



DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY 25 MARCH 2009 6.30 PM

COMMITTEE AGENDA

**COUNCIL CHAMBER,
HARROW CIVIC CENTRE**

MEMBERSHIP (Quorum 3)

Chairman: Councillor Marilyn Ashton

Councillors:

**Husain Akhtar
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. -

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 25 MARCH 2009

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.

Enc.

4. **Minutes:** (Pages 3 - 10)

That the minutes of the meeting held on 25 February 2009 be taken as read and signed as a correct record.

5. **Public Questions:**

To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).

6. **Petitions:**

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

7. **Deputations:**

To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (Part 4B) of the Constitution.

8. **References from Council and other Committees/Panels:**
To receive references from Council and any other Committees or Panels (if any).

9. **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.

10. **Planning Applications Received:**
Report of the Head of Planning - circulated separately.

Members are reminded that, in accordance with the Planning Protocol, where Councillors disagree with the advice of the Chief Planning Officer, it will be the Members' responsibility to clearly set out the reasons for refusal where the Officer recommendation is for grant. The planning reasons for rejecting the Officer's advice must be clearly stated, whatever the recommendation and recorded in the minutes. The Officer must be given the opportunity to explain the implications of the contrary decision.

- Enc. 11. **Enforcement Notices Awaiting Compliance:** (Pages 11 - 26)
Report of the Head of Planning – for information.

- Enc. 12. **Tree Preservation Order No. 929:** (Pages 27 - 42)
Report of the Tree Preservation Officer.

- Enc. 13. **Proposed Changes to Structure of Strategic Planning and Development Management Committees:** (Pages 43 - 48)
Report of the Head of Planning.

14. **Member Site Visits:**
To arrange dates for Member site visits that have been agreed during the course of the meeting (if any).

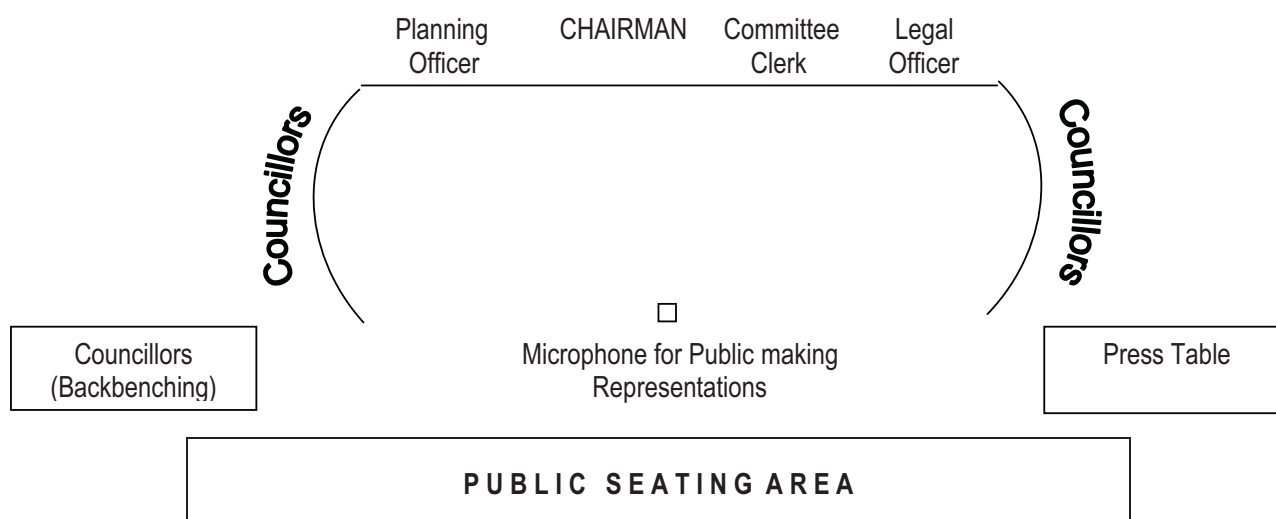
15. **Any Other Urgent Business:**
Which cannot otherwise be dealt with.

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 Head of Planning, 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 1883). 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 25 FEBRUARY 2009

Chairman: * Councillor Marilyn Ashton

Councillors: * Husain Akhtar * Thaya Idaikkadar
* Don Billson * Julia Merison
* Mrinal Choudhury (1) * Joyce Nickolay
* Keith Ferry

* Denotes Member present

(1) Denotes category of Reserve Members

PART I - RECOMMENDATIONS - NIL

PART II - MINUTES

318. Attendance by Reserve Members:

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

Ordinary Member

Councillor Krishna James

Reserve Member

Councillor Mrinal Choudhury

319. Right of Members to Speak:

RESOLVED: That, in accordance with Committee Procedure Rule 4.1, the following Councillor, who was not a Member of the Committee, be allowed to speak on the agenda item indicated:

Councillor

Mano Dharmarajah

Planning Application

Item 2/11 – Land to the Rear of 73-79 Minehead Road, Harrow.

[Note: Planning application 2/11 was subsequently deferred, and so the representation was not received].

320. Declarations of Interest:

RESOLVED: To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
10. Planning Applications Received. Item 2/06 – Botwell Court, 118 Headstone Road, Harrow.	Councillor Thaya Idaikkadar	Declared a prejudicial interest and left the room during the discussion and decision making on this item.
10. Planning Applications Received. Item 2/09 – Veneto House, Park Drive, Rayners Lane.	Councillor Thaya Idaikkadar	Declared a prejudicial interest and left the room during the discussion and decision making on this item.
	Councillor Joyce Nickolay	Declared a prejudicial interest and left the room during the discussion and decision making on this item.

- | | | |
|--|--------------------------|---|
| 10. Planning Applications Received. Item 2/10 – 72 Oakington Avenue, Harrow. | Councillor Julia Merison | Declared a prejudicial interest and left the room during the discussion and decision making on this item. |
|--|--------------------------|---|

321. **Minutes:**

RESOLVED: That the minutes of the meeting held on 21 January 2009, be taken as read and signed as a correct record.

322. **Public Questions:**

RESOLVED: To note that no public questions were put.

323. **Petitions:**

- (i) A resident presented a petition containing 977 signatures. The terms of the petition were as follows:

“We the undersigned wholeheartedly support the proposals in respect of the above property (Afghan Community Centre at Veneto House, 2A Park Drive, North Harrow). The proposed community centre would provide valuable support to the local Afghan community in its endeavours to integrate in a positive way with the rest of the local community. This centre will provide the local Afghan community with the necessary skills to become more familiar with the English Language and the British way of life, and hence be of benefit to the local community as a whole”.

- (ii) A resident presented a petition containing 42 signatures. The terms of the petition were as follows:

“We, the undersigned, wish to object to the application for a change of use of the above premises from Light Industrial (B1 use class) to Community Use and Educational and Religious Purposes (D1 use class) on the grounds that the anticipated numbers expected to visit the proposed centre will generate excessive traffic and parking volumes, together with the potential for noise disturbance throughout the day, in the evenings and at weekends, and that a quiet residential road is an inappropriate location for such a centre”.

RESOLVED: That the petitions be received and considered with the applications identified.

324. **Deputations:**

RESOLVED: To note that no deputations were received at this meeting.

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

RESOLVED: To note that there were no references.

326. **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 items 2/07 and 2/09 on the list of planning applications.

[Note: Planning applications 2/07 and 2/09 were subsequently deferred, and so the representations were not received].

327. **Planning Applications Received:**

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

<u>Agenda Item</u>	<u>Special Circumstances / Reasons for Urgency</u>
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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.

and;

(2) 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.

328. **Enforcement Notices Awaiting Compliance:**

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

RESOLVED: That the report be noted.

329. **1 and 2 Bankfield Cottages, Ass House Lane, Harrow:**

The Committee received a report of the Director of Legal and Governance Services which requested a two month time extension to complete a Section 106 Agreement relating to 1 and 2 Bankfield Cottages, Ass House Lane, Harrow.

RESOLVED: That the time completion of the Section 106 Agreement relating to 1 and 2 Bankfield Cottages, Ass House Lane, Harrow be extended by two months from 25 February 2009.

330. **Land to the North Side of Greenhill Way, Harrow:**

The Committee received a report of the Director of Legal and Governance Services which requested a two month time extension to complete a Section 106 Agreement relating to Land to the north side of Greenhill Way. The report also requested that the Committee approve a change to the provision of affordable housing on the site.

RESOLVED: That (1) the time completion of a Section 106 Agreement relating to Land to the north side of Greenhill Way, be extended by two months from 25 February 2009;

(2) a change in the provision of affordable housing from nine units comprising three social rented and six shared ownership to nine units comprising three social rented and six immediate ownership, be approved.

331. **Urgent Non-Executive Decision:**

The Committee received an Information Report concerning an Urgent Non-Executive Decision taken. This decision related to removing a reason for refusal prior to a public enquiry for three planning applications on the site which incorporated Woodpeckers, Moss Lane, HA5 3AW and 9 Eastglade, Pinner, HA5 3AN.

RESOLVED: That the report be noted.

332. **Member Site Visits:**

RESOLVED: That a Member Site Visit to the following sites take place on Saturday 21 March 2009 at 9.00 am:

2/05 – Former Clinic / Scout Hut, Rear of Tenby Road, Edgware.
 2/06 – Botwell Court, 118 Headstone Road, Harrow.
 2/07 – 112 Uxbridge Road, Harrow Weald.
 2/09 – Veneto House, Park Drive, Rayners Lane.
 2/10 – 72 Oakington Avenue, Harrow.
 2/11 – Land to Rear of 73-79 Minehead Road, Harrow.

(Note: The meeting, having commenced at 6.30 pm, closed at 7.55 pm).

(Signed) COUNCILLOR MARILYN ASHTON
 Chairman

SECTION 2 – OTHER APPLICATIONS RECOMMENDED FOR GRANT

LIST NO: 2/01 **APPLICATION NO:** P/3720/08/NR
LOCATION: Land to Rear Of 123-135 Whitchurch Lane, Edgware.
APPLICANT: Trident Properties Ltd.
PROPOSAL: 6 Retirement Flats in 2 Single Storey Blocks; Access from Stratton Close with Alterations; Parking.
DECISION: DEFERRED for officers to obtain further information on the proposals.

LIST NO: 2/02 **APPLICATION NO:** P/3219/08/EJ
LOCATION: 14 Waxwell Lane, Pinner.
APPLICANT: Mr Nick Foster.
PROPOSAL: Detached Outbuilding at Rear.
DECISION: REFUSED permission for the development described in the application and submitted plans, for the following reason:

(i) The proposal would be likely to prejudice the survival of the protected mature Lime trees of special amenity value, which are adjacent to the rear of the subject site, and which contribute to the amenity and landscape value of the area and consequently would fail to preserve or enhance the character or appearance of the Waxwell Lane Conservation Area, contrary to policies D4, D10, D15 and EP29 of the Harrow Unitary Development Plan (2004).

[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;

(2) Councillors Marilyn Ashton, Husain Akhtar, Don Billson, Julia Merison and Joyce Nickolay wished to be recorded as having voted for the decision to refuse the application;

(3) Councillors Mrinal Choudhury, Keith Ferry and Thaya Idaikkadar wished to be recorded as having voted against the decision to refuse the application;

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

LIST NO: 2/03 **APPLICATION NO:** P/3391/08/HG
LOCATION: 31 Harrow Fields Gardens, Harrow.
APPLICANT: Mr Ashish Patel.
PROPOSAL: Single Storey Rear Extension and Single Storey Side to Rear Extension.
DECISION: GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.

LIST NO: 2/04 **APPLICATION NO:** P/3950/08/SG
LOCATION: 31 Cornwall Road, Harrow.
APPLICANT: Mr and Mrs Collas.
PROPOSAL: Certificate of Lawful Proposed Development: Single Storey Rear Extension.
DECISION: CERTIFIED that the development described in the application and

submitted plans is lawful.

[Note: The Committee wished for it to be recorded that the decision to certify the lawful development of the application was unanimous].

LIST NO:	2/05	APPLICATION NO:	P/3966/08/DC3
LOCATION:	Former Clinic / Scout Hut, Rear of Tenby Road, Edgware.		
APPLICANT:	Samson Construction Ltd.		
PROPOSAL:	Retention of the Sub-Structure and Construction of the Super Structure of 10 Affordable Houses.		
DECISION:	DEFERRED for a Member Site Visit.		
LIST NO:	2/06	APPLICATION NO:	P/3845/08/GL
LOCATION:	Botwell Court, 118 Headstone Road, Harrow.		
APPLICANT:	Mr K Sabaratnam.		
PROPOSAL:	Provision of Two Flats Within Mansard Roof Space Together with Roof Lights to Front and Rear Roofslopes.		
DECISION:	DEFERRED for a Member Site Visit.		
LIST NO:	2/07	APPLICATION NO:	P/3558/08/GL
LOCATION:	112 Uxbridge Road, Harrow Weald.		
APPLICANT:	Mr Jay Dadhania.		
PROPOSAL:	Retention of Detached Two-Storey Dwelling House with Rooms in Roofspace; Timber Decking at Rear and Proposed Alterations to Garden Levels; Landscaping.		
DECISION:	DEFERRED for a Member Site Visit.		
LIST NO:	2/08	APPLICATION NO:	P/3531/08/FOD
LOCATION:	Priestmead First and Middle School, Hartford Avenue.		
APPLICANT:	London Borough of Harrow.		
PROPOSAL:	Installation of Temporary Building Containing Two Classrooms (Two Years), with Additional Hard Surfacing to Provide Access.		
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].		

LIST NO: 2/09 **APPLICATION NO:** P/1989/08/OH

LOCATION: Veneto House, Park Drive, Rayners Lane.

APPLICANT: Mr Hashim Nawrozzedeh.

PROPOSAL: Change of Use of Building from Light Industrial (B1) to Community Use and Educational Purposes (D1) and External Alterations Including Front Entrance Ramp.

DECISION: DEFERRED for Member Site Visit and to permit negotiations with the applicant's agent regarding a legal agreement to secure the terms of the suggested condition numbers 2, 3, 4, 5 and 6.

LIST NO: 2/10 **APPLICATION NO:** P/3904/08/HG

LOCATION: 72 Oakington Avenue, Harrow.

APPLICANT: Mr Terry Daniel.

PROPOSAL: Demolition of Existing Single Storey Side Extension and Erection of Single and Two Storey Detached House with Associated Vehicle Access and Parking.

DECISION: DEFERRED for a Member Site Visit.

LIST NO: 2/11 **APPLICATION NO:** P/3764/08/SB5

LOCATION: Land to the Rear of 73-79 Minehead Road, Harrow.

APPLICANT: Mr Terry Daniel.

PROPOSAL: Outline for layout, scale, appearance and access: 2 X Two-Storey Semi-Detached Houses with Single Storey Projections, New Vehicle Access and Parking at Front.

DECISION: DEFERRED for a Member Site Visit.

LIST NO: 2/12 **APPLICATION NO:** P/4056/08/JB

LOCATION: Goddard Court, Dobbin Close, Harrow.

APPLICANT: London Borough of Harrow.

PROPOSAL: Installation of Passenger Lift at Rear of Property.

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].

LIST NO: 3/01 **APPLICATION NO:** P/3872/08/HG

LOCATION: West End Lawn Tennis Club, Cuckoo Hill Road, Pinner.

APPLICANT: West End (Pinner) Lawn Tennis Club Ltd.

PROPOSAL: Installation of Eight Lighting Columns (5 Metres and 6 metres Height) to Courts 4 and 5 at Northern End of Site.

DECISION: REFUSED permission for the development described in the application and submitted plans, for the reason reported.

[Notes: (1) Councillors Marilyn Ashton, Husain Akhtar, Don Billson, Julia Merison and Joyce Nickolay wished to be recorded as having voted for the decision to refuse the application.

(2) Councillors Mrinal Choudhury, Keith Ferry and Thaya Idaikkadar wished to be recorded as having voted against the decision to refuse the application.]

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ENFORCEMENT GRID - February 2009

Sent to Legal										
Date Report Sent	Enforcement Reference	Address	Ward	Site Officer	Date Reported	Notice Served	Appealed	Date for compliance	Complied	Breach, Progress And Comments
Feb 08										
14/02/08	502/06	69 Winchester Road	Kenton East	SSB	27/07/06					Unauthorised front porch,single storey rear extension and conservatory Planning permission refused for the development (application reference P/3001/06 on 15 January 2007) Legal officer - Abi Kolawole Agreeing content of delegated report with planning lken ref - EC-003430 Being reassessed under the current GPDO
14/02/08	0054/08	Blackgate, Church Lane	Pinner	SSB	01/02/08		Yes			Unauthorised Tree House Planning permission refused for the development (application reference P/1328/07 on 20 December 2007) Legal officer - Louise Humphreys lken ref - EC-003479 On hold - S78 appeal lodged Appeal dismissed legal informed 26/11/08 Preetinder sent report for amendment to Planning. 13/01/09 Amended report sent to legal

14/02/08	0167/07	66 Woodhall Gate, Pinner	Hatch End	LH	03/07/07						Unauthorised rooflights 06/11/08 Legal officer - Preetinder Cheema Iken ref - EC-003416 Legal requested new format 27/11/08 Amended report sent to legal 31/12/08 - Report cleared - sent to AP 05/01/09 - Report cleared by AP
14/02/08	0052/08	132 Turner Road	Queensbury	NR	01/02/08						Unauthorised use of the house as two flats Louise Humphreys - EC003389 Planning permission refused for the development (application reference P/2416/07 on 28 November 2007) Report sent to Planning for amendment. Chased: 27/11/2008 13/01/09 Final draft enforcement report sent to LH
May 08											
14/05/2008	181/07	55 Weston Drive	Belmont	SSB	03/07/07						Side boundary walls in rear garden Legal officer - Sarah Inverary in legal 27/10/08 EC-003955 Content of report being agreed with planning
21/05/08	0556/07	7 Wetheral Drive	Belmont	GW	04/10/07						Single storey front, single and two storey side and rear extensions 06/10/08 S78 appeal submitted 24/10/08 legal officer - Preetinder Cheema EC-003984 Awaiting outcome of S78 appeal.
21/05/08	0036/08	197 & 199 Northolt Road	Harrow on the Hill	SSB	17/01/08						Use of part of ground floor of Nos. 197 and 199 Northolt road as retail (class A1) Awaiting outcome of S78 appeal 23/10/08 legal officer - Preetinder Cheema EC-003982 09/12/08 - Appeal allowed - Case being reviewed by planning

21/05/08	539/05	110 Welbeck Road	West Harrow	SSB	13/07/05					OUTBUILDING Being reassessed by planning in view of new GPDO Legal officer - Preetinder Cheema EC-004028
21/05/08	0500/07	39 Waverley Road	Rayners Lane	GW	21/09/07					Single storey rear extension Legal officer - Louise Humphreys Iken Ref - EC-003717 Agreeing content of delegated report with planning.
Jun 08										
02/06/08	277/08	2 Headstone Lane	Headstone North	SSB	29/05/08					Large outbuilding in rear garden Legal officer - Preetinder Cheema Iken Ref - EC-003703 S78 appeal lodged - awaiting decision 26/11/08 - Appeal allowed - case being reviewed by planning
05/06/08	650/07	57 Oxford Road	Headstone South	SSB	20/11/07					Conversion to flats Legal officer - Louise Humphreys Iken Ref - EC-003706 Case on hold - S78 appeal submitted
Sep 08										
16/09/08	248/07	65 Bessborough Road	Greenhill	SSB	30/07/07					Unauthorised SSRE - on HOLD until Jan09 on planning instructions 24/10/08 legal officer - Marieke Van Den Bergh EC-004020 Legal informed to proceed to issue Enforcement
16/09/08	125/08	49598753	Wealdstone	GW	07/03/08					Unauthorised SSRE legal officer - Sarah Inverary 20/11/08 revised rpt sent to sarah EC-004008 Agreeing content of delegated report.
Oct-08										
01/10/08	141/07	9 West Drive	Harrow Weald	GW	19/06/07					Fence adjacent highway Legal Officer - Louise Humphreys. On hold pending confirmation that breach not immune from enforcement action. 15/01/09 - PCN served

06/10/08	72/07	12 Ashburnham Avenue, Harrow	Greenhill	PA	03/04/07					Roof height on existing two storey side to rear extension 24/10/08 legal officer - Marieke Van Den Bergh EC-004016 09/12/08 Draft report sent to legal To be reassessed by Planning.
06/10/08	163/08	90 Boxtree Lane	Harrow Weald	GW	11/04/08					Single storey front, side and rear extension 24/10/08 legal officer - Preetinder Cheema EC-004019 Agreeing content of delegated report with planning.
06/10/08	514/07	41 The Drive	West Harrow	GW	21/09/07					Single storey side to rear extension, and conservatory 24/10/08 legal officer - Marieke Van Den Bergh - EC-004015 21/11/2008 amended rpt to legal Legal Officer - Louise Humphreys. 14/01/09 Report signed off by planning.
08/10/08	573/08	4 Elm Park	Stanmore Park	SSB	18/06/03					Non-compliance with conditions 1.2,3,4,6,8,7 of planning permission P/343/07 DDP granted on appeal on 26 June(ref APP/M5450/A/07/2051212) Legal officer - Louise Humphreys EC-003944 agreeing content of delegated report with planning Report signed off by planning
08/10/08	249/08	40 Bedford Road	Headstone South	GW	14/05/08					Unauthorised conversion and use of the dwelling house as two flats Legal officer - Abi Kolawole EC-003941 Agreeing content of report. S78 Appeal lodged

10/10/08	0077/08	31 Cannonbury Avenue	Pinner South	GW	29/01/08					rear conservatory 28/10/08 - File with Sarah Inverary 31/12/08 revised rpt sent to sarah EC-004021 Draft enforcement report sent to legal 26/11/08 S78 appeal has been lodged Awaiting outcome of appeal.
10/10/08	0380/07	12 Courtfield Crescent	Greenhill	SSB	13/09/07					Unauthorised conversion and use of the dwelling house as four self-contained flats 27/10/08 file passed to Louise Humphreys EC-004001 Report with Planning for amendment.
10/10/08	0059/08	58 Chandos Crescent	Edgware	GW	07/02/08					Detached outbuilding at rear and canopy over sun deck 28/10/08 - File with Sarah Inverary EC-004022 Agreeing content of report with planning.
14/10/08	0170/07	40 Spencer Road	Wealdstone	PB	03/07/07					Single/two storey side extension providing an attached dwelling house; use of existing house as two flats; single storey rear extension 06/11/08 Legal officer - Louise Humphreys 17/11/08 file passed to legal officer Report has gone to Planning for amendment.
15/10/08	0592/07	542 Uxbridge Road	Pinner	BC	09/10/07					Single storey extension to former garage and continued use of former garage and extension as office space 27/10/08 file passed to Preetinder Cheema EC-004002 Agreeing content of delegated report with planning. 15/12/08 - Amended report sent to Preetinder - Passed to Abi

29/10/08	260/08	9 Westfield Gardens	Kenton East	PB	22/05/08						DETACHED OUTBUILDING AND CONTINUED USE FOR THE PREPARATION OF FOOD FOR COMMERCIAL PURPOSES Louise Humphreys - EC-004041 Report being signed off by planning Report signed off by planning
Nov-08											
03/11/08	673/05	48 Tillotson Road	Hatch End	PA	19/09/05						conversion of single-storey side extension to self-contained flat 03/11/08 report sent to Legal for clearance - Louise Humphreys - EC-004053 Agreeing content of report by planning.
03/11/08	655/07	Meera, 205 Streatfield Road	Queensbury	AK	27/11/07						Continued use of ground floor and first floor as hot food takeaway 03/11/08 report sent to Legal for clearance - Louise Humphreys - EC-004052 ON HOLD - new application submitted review at end of month 13/01/09 Amended report sent to legal
26/11/08	370/08	24 Wood End Road	Harrow on the Hill	PA	07/07/08						Single storey side to rear extension Legal Officer - Louise Humphreys. Agreeing content of report with planning.
Jan-09											
20/01/09	586/05	7 Handel Way, Edgware	Canons	GW	08/08/05						Covered way and use of outbuilding as 2 self-contained units 20/01/09 - Enf report sent to legal - Legal officer Louise Humphreys
20/01/09	27/06	87 Kenton Lane	Kenton East	GW	20/01/06						Unauthorised use of outbuilding as two self contained flats 20/01/09 - Enf report sent to legal - Legal officer Louise Humphreys 26/02/2008 amended rpt to legal

22/01/09	697/07	13-17 manor Road	Greenhill	SSB	07/12/07						Unauthorised conversion to 15 flats 20/01/09 - Committee report sent to Legal officer Loise Humphreys
Feb-09											
02/02/09	0692/06	86 Uppingham Avenue	Queensbury	GW	19/12/06						Unauthorised conversion to 2 flats 20/01/09 - Enf report sent to legal - Legal officer Loise Humphreys 23/02/2008 amended rpt to legal
03/02/09	281/08	4 & 6 Camrose Avenue	Edgware	PB	02/06/08						Unauthorised conversion of garage and extension to self contained residential unit 03/02/09 - Enf report sent to legal - Legal officer Loise Humphreys
03/02/09	757/08	8 Camrose Avenue	Edgware	PB	31/12/08						Unauthorised conversion of garage to self contained residential unit 03/02/09 - Enf report sent to legal - Legal officer Loise Humphreys
05/02/09	0027/08	31 Cuckoo Hill Drive	Pinner South	GW	09/01/08						variation to planning consent 05/02/09 - Enf report sent to legal - Legal officer Loise Humphreys 04/02/09 - Enf report sent to legal
25/02/09	249/08	40 Bedford Road	Headstone South	GW	15/05/08						conversion to 2 self-contained residential units. 25/02/09 - Enf report sent to legal - Legal officer Loise Humphreys
Mar-09											
06/03/09	125/08	145 High Street	Wealdstone	GW	07/03/08						Unauthorised single storey rear extension. 06/03/2009 - Enf report sent to legal - Legal officer Sarah Inverary

ENFORCEMENT GRID - February 2009

ENFORCEMENT GRID - February 2009										
Check compliance - Notice Served										
Enforcement Reference	Address	Ward	Site Officer	Date Reported	Notice Served	Appealed	Date of Compliance	Complied	Breach, Progress And Comments	
0594/07	34 Gordon Avenue	Stanmore Park	MM	16/10/07	Yes		30/03/09		Erection of single storey extension (approx 6m wide by 3m deep) on the forecourt of the dwelling S78 appeal lodged - awaiting decision Notice served on 22/08/08 - Awaiting compliance	
669/07	29 Rayners lane	Roxbourne	BC	26/11/07	Yes		05/12/08		Unauthorised single side & rear extension Notice served 25/7/08. S78 appeal lodged and awaiting decision	
0055/08	17 Radley Gardens	Kenton East	ML1	01/02/08	Yes		03/01/09		Unauthorised conversion of ground floor of property into 2 flats and installation of additional entrance door. Planning permission refused for the development (application reference P/1756/07 on 12 November 2007). Draft report prepared for delegation - Notice served on 22/08/08	
102/08	21 Landseer Close	Edgware	SSB	25/02/08	Yes		04/05/09		Unauthorised alteration/extension to roof incorporating raised roof over dwelling house and rear dormer (The Development) 06/11/08 Legal officer -Preetinder Cheema 17/10/08 revised rpt to legal(gw) Notice served 21/10/08	
662/06	1 Constable Gardens	Edgware	SSB	20/07/06	Yes		05/04/09		Unauthorised Single storey rear extension- p/p refused Legal officer - Preetinder Cheema - EC-003957 Notice served 24/11/08	
ENF/0362/08	2 Alicia Avenue	Kenton West	PA	02/07/08	Yes		23/04/2009		Continued use of detached single storey outbuilding in rear garden as dwelling unit Louise Humphreys - EC-004067 Report being signed off by planning Notice Served 18/12/08	

228/08	85 Greenway	Pinner	PB	07/05/08	Yes		09/04/09		Single storey side and rear extension Agreeing content of report with planning. Legal officer - Louise Humphreys 31/12/08 - Report cleared - sent to AP 05/01/09 - Report cleared by AP Notice served 03/02/09
0447/07/P	10 Harrow View	Headstone South	SG	16/05/07	Yes		09/06/09		Additional single storey rear extension Legal Officer - Louise Humphreys 31/12/08 - Report cleared - sent to AP 05/01/09 - Report cleared by AP Notice served 03/02/09
625/03	Broomhill, Mount Park Road	Harrow on the Hill	GW		Yes		03/02/09		FENCING AND INCORRECT MATERIAL FOR HARDSTANDING Legal Officer - Louise Humphreys 31/12/08 - Report cleared - sent to AP Notice served - 26/01/09
0034/08	3 Aylwards Rise	Stanmore Park	SSB	16/01/08					Non-compliance with condition 2 of planning permission P/3088/06/DFU granted on appeal (ref APP/M5450/A/07/2039231) Legal Officer - Sabrina Sangha Additional information included in report by planning. Report signed off by planning Notice served - 25/02/09
604/07	40 Braithwaite Gardens	Belmont	GW	15/10/07					Two storey side extension and single storey rear and front extension including front porch, with parapet to two storey side extension, and increased height and parapet to part of single storey rear extension Legal Officer - Louise Humphreys Change of fee earner memo sent. Agreeing content of report with planning. 21/11/2008 amended rpt to legal Legal Officer 14/01/09 Report being signed off by planning. Notice served - 05/03/09

ENFORCEMENT GRID - February 2009

Notice served - Appeal Lodged									
Enforcement Reference	Address	Ward	Site Officer	Date Reported	Notice Served	Appealed	Date for compliance	Complied	Breach, Progress And Comments
956/05	85a Whitchurch Lane	Canons	SSB	20/01/05	Yes	Yes	12/12/08		single storey rear extension Notice served on 05/08/08 Appeal lodged
0263/07/P	3 Green Lane Cottages	Stanmore Park	LH	30/07/07	Yes	Yes	03/01/09		Replacement of two timber framed horn style sash windows with two uPVC casement windows Notice served on 22/08/08 - Appeal submitted - Awaiting appeal decision
0056/08	43 High Street, Harrow	Harrow on the Hill	MRE	01/02/08	Yes	Yes	25/04/2009 (from appeal decision)		Unauthorised cash machine. 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 25/7/08. Appeal lodged Appeal decision - 26/01/09 - Notice varied and allowed in part - site being monitored

95/07	Unit 3 Ballards Mews/High St. - Edg	Edgware	GW	09/05/07	Yes	Yes	23/04/2009		Unauthorised two extract flues to workshop Legal officer - Louise Humphreys Report being signed off by planning. Notice served 17/12/08. Appeal submitted - Awaiting appeal decision
293/07	52 Adderley Road	Wealdstone	GW	07/08/07	Yes	Yes	18/03/09		Unauthorised single storey conservatory extension attached to the existing rear extension 28/10/08 - File with Preetinder Cheema Notice served on 06/11/08 Appeal submitted - Awaiting appeal decision

ENFORCEMENT GRID - February 2009

PROSECUTION REQUIRED									
Enforcement Reference	Address	Ward	Site Officer	Date Reported	Notice Served	Appealed	Date for compliance	Complied	Breach, Progress And Comments
339/01	78 Cecil Road	Wealdstone	GW	14/08/01	Yes	Yes	07/09/03		Building works in rear garden adj. to 80 Wellington Rd awaiting prosecution report
480/02	9 West Drive Gardens	Harrow Weald	SSB	21/08/02	Yes	Yes	21/01/04		Roof alterations without planning permission 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, assessment required for prosecution
317/03	154 Eastcote Lane, S/har	Roxbourne	SSB	03/07/03	Yes		01/10/04		Compliance with condition 8 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. Prosecution report required
441/03	Mount Park Manor	Harrow on the Hill	GW	28/07/03	Yes	Yes			TELESCOPIC POOL COVER Reassessment required

573/03	22 Walton Road	Marlborough	SSB	07/10/03	Yes		28/02/06		Unauthorised construction of a single storey rear extension and front porch. Appeal fee not paid to the Planning Inspectorate, thus appeal not validated. Planning Inspectorate confirmed in letter dated 27 March 2006. Prosecution report required
625/03	Broom Hill, Mount Park Road	Harrow on the Hill	SSB	31/10/03	Yes	Yes	11/04/05		BREACH OF CONDITION RE: FENCING AND INCORRECT MATERIAL FOR HARDSTANDING Appeal submitted. Appeal determined and upheld. Planning permission subject to conditions. Enforcement officer to monitor conditions. Enf Officer has visited site. Breach of condition established 05/01/09 - Report cleared by AP
94/04	190 Whittington Way	Pinner South	GW	23/02/04	Yes	Yes			SINGLE STOREY REAR EXTENSION ONTO SINGLE STOREY REAR EXTENSION Appeal withdrawn - reassessment required
160/04	29 The Broadway	Wealdstone	GW	15/03/04	Yes				Installation OF ADVERTISEMENT Reassessment required
425/04	61 Oxley Road	Rayners Lane	SSB	01/07/04	Yes		14/02/06		Erection of rear extension and wall 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.

483/04	35 Orchard Grove, Edg	Edgware	GW	08/07/04	Yes	Yes	04/07/06	Change of use to flats Section 330 notice served on 6-July-05. Section 330 Notices were returned unopened. Enforcement Notices issued. Appeal Submitted, awaiting outcome. Appeal withdrawn. Re- assessment required for prosecution
619/04	462 Honeypot Lane	Queensbury	SSB	25/08/04	Yes		13/09/07	Unauthorised construction of a single storey rear extension Site visit required by Enforcement Officer.
700/04	1 Wildcroft Gardens	Canons	SSB	21/09/04	Yes	No	19/08/06	REMOVAL OF BUSH ON PAVEMENT AND 4 PILLARS ON FRONT BOUNDARY AT OVER 2M HIGH. Part complied - Further assessment required
989/04	56 Lake View	Canons	GW	23/10/04	Yes	Yes		Porch has been erected across the front gable Appeal dismissed - needs reassessment
24/05	81 Roxeth Hill	Harrow on the Hill	SSB	06/05/06	Yes		18/07/06	Erection of roof extension 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 Re-assessment required

519/05	32 Rusland Park Road	Marlborough	GW	17/06/04	Yes	Yes	27/08/08	Unauthorised construction of a two/three storey side to rear, single storey front to side extension and rear dormer Notice was withdrawn on 13 September 2007 and reissued on 13 September 2007. Awaiting appeal decision. Appeal dismissed - prosecution required
744/05	14 Roxeth Green Avenue	Roxbourne	SSB	17/10/05	Yes	Yes	17/11/08	Unauthorised construction of a rear extension Appeal dismissed 18 August 2008. Site visit and witness statement required
370/06	399 Alexandra Avenue	Rayners Lane	PA	02/05/06	Yes			Installation OF ADVERTISEMENT Reassessment required
401/06	76 Formby Avenue	Queensbury	SSB	24/04/06	Yes		22/11/07	Use of outbuilding as two self-contained residential units Enforcement Officer visited the site. Breach still existing. Prosecution witness statement required.
459/07/P (reregistered)	119 Eastcote Lane	Roxeth	SSB	19/09/07	Yes	Yes	23/06/2001 (original date)	Converted swimming pool enclosure at rear into 3 flats & separate additional unit created at the side of the property. awaiting preparation of prosecution report
183/08	127 Ruskin Gardens	Kenton East	PA	10/04/08	Yes		02/10/08	Property being used as building yard awaiting prosecution report

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Meeting:	Development Management Committee
Date:	25 th March 2009
Subject:	Tree Preservation Order No. 929
Key Decision: (Executive-side only)	No
Responsible Officer:	Russell Ball, Tree Preservation Officer
Portfolio Holder:	Councillor Marilyn Ashton, Portfolio Holder for Planning, Development and Enterprise.
Exempt:	No
Enclosures:	<ol style="list-style-type: none">1) Letter dated 12th January 2009 from Mr Simon Pryce of Simon Pryce Arboriculture (Appendix 1)2) Letter dated 24th January 2009 from Mr Cottrell of Dantepark Ltd.3) Letter dated 18th December 2008 from Roger Pidgeon Interim Chief Planning Officer Harrow Council

SECTION 1 – SUMMARY AND RECOMMENDATIONS

Tree Preservation Order (TPO) No. 929 covers the property at Cottrell Cottages 57-65 The Broadway Stanmore and was served on 26th November 2008 as an emergency Order. Objections have been made against this TPO in respect to the protected Ash and Silver Birch in the rear car park of the above property. This report sets out why this TPO should be confirmed.

RECOMMENDATIONS:

The Committee is requested to confirm TPO No. 929 notwithstanding the objections.

REASON: This emergency TPO needs to be confirmed within 6 months otherwise the statutory protection afforded to the aforementioned trees will be lost (see extended time period for objections in Section 2.2.2).

SECTION 2 - REPORT

2.1 On 26th November 2008, TPO No. 929 was made in respect of an Ash and Silver Birch in the rear car park of Cottrell Cottages. The TPO was made as the applicant – for the purpose of a planning application - wished to remove the subject trees to install car parking bays. Objection letters were subsequently received from Mr Simon Pryce of Simon Pryce Arboriculture on behalf of Mr Kirby who holds the lease on Cottrell Cottages (Letter at Appendix 1) and Mr Cottrell of Dantepark Ltd. who owns Cottrell Cottages (Letter at Appendix 2).

2.2 Mr Pryce's objections are set out below with the Council's response:

2.2.1 The Ash and Silver Birch were made subject to an emergency TPO only after the planning application was submitted to the Council. Prior to this application, his client, Mr Kirby was advised by the Council that these trees had no statutory protection.

Response: Before the formal planning application was submitted for Cottrell Cottages Mr Kirby was informed that the Ash and Silver Birch trees were not protected. However, once the application was submitted and a site visit made, the threat of development was then manifest against these trees and they were made subject to TPO No. 929 to preserve them. In light of their amenity value (see Appendix 3 for a more detailed response to this objection).

2.2.2 Despite numerous requests a copy of the TPO was not supplied to Mr Kirby.

Response: Due to an administrative error the TPO was posted to the wrong address and was returned undelivered. A copy of the TPO was subsequently sent to Mr Kirby at the correct address with an extended time period of one month for him to submit any objections to the TPO.

2.2.3 The Ash tree has been disfigured by a low limb branch wound & an adjacent broken branch.

Response: The above have had no significant effect on the appearance or amenity value of this tree.

2.2.4 Whilst prominent in the immediate vicinity, the Ash & Silver Birch have limited public view as they are obscured by buildings and other trees.

Response:

(a) The upper crown of the Ash and the Silver Birch (to a lesser degree) are clearly visible from The Broadway.

(b) The trees provide visual amenity to visitors who use the car park.

(c) There is a pizza restaurant immediately adjacent to the car park. Within this restaurant, and in clear view of the subject trees, there is a seating area with 28 chairs. Furthermore, this establishment is open 7 days/ week and from 11.30am-11.30pm. In my opinion, given the above, the trees have a significant viewing public.

(d) The trees are also visible from the flats at the rear in Chartridge Court and from the flats at Nos.69A-E The Broadway.

2.2.5 The loss of the subject trees would be mitigated by the Sycamores adjacent to the Ash.

Response: The Sycamores, in comparison, provide only limited public amenity and would not provide for the loss of the subject trees.

2.2.6 The Ash has hazardous limbs

Response: The Ash is not a hazard tree. It has two limbs with limited injuries/defects. This could be addressed by some judicious – branch end weight - pruning that would not affect the visual amenity of the Ash tree.

2.2.7 The Ash is starting to dominate its immediate surroundings, is blocking gutters and in time could cause direct damage to the building.

Response: The ‘dominate’ effect of the Ash tree is directly related to its public amenity value. It is not out of scale with its surroundings and some minor tipping back of branches could address the above issues that are limited to only a small section of the tree’s over all crown.

2.2.8 Crown reducing the Ash tree would make it look unnatural and cause heavy branch sprouting. Such pruning is against BS:3998 tree works guidance.

Response: Within the Borough, crown reductions (30% max.) of protected Ash trees - in accordance with BS:3998 - have been granted in the past. In general, for Ash, such reductions do not (a) significantly affect their amenity value or (b) produce heavy branch sprouting. Moreover, in the Borough, successive crown reductions have been granted to manage Ash tree crown dimensions.

2.2.9 The Silver Birch overhangs the building and is causing leaf-litter gutter problems

Response: The latter could be addressed by some limited judicious pruning that would not affect the visual appearance of this tree.

2.2.10 The Ash, and to a limited degree the Silver Birch, could cause subsidence damage to the building.

Response: There is no known history of tree related subsidence damage associated with these trees. If in the future the trees are the subject of a *bonafide subsidence* claim then tree management options (including removal & replacement) would be explored with the claimant.

2.3 Mr Cottrell’s objections are set out below with the Council’s response:

2.3.1 The Ash and Silver Birch trees have no aesthetic value.

Response: See the previous amenity evaluation in section 2.2.4.

2.3.2 Leaf from the subject trees blocks gutters and drains.

Response: This has already been addressed in paragraphs 2.2.7 & 2.2.9 above. Also as a more permanent, relatively inexpensive solution, chicken-wire type mesh could be placed over gutters and drains.

2.3.3 Since the TPO has been made on the Ash and Silver Birch it has not been possible to develop the site and generate the necessary income to maintain the properties.

Response: These are not material considerations when considering whether a TPO should be placed on the Ash and Silver Birch.

2.4 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: -

2.4.1 The TPO is not within the powers of the Act, or

2.4.2 The requirements of the Act (or Regulations made under the Act) have not been complied with in the making of the TPO.

2.5 The Committee is requested to give due consideration to the objections and the Arboricultural Officer's opinion that the objections do not outweigh the amenity considerations in this case.

2.6 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="checked" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 12th March 2009		
Name: Abi Kolawole	<input checked="checked" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 11 th March 2009		

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

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

Simon Pryce Arboriculture

Report

Client Mr J Kirby [Boys and Girls Nursery Stanmore]

Site Cottrell Cottages The Broadway Stanmore HA DJ

Subject Tree preservation order covering two trees to the rear of the building

Inspection date January

Report date January

Reference

Author Simon Pryce B Sc F Arbor A C Biol M I Biol MICFor
Arboricultural Association Registered Consultant



Introduction

This report has been prepared on the instructions of Mr J Kirby who holds the lease on Cottrell Cottages The Broadway Stanmore HA DJ in connection with a tree preservation order [TPO] that has recently been made on two trees growing at the rear of the building

I have been asked to inspect the trees and to comment on their suitability for protection in particular their condition and public amenity value

The site was visited and the trees inspected on the afternoon of January accompanied by Mr Kirby The inspections were visual and made from ground level with no test boring or climbing as these were not warranted

Background

The site

Cottrell Cottages is a two storey building and is on the south side of the A The Broadway a short distance west of its junction with the A Marsh Lane which joins from the south Both roads carry significant traffic throughout the day and the junction is controlled by traffic lights The Broadway is lined mainly by shops and other commercial premises so is also well used by pedestrians Many of these have residential flats on the upper floors

Cottrell Cottages fronts directly on to the pavement and has a tarmac surfaced car park at the rear This can be reached by narrow lanes running from the main road past each end of the building These also provide access to the car park behind Jonathan's which is to the east next to the junction with Marsh Lane and Pizza Express to the west These car parks are all private and at the time of my inspection between noon and p.m. on a weekday they were not busy

The building is listed but the site is not in a designated Conservation Area

Sequence of events

In September Mr Kirby enquired whether or not the trees were protected Harrow Council's response was that they were not and they enclosed a list of approved tree contractors with their reply

In November the application was made to convert the cottages into a day nursery and the council responded by making a tree preservation order on the birch and ash growing at the rear of the building Despite numerous requests a copy of the TPO or the Regulation notice that should accompany it have still not been supplied The only available document is a letter from the council dated December justifying the making of the order They comment that they are "*under a duty imposed by Parliament to look at the need to preserve trees when an application is submitted*"

Tree descriptions

Ash

This is growing on the western side of the car park next to the access lane about 10 m back from the end of the building. It is about 12 m high and has a single trunk that leans slightly to the south. The first branches start at about 4 m and the crown is a broad dome with a radial spread of 10 m so the branch ends overhang the back of Cottrell Cottages and the roof at the side of the Pizza Express building. The twig growth is reasonably healthy looking but there is some dead wood scattered through the crown. One long limb on the north west side has started to subside under the weight of the end growth this is shown by the new shoots along its length growing up into the gap above. There is a large wound under the lowest main limb on the south side evidently caused by vehicles entering or leaving the car park. A smaller branch next to it has had the end broken off in the past probably by the same cause. There are no signs of pruning or other work. The tree's size suggest that it is about 40 years old.

Birch

This is growing behind the middle of the building and is about 10 m high with a single trunk 100 mm in diameter. The first branches start at about 4 m and it has a slender crown typical of this species with a radial spread of 8 m. The trunk divides into two at about 6 m the fork is narrow but reasonably well formed. There are no signs of any pruning. The tree's size is consistent with an age of 30 years.

Appraisal and discussion

Grounds for making a TPO

Guidance on this is given in Tree Preservation Orders a guide to the law and good practice published by DETR [now DCLG] in 2005 and this is referred to below. It is commonly known as the blue book after the colour of the cover. Extracts from it and other documents are italicised.

Amenity value

The legislation does not define amenity but the blue book notes that TPOs should be used to protect selected trees if their removal would have a significant impact on the local environment and its enjoyment by the general public. A commonly used measure of public amenity although it is not officially recorded is that trees should be significantly visible to five households or an equivalent number of people.

Both trees are fairly natural looking although the ash has been disfigured by the large wound in the underside of the lower limb and the broken one next to it. They are prominent in the immediate vicinity and will be readily visible to anyone using the access lanes behind the buildings. However the buildings form an almost continuous high screen along the south side of The Broadway. The tops of the crowns are just visible above the roof line and part of the ash can be glimpsed if looking into the lane beside the building from directly opposite but they are not prominent. The ash just can be seen from a short section of Marsh Road through the gap between Jonathan's and Chartridge Court to the south but is set well back and largely hidden by the buildings and other trees. The removal of these two trees would have little visual impact in the wider area and would be mitigated by the presence of other trees including some sycamores set back from the ash.

Condition of the trees implications of retaining them

The ash is in fair health but the wide crown means that it is starting to dominate its immediate surroundings despite not being widely visible. Although there are no signs of an immediate risk of failure it has some structural defects including the large wound which will start to decay weakening the main limb. More seriously the limb on the north west side has started to subside under the weight of the end growth a phenomenon that is fairly common in some open grown trees. This will be exacerbated progressively by the increasing weight of the new shoots that are being promoted by the increased light levels as the gap between the limb above increases. As the tree is almost on the boundary this has safety implications for third parties not just owners and users of the Cottages.

In addition the crown is spreading close to the roofs of the nearby buildings leaves in gutters are already a problem and in time there could be direct damage particularly as the branch ends move in high winds.

These problems could be alleviated by reducing the ash a point that was made by the Council's tree officer. However this would make it smaller and less prominent and even with work done to a high standard it would still look unnatural. It would respond by sprouting heavily and new growth would need to be cut back regularly in order to contain its growth. British Standard Recommendations for Tree work advises against crown reduction in principle unless it is a one off reshaping operation or there are compelling reasons for it such as the need to retain a particularly valuable specimen. This does not apply here and the problems associated with the tree far outweigh the limited public benefits it would provide if kept in a reduced form.

The birch is smaller and farther from any public areas. It will also need some pruning to clear the building and reduce leaf litter although the scale of the problem is less than with the ash.

There are no signs or reports of tree related damage in the buildings but from experience of numerous subsidence cases in the area some within a few hundred metres of this site the local sub soil is London clay. This creates a potential for subsidence in the building if roots extend below the foundations and cause soil drying and shrinkage. This is a particular risk with the ash which is relatively young and capable of growing significantly larger with its water uptake increasing in the process. Damage in a listed building of this age would be more complex and costly to resolve than in most houses. Reducing the trees and maintaining them at reduced sizes would lessen their water uptakes but they are too close to the building for it to be reliable. As the trees are younger than the building and there are no signs of movement it to date removing either or both of them at this stage is unlikely to cause excessive soil swelling or heave.

Procedural matters

The power to make TPOs is given by section 196 of the Town and Country Planning Act of 1990 which states that local planning authorities have a duty to do this where it is "*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*".

When a TPO is made there is a 60 day period within which objections can be made. From the letter from Harrow it would appear that the order was made on 15 December so this expires on 14 January. At the time of writing 15 January neither the order nor the regulation 3 notice have been served. The letter refers to the TPO but has no status in itself. Even allowing for possible delays over the Christmas break the legal position is not clear. This is unacceptable.

The leaseholders also object to Harrow advising initially that the trees were not protected even supplying a list of contractors then making the TPO a short time later. Their letter seeks to justify this by stating that they have a duty to protect trees when planning applications are submitted. Trees can be a consideration in planning applications but the duty imposed by the Act to protect them is not restricted to these circumstances it applies whenever they consider trees to be at risk. Section of the blue book states [my underlining]

"It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area It is not necessary for the risk to be immediate. In some cases the LPA may believe that certain trees are at risk generally from development pressures. The LPA may have some other reason to believe that trees are at risk changes in property ownership and intentions to fell trees are not always known in advance and so the protection of selected trees by a precautionary TPO might sometimes be considered expedient

It is clear that Harrow were aware of the intention to work on the trees or possibly to fell them well before the application was made. From the foregoing it is hard to see any logical reason why they did not make the TPO at that time.

Summary and conclusions

The trees are prominent in the immediate vicinity but are largely hidden from the surrounding roads by the buildings and other trees. Their removal would have little impact in the wider area.

The ash has a number of defects and would need crown reduction and regular recutting if retained. This would reduce its amenity value further and the problems associated with keeping it far outweigh any public benefit.

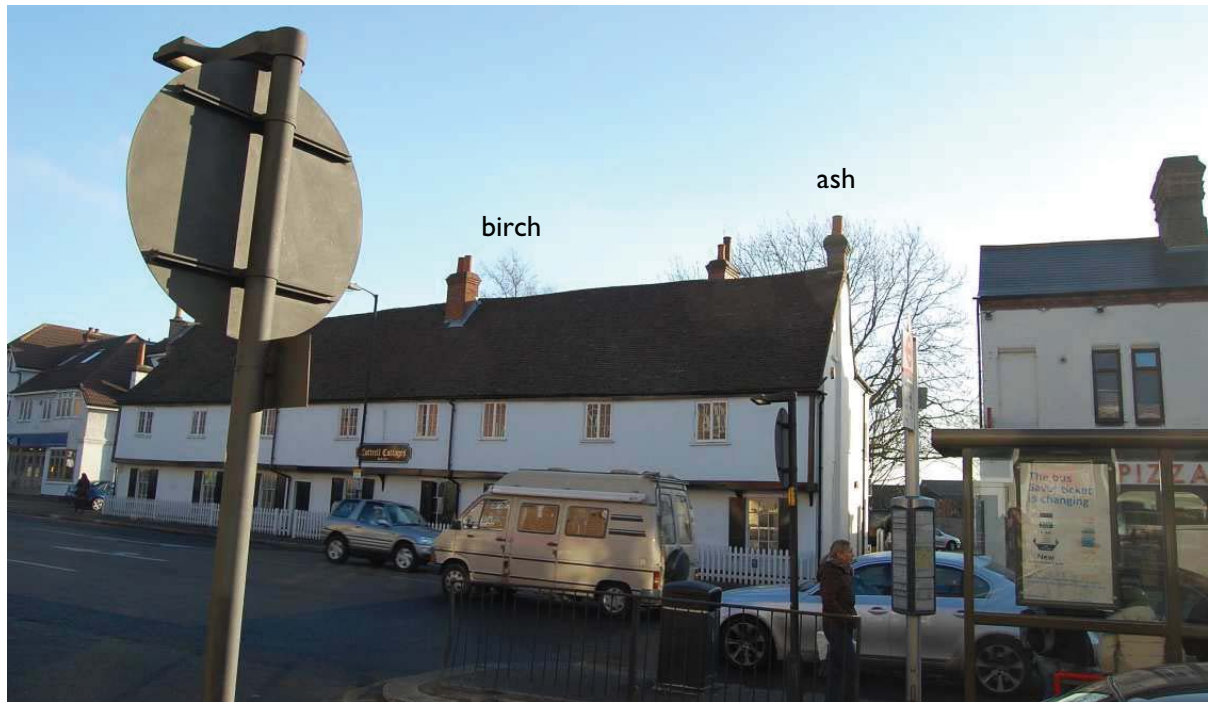
The potential problems with the birch are smaller but it would also need pruning and regular maintenance if retained.

A copy of the TPO has still not been served despite the period for objections almost being over. The council's duty to protect trees is not confined to cases where there is an imminent threat and there is no reason why they could not have made it when first approached.

Simon Pryce

Simon Pryce B Sc F Arbor A C Biol M I Biol MICFor
Arboricultural Association Registered Consultant

Illustrations



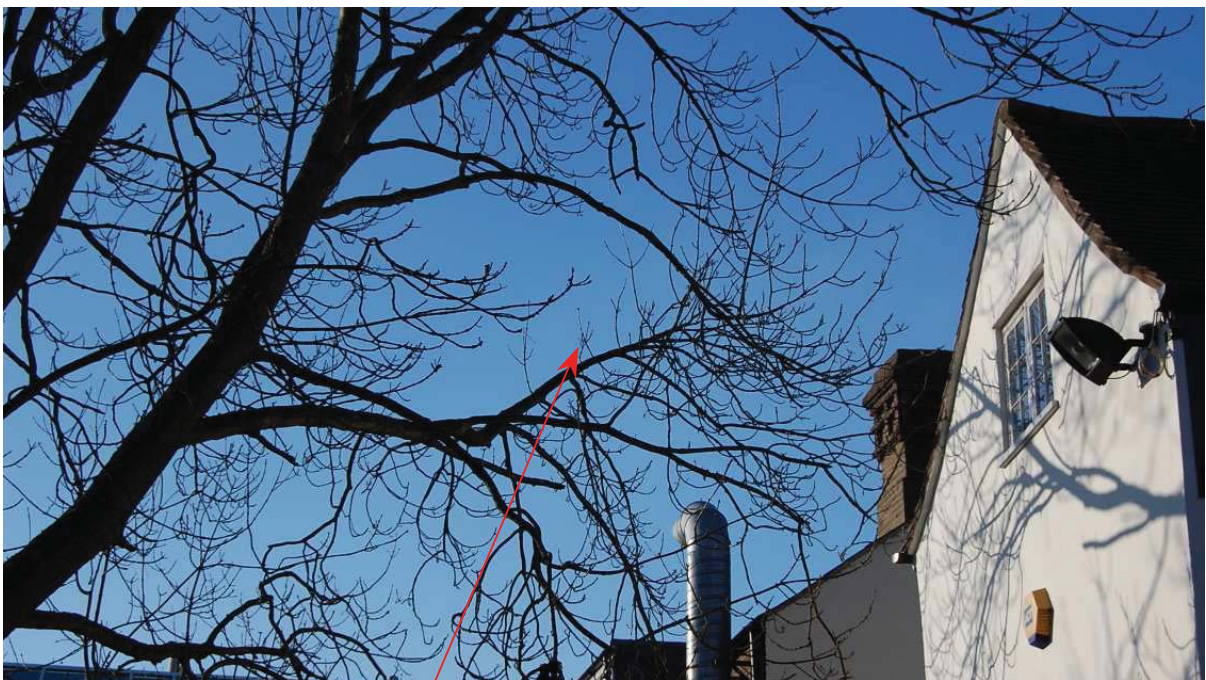
] View from across The Broadway



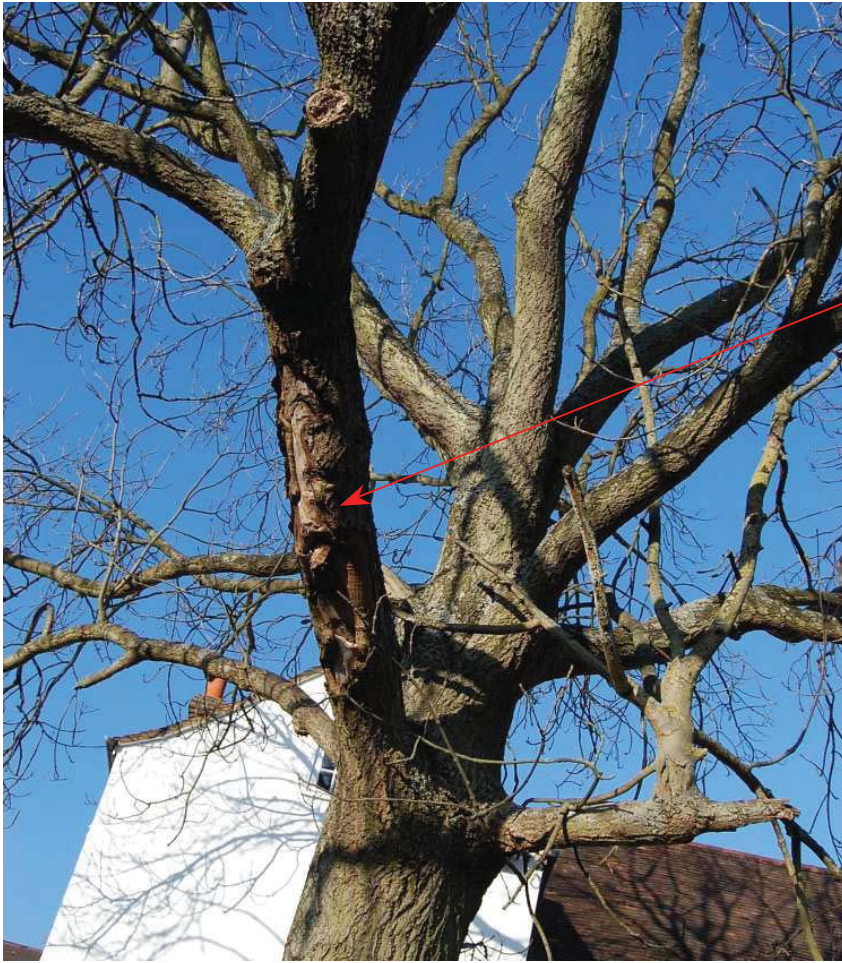
] View from Marsh Lane from here the birch is hidden by the white building



] Ash Cottrell Cottages are to the right of the tree Foliage at top right is the birch that at the left is other trees



] Subsiding limb with new shoots growing up into the gap



] Wound on the underside of a main limb of the ash



] Birch and the back of the building

Mr Russell Ball
Planning Arboricultural Officer
Harrow Council
PO Box 37
Civic Centre
Station Road
Harrow
HA1 2UY

24th January 2009

Dear Mr Ball,

Re: Tree Preservation Order No 929 : The Broadway Stanmore.

Further to your letter of the 9th of January, I can confirm that I am the present owner of the property that is affected by the TPO placed on the two trees at the rear of the property.

As you are aware, Boys and Girls Nursery's, have applied for and received planning permission to change the use of the present offices into a pre-school nursery. Part of their remit was to convert part of the rear car park into a play and muster area. This was to be an important and integral part of what was to be offered to prospective parents.

With the placement of the TPO's on the two trees at the rear, has had caused for the company to possibly pull out of the deal and look for alternative premises. I have had the property on the open market since August 2007, in this time of in-occupancy, the property which is of great historical importance to the village and Borough of Harrow, is falling into disrepair and is a constantly threatened by vandals breaking windows and dubbing graffiti on the walls.

The tree's in question have no aesthetic or amenity value, as they are not seen from the main road or adjoining properties. During the winter month's the leaf fall causes blockages to the drains and gutters, which are very difficult to keep clear and reaching the higher gutters has caused for very old and brittle tiles to be broken, all of which has lead to damp to the roof beams and rear walls.

With the removal of Business rate relief for empty properties, I have had to make payments that I can ill afford whilst receiving no rental income and with the current economic climate I fear that unless I can rent the property very soon, the future of the cottages look very bleak and will be a major loss to the community, where in comparison the relatively immature trees would not.

I therefore implore that the TPO's are removed and that Boys and Girls nurseries are allowed to take on the lease and make the necessary improvements to the car park area, which will in due course bring new life to the cottages and to Stanmore.

Yours sincerely,



Iain Cottrell
Dantepark Limited

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18th December 2008

Dear Ms Sedani

57-65 The Broadway, Stanmore.

I refer to our phone conversation yesterday.

I have reviewed the file P/3683/08 in connection with the preservation of trees at the rear of the property.

As you say up to two days ago these trees were not protected and you had been informed of this fact in September 2008.

With the submission of the planning application in November matters change. This is because the Council is under a duty, imposed by Parliament, to look at the need to preserve trees when an application is submitted.

So in this case, with trees threaten by the proposed development, as evidenced by the submitted plans, the order was made. This is not the action of a single officer; there is a due process internally and the order was signed off by the Head of Planning.

I appreciate that this can come as an unwanted surprise but because of the nature of tree preservation, the making of orders in response to the threat of development is done in confidence until such time as the order is served. To do otherwise can put trees at risk; indeed as you have commented up to two days ago the trees at issue could have been lawfully removed.

So the trees are now protected and may only be touched either with consent under the TPO or in order to build something which has obtained planning permission. In the current case it appears that the parking may be rearranged to protect the trees and I suggest this be done. If the plans are left showing the now protected trees to be removed this may be grounds for refusing the application.

In conclusion I find that nothing inappropriate has occurred and officers of the Planning Service had done what is required of us by the terms of the planning legislation. I have copied this letter to the agent for the planning application , Mr Karia.

Yours sincerely,

Roger Pidgeon,
Interim Chief Planning Officer

CC

Mr Karia
Head of Planning
Case Officer
Tree Protection Officer



Meeting:	Development Management Committee
Date:	25 March 2009
Subject:	Proposed changes to structure of Strategic Planning and Development Management Committees
Responsible Officer:	Andy Parsons, Head of Planning
Portfolio Holder:	Councillor Marilyn Ashton – Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	Appendix A – Terms of Reference

Section 1 – Summary and Recommendations

This report sets out a proposal for the rationalisation of these two committees into a single committee in the interest of efficiency and effectiveness.

Recommendations:

The Development Management Committee is requested to:

1. Agree to a return to a single decision making committee for all non-delegated planning decisions.
2. Agree to the decision of this committee being referred to the next available meeting of the Full Council for ratification and for approval of any consequential and necessary amendments to the Constitution.

Reason:

To make efficient and effective use of Committee time.

Section 2 – Report

Background

- 2.1 Members will be aware that there has been a significant reduction in planning applications received by the Council as a result of the slowdown in the economy. This has resulted in a fall in numbers of major applications. As a result, the business of the Strategic Planning Committee has been significantly reduced. Moreover, whilst officers continue to be involved in a number of pre-application processes on major applications, the volume of new major applications is expected to remain, for sometime, at a substantially lower level than recent years.
- 2.2 Since May 2008, the Development Management Committee has dealt with an average of just under 18 applications at each meeting with a maximum of 22 and a minimum of 11: the committee on 21st January 2009 dealt with 15 applications and the committee on 25th February 2009 dealt with 13. The business of the committee was generally concluded within 2.5 hours.
- 2.3 Over the same period, the Strategic Management Committee has dealt with an average of just over 7 applications at each meeting. However, the numbers have been falling progressively from 12 in May 2008 to 3 in February 2009 and 1 in March 2009. The time taken to conclude the business of the meetings has similarly fallen from 5 hours in May 2008 to 1.3 hours in February 2009.

Why a change is needed

- 2.4 It is recognised that numbers of applications at the Strategic Management Committee is a fairly crude measure as it does not consider the complexity of issues involved in major applications. The Head of Planning is of the view that the business of the Strategic Management Committee could readily be combined with the business of the Development Management Committee without significantly impacting on the efficiency of that committee.
- 2.5 To ensure that Major applications of strategic importance are given significant time to be properly discussed, it is further proposed that at the request of the Chairman, a major application will be considered at a separate special meeting of the planning committee.

Consultation

- 2.6 Informal discussions have taken place with the Chairman and Nominated Member for SPC. A similar report was presented to the Strategic Planning Committee on 11 March 2009 and was agreed.

Implications if recommendations are rejected

- 2.7 Meetings could potentially be cancelled due to insufficient business, which would be unfair on public, members and officers.

Financial Implications

- 2.8 The move to two decision-making committees entailed additional costs to Planning, Legal and Committee Services that have been largely met within the respective services. The return to a single committee will lead to a reduction in costs.

Legal Implications

2.9 Contained in the body of the report.

Equalities Implications

2.10 None specific.

Risk Management Implications

2.11 With just one committee making all relevant planning decisions there is a risk of return to the problem of excessively long committees and agendas. The size and complexity of the agendas will need to be monitored and reviewed on a regular basis as well as the wider economic situation and the emerging workload of the service. Using this information will allow mitigation options such as planned additional committees to avoid excessively long agendas to be implemented.

Crime and Disorder Act 1998 Considerations

2.12 The more simplified route to decision-making inherent in these proposals is considered likely to have a generally beneficial effect.

Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="checked" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 10 March 2009		
Name: Jessica Farmer	<input checked="checked" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 11 March 2009		

Section 4 - Contact Details and Background Papers

Contact: Andy Parsons, Head of Planning, ext 6106

Background Papers:
Circular 15/92

Report to Development Control Committee 26th July 2006 – Agenda Item 15

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PLANNING COMMITTEE

1. To exercise the functions of the council as local planning authority under the Town and Country Planning Act 1990 and other planning and subordinate legislation with the exception that:
 - a) the preparation, maintenance and updating of the Local Development Framework; and
 - b) the consideration of any policy matter concerning the planning of the Borough, including the development of major sites but not the determination of any planning application;shall be matters to be determined by the Cabinet.
2. To determine applications for certificates under section 17 of the Land Compensation Act 1961.
3. To consider and, if appropriate, serve Article 4 Directions removing permitted development rights in accordance with the Town and Country Planning General (Permitted Development) Order 1990.
4. To determine and enforce building regulations.
5. All other functions relating to town and country planning and development control as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) listed by Committee in the schedule to this document.

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