footpath to be stopped up. The replacement road and footpath will undergo a formal adoption process under section 38 of the Highways Act 1980. Appendix 2 depicts the replacement road and footpath provision which will be adopted.

**RECOMMENDATIONS:**

The Committee is recommended to:

1. Authorise the Director of Legal and Governance Services to take the necessary steps to commence the process of stopping up of the areas of highway shown on the plan at Appendix 1 as required under sections 247 and 252 of the Town and Country Planning Act 1990 (the Act).
2. Authorise that any objections made to the proposed order to stop up the highway, and not withdrawn within the prescribed period, be referred to the Mayor for London for determination as to whether or not a public inquiry should be held in accordance with section 252 of the Act.
3. Authorise that if there are no objections to the proposed order, or the Mayor of London decides that a public inquiry is unnecessary, officers proceed with the making of the order without further reference to the Committee.

**REASON:**

To enable the development to be carried out in accordance with the planning permission granted.

**SECTION 2 - REPORT****Background**

The Strongbridge Close housing estate is undergoing a regeneration process and permission was granted in January 2007 for a replacement estate. This permission was subject to a legal agreement that was signed on 2 November 2007. The scheme consists of 254 dwellings with a revised road and footpath layout.

The areas now to be stopped up are therefore required to enable the development to be carried out in accordance with the planning permission granted. There will be a replacement road and footpath provision on the estate which will go through the formal adoption process under section 38 of The Highways Act once the development is completed.

Accordingly, authority is sought from the committee to commence the stopping up process.

**Risk Implications**



If the relevant highways are not stopped up, the developer will run the risk of encroaching on public highway when carrying out the approved development. This has potential legal implications for the Council as highway authority.

### **Financial Implications**

The London Local Authorities (Charges for Stopping Up Orders) Regulations 2000 gives authority to the Council to recover the costs of making the order from the applicant and therefore there should be no costs incurred by the Council. Legal officers will be obtaining adequate monies on account from the applicant prior to the commencement of the process pertaining to the stopping up order.

### **Legal Comments**

Section 247 of the Town and Country Planning Act 1990 gives power to London Boroughs to make stopping up orders for highways within their Boroughs if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with the planning permission granted.

The process for the making of the order is as follows:

- Notices of the proposed order will be advertised in a local newspaper circulating in the area and in the London Gazette.
- Notices will be served on relevant authorities, principally statutory undertakers having equipment in or under the subject highway, and displayed on each end of the highway to be stopped up.
- If no objections are received after a period of 28 days, the Council may proceed to make the stopping up order.
- If, however, an objection is received which is not withdrawn, the Council must inform the Mayor of London and a public inquiry may be held to determine the objection.
- Where an inquiry has been held, the Council, after considering the inspector's report and subject to the consent of the Mayor for London, may make the order with or without modification.
- On making the order, the Council must publish in the London Gazette and in at least one local newspaper a notice stating that the Order has been made and specifying a place where a copy of the Order can be seen at all reasonable hours.

### **Performance Issues**

Not applicable.

### Section 3 - Statutory Officer Clearance

Signature: .....		
Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 22 August 2008.		
Signature: .....		
Name: ...Abiodun Kolawole .....	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 20 <sup>th</sup> August...2008 .....		

\*Delete the words "on behalf of the" if the report is cleared directly by Myfanwy or Hugh.

### Section 4 – Performance Officer Clearance

Signature: .....		
Name: Andrea Durn	<input checked="" type="checkbox"/>	on behalf of the* Divisional Director (Strategy and Improvement)
Date: 11 August 2008		

\*Delete the words "on behalf of the" if the report is cleared directly by Tom Whiting.

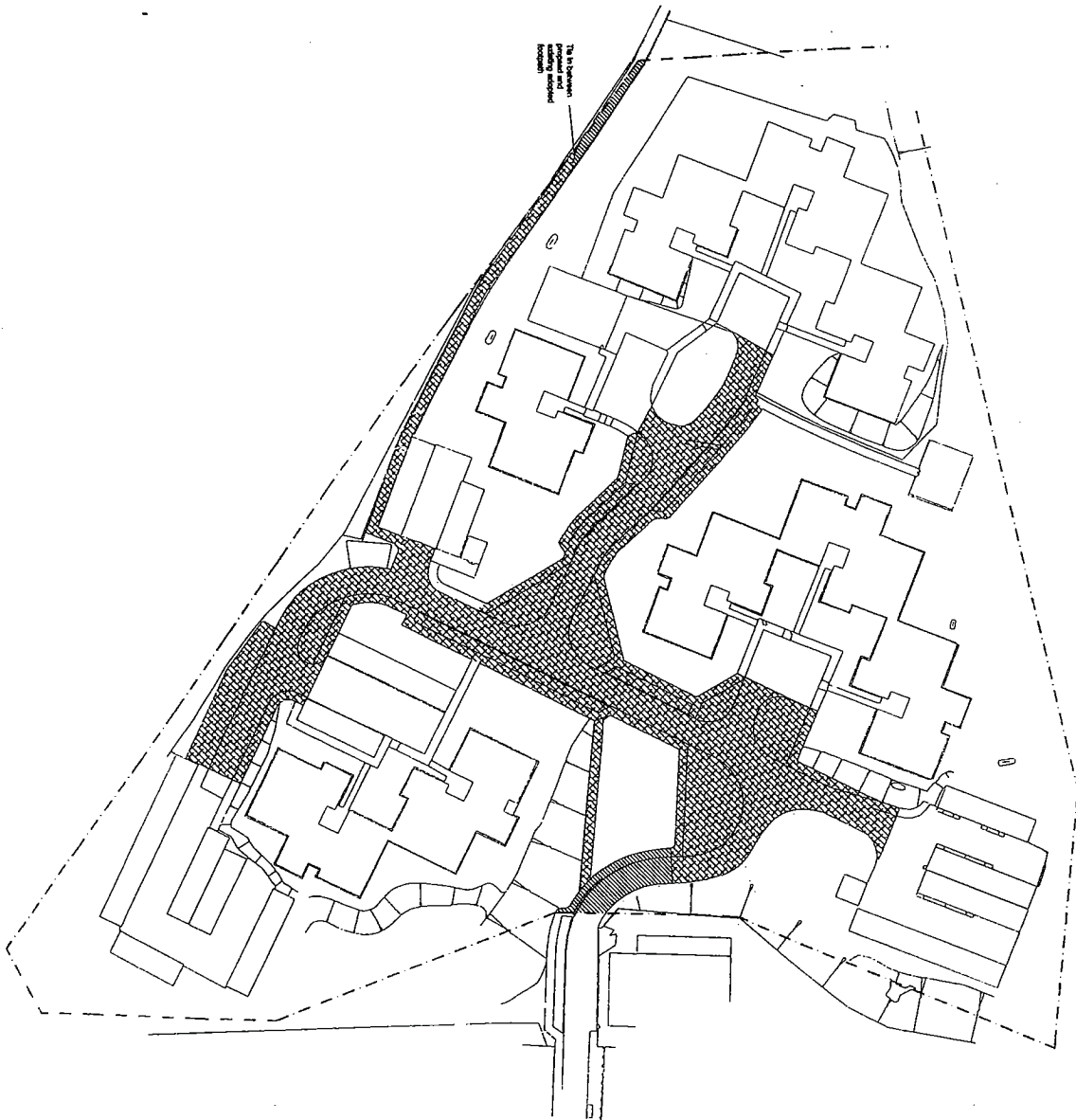
### Section 5 - Contact Details and Background Papers

Contact: Richard Michalski, Senior Development Engineer, 020 736 6146.


Background Papers:

- Appendix 1 – Plan showing area to be stopped up.
- Appendix 2 - Plan of new highway arrangement to be adopted under section 38 of the Highways Act.

Appendix 1



**Areas of Highway to be stopped up**

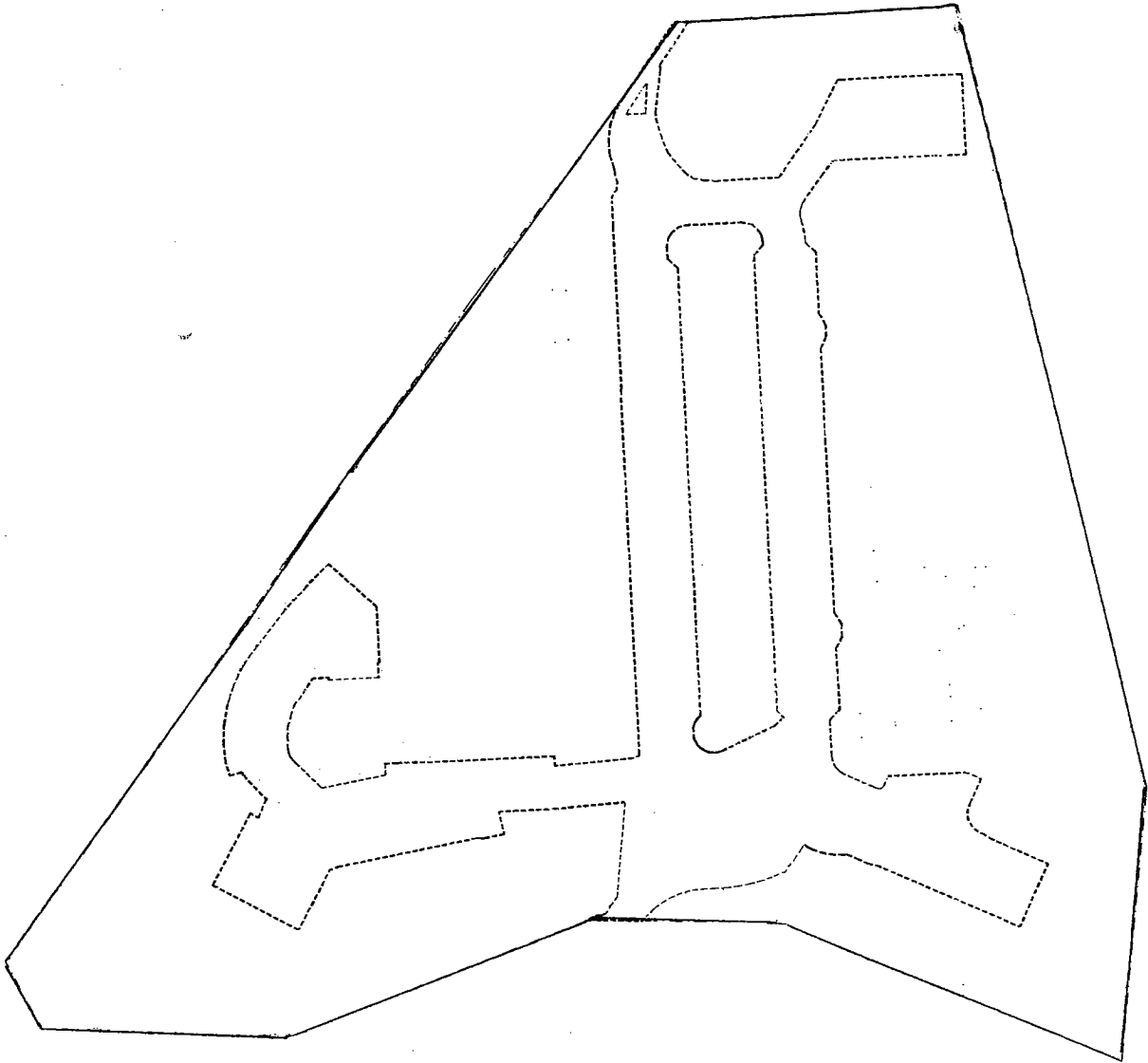


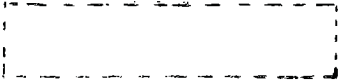
**PRELIMINARY**

scale	1:500 @ A1	date	MAY/00
designed	ST	checked	
project	STRONGBRIDGE CLOSE HARROW		
drawing title	EXISTING HIGHWAY PROPOSED TO BE STOPPED UP		

drawing no. 7854 / 304  
revision A

--- SITE BOUNDARY  
 - - - - - DENOTES BOUNDARY OF WORKS TO BE ADOPTED



<p>Area of new highway to be adopted</p> 		<p>date</p>
<p>scale</p> <p>1:500</p>	<p>date</p> <p>NOV '98</p>	<p>revision</p>
<p>drawn</p> <p>C.I.B.</p>	<p>checked</p>	<p>revision</p>
<p>project</p> <p>STRONGBRIDGE CLOSE</p> <p>HARROW</p>	<p>drawing title</p> <p>BOUNDARY OF WORKS TO BE ADOPTED UNDER SECTION 38 OF THE HIGHWAYS ACT 1980</p>	<p>revision</p>
<p>drawing no.</p> <p>8754 / 300</p>	<p>revision</p>	<p>revision</p>



Meeting:	Development Management Committee
Date:	3 <sup>rd</sup> September 2008
Subject:	Tree Preservation Order No. 916 relating to 125 Whitchurch Gardens
Key Decision: (Executive-side only)	No
Responsible Officer:	Andy Parsons, Head of Development Management
Portfolio Holder:	Councillor Marilyn Ashton, Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	Letter from Mr & Mrs Bernard (received 24 <sup>th</sup> July 2008)

## SECTION 1 – SUMMARY AND RECOMMENDATIONS

Tree Preservation Order (TPO) No. 916 covers a mature Sycamore at No. 125 Whitchurch Gardens. It was considered expedient to make the Order to protect the tree because of the immediate risk of the tree being cut down or pruned in a way which would have a significant impact on the amenity of the area.

Objections have been made against this TPO by Mr and Mrs Bernard. This report sets out why this TPO should be confirmed.

**RECOMMENDATIONS:** The Committee is requested to confirm TPO No. 916 notwithstanding the objections.

**REASON:** This emergency TPO needs to be confirmed within 6 months otherwise the statutory protection afforded to the aforementioned tree will be lost.

## SECTION 2 - REPORT

- 2.1 On 24<sup>th</sup> June 2008, TPO No. 916 was made in respect of one Sycamore tree at 125 Whitchurch Gardens. This TPO was made at the request of the tree owner as there was concern about a neighbour who:
- Objects to the tree due to alleged poor satellite dish reception,
  - Would like the tree removed or severely lopped,
  - Has apparently lopped off over-hanging branches from this tree.
- 2.2 An objection letter was subsequently received from adjacent occupiers: Mr & Mrs Bernard.
- 2.2 Mr & Mrs Bernard's objection points are set out below with the Council's response.
- 2.2.1 The Sycamore is a common, prolific species with little biodiversity value.  
**Response:** The subject tree is a large, isolated, mature specimen growing in a back garden where it can be viewed by many neighbouring properties. In this setting the Sycamore provides valuable public visual amenity. The TPO is based on this amenity value and not on whether the tree is rare or native.
- 2.2.2 The Sycamore regularly drops limbs of various sizes.  
**Response:** On the day the TPO was made a visual assessment of the tree was carried out. Within the tree crown, there was no evidence of branch stub scars usually associated with limb loss.
- 2.2.3 Due to its large size, the Sycamore competes with other trees that might otherwise provide greater biodiversity value.  
**Response:** See 2.2.1 above. As the subject tree is isolated there is no direct competition with any adjacent trees.
- 2.2.4. The Sycamore has dead branches that should be assessed before the TPO is confirmed.  
**Response:** On the day the TPO was made a visual assessment of the tree was carried out. No significant deadwood could be seen in the tree. In any event, such deadwood is exempt from the TPO and could be removed without written Council permission. This exemption, therefore, should have no bearing on the confirmation of the TPO.
- 2.3 There is no right of appeal to the Secretary of State against the confirmation of a TPO. However, under Section 288 of the Town and Country Planning Act 1990 ("the Act"), the validity of a TPO can be challenged on a point of law by an application to the High Court within six weeks of the date the TPO is confirmed on the grounds that: -

- 2.3.1 The TPO is not within the powers of the Act, or
- 2.3.2 The requirements of the Act (or Regulations made under the Act) have not been complied with in the making of the TPO.
- 2.4 The Committee is requested to give the objections and the full circumstances due consideration. It is the Arboricultural Officer's opinion that the objections do not outweigh the amenity considerations in this case.
- 2.5 It is accordingly recommended that the TPO be confirmed.

**Financial Implications**

There are no financial implications.

**Performance Issues**

None.

**SECTION 3 - STATUTORY OFFICER CLEARANCE**

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 29 <sup>th</sup> July 2008 .....		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 20 August 2008		

\*Delete the words "on behalf of the" if the report is cleared directly by Myfanwy or Hugh.

**SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS**

**Contact:** Russell Ball, Planning Arboricultural Officer, extn: 6092

**Background Papers:** Tree Preservation Order 916

**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	YES/ NO
2.	Corporate Priorities	YES / NO
3.	Manifesto Pledge Reference Number	

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Meeting:	Development Management Committee
Date:	3 <sup>rd</sup> September 2008
Subject:	79 Marsh Road , Pinner, HA5 5PD
Responsible Officer:	Hugh Peart - Director of Legal and Governance Services
Portfolio Holder:	Marilyn Ashton, 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 79 Marsh Road , Pinner, HA5 5PD (“the Site”). The Council’s Development Management Committee approved heads of terms for the Agreement on 6<sup>th</sup> September 2007.

### **Recommendations:**

The Committee is requested to:

Extend the time for completion of the Agreement by two months from 3rd September 2008.

### **Reason: (For recommendation)**

To enable settlement and execution of the Agreement.

## Section 2 – Report

On 6<sup>th</sup> September 2007, the Development Management Committee resolved to grant planning permission (ref no: P/2103/07/DFU )for the development of a two storey rear and single/two storey side extensions to 79 Marsh Road, subject to completion of the Agreement within six months of the committee date.

The broad terms for the Agreement approved by the Committee require the applicants to implement either planning permission P/0581/07/DFU only or the proposal subject to application P/2103/07/DFU, but not both.

Negotiations of the Agreement between the applicants and the Council have progressed well albeit there were a few delays in finalising the draft Agreement. The Agreement has now been approved and 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 Thakar.....	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 22 August 2008		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 14 August 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	YES / NO
2.	Corporate Priorities	YES / NO

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