

PLANNING COMMITTEE MINUTES

15 JUNE 2011

Chairman: * Councillor Keith Ferry

Councillors: * Stephen Greek * Bill Phillips
* Thaya Idaikkadar * Anthony Seymour
* Joyce Nickolay * William Stoodley

* Denotes Member present

140. Appointment of Reserve Member

RESOLVED: That the appointment of Councillor Amir Moshenson as a Reserve Member (number 3) in place of Councillor Husain Akhtar, in accordance with Council Procedure Rule 1.5 and following notification from the Conservative Group Leader, be noted.

141. Attendance by Reserve Members

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

142. 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

Planning Application

Ben Wealthy

2/04 – 52 Sheepcote Road, Harrow, HA1
2JF

143. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 10 – Planning Applications Received – 2/01 – Timbers, Brookshill, Harrow Weald, HA3 6RT

Councillors Stephen Greek, Joyce Nickolay and Anthony Seymour declared a personal interest in that a Conservative Councillor lived near the application site. They would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Applications Received – 2/05 – 464 Pinner Road, Harrow, HA2 6EG

Councillors Keith Ferry, Thaya Idaikkadar, Bill Phillips and William Stoodley declared a prejudicial interest in that the Applicant was a Labour Councillor. They would leave the room whilst the matter was considered and voted upon.

(Councillor Joyce Nickolay was appointed Chairman for this item of business).

Agenda Item 10 – Planning Applications Received – 2/07 – West House, West End Lane, Pinner, HA5 1AE

Councillor Keith Ferry declared a personal interest in that he was a Council appointed trustee. He would remain in the room whilst the matter was considered and voted upon.

Councillors Stephen Greek, Joyce Nickolay and Anthony Seymour declared a prejudicial interest in that the Applicant was a Conservative Councillor. They would leave the room whilst the matter was considered and voted upon.

144. Minutes

RESOLVED: That the minutes of the meeting held on 18 May 2011 be taken as read and signed as a correct record, subject to it being noted that Councillor Anthony Seymour had declared a personal interest in application 2/05 as his wife worked at a children's centre in the Borough of Barnet.

145. Public Questions and Deputations

RESOLVED: To note that no public questions were put, or deputations received.

146. Petitions and References from Council and other Committees/Panels

A reference from the Major Developments Advisory Panel on 26 May 2011 on a petition, reported to the Committee, relating to planning permission reference P/0806/11 at 113 Carmelite Road, Harrow Weald, HA3 5LU, was received by the Committee.

RESOLVED: That

- (1) to note the petition reported to the Committee, and reference from the Major Developments Advisory Panel on 26 May 2011, containing

76 signatures objecting to the planning application regarding 113 Carmelite Road, Harrow Weald, HA3 5LU;

- (2) to note the receipt of a petition containing 14 signatures objecting to the planning application for 53 Lulworth Gardens, South Harrow to convert the current house into three flats with external alterations.

147. Representations on Planning Applications

RESOLVED: That in accordance with

- (1) Committee Procedure Rule 30 (Part 4B of the Constitution), representations be received in respect of item 2/06 on the list of planning applications;
- (2) Committee Procedure Rule 25, Rule 30 (Part 4B of the Constitution) be suspended to enable a representation to be considered although notification had not been received by the deadline.

RESOLVED ITEMS

148. Planning Applications Received

In accordance with the Local Government (Access to Information) Act 1985, the Addendum was admitted late to the agenda as it contained information relating to various items on the agenda and was based on information received after the despatch of the agenda. It was admitted to the agenda in order to enable Members to consider all information relevant to the items before them for decision.

RESOLVED: That authority be given to the Divisional Director of Planning to issue the decision notices in respect of the applications considered.

FORMER SAM MAQUIRE PH, 19 HIGH STREET WEALDSTONE, HA3 5BY (APPLICATION 1/01)

Reference: P/1856/09 – (Mr Nilesh Lukka - Mc Neil Ltd.) Redevelopment to Provide Part 3, Part 4, Part 5 Storey Hotel Building With 78 Bedrooms With Cafe (A3 Use) at Ground Floor Level and 2 Parking Spaces.

DECISION: DEFERRED to enable further consultation.

The Committee wished it to be recorded that the decision to defer the application was unanimous.

LAND ADJACENT TO THE KODAK SITE, HARROW VIEW, HARROW, HA2 6QQ (APPLICATION 1/02)

Reference: P/0813/11 – (Land Securities). Extension of Time to Planning Permission P/1685/08CFU Dated 20/06/2008 for Highway Works including 1) Formation of Roundabout 2) Alterations to Junctions to Sports Ground 3)

Temporary Access to Leisure Facility 4) Temporary Contractors Ground 5) Erection of Brick Piers and Railings.

In response to questions, it was noted that:

- the original grant of planning permission in 2008 had been in accordance with delegated authority;
- the construction of the roundabout would be undertaken under Section 278 of the Highways Act 1980 and at no cost to the Council.

DECISION: GRANTED permission for the extension of time described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the extension of time was unanimous.

TIMBERS, BROOKSHILL, HARROW WEALD, HA3 6RT (APPLICATION 2/01)

Reference: P/0797/11 – (Mahavir Foundation). New Detached Two Storey Dwellinghouse; Detached Double Garage; Landscaping; Demolition of Double Garage on Site.

The Chairman reported that a site visit had taken place.

In response to a question, it was noted that the previous planning permission granted in February 2004 had not been implemented.

DECISION: GRANTED permission for the development described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

24 – 28 CHURCH ROAD, STANMORE, HA7 4AW (APPLICATION 2/02)

Reference: P/3114/10 – (Mr Raj Pankhania). Third Floor Extension to Provide Three Residential Flats; Provision of Three Roof Terraces; External Alterations (Retrospective Application) (Resident Permit Restricted).

DECISION: GRANTED permission for the development described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

**TECHNOLOGY HOUSE, 73-77 LOWLANDS ROAD, HARROW, HA1 3AW
(APPLICATION 2/03)**

Reference: P/0539/11 – (Umang Shah). Change of Use from Office (Class B1) to Education and Training (Class D1).

DECISION: GRANTED permission for the change of use described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

52 SHEEPCOTE ROAD, HARROW, HA1 2JF (APPLICATION 2/04)

Reference: P/0636/11 – (Mr Faheem Ahmed Hashmi). Certificate of Lawful Existing Use: Use of Property as Six Flats and Use of Outbuilding as a Flat.

The Committee was advised that the application was for a Certificate of Lawful Existing Use and not a planning application. Therefore the Committee was not being asked to assess the merits against planning policies but to review against the evidence submitted that the use had been in existence for a period of more than four years. The addendum set out a table of information assessed and summarised from a schedule of tenancy agreements for each of the flats. It was noted that a sworn affidavit had been received.

The Committee noted that a petition signed by more than five persons, which conflicted with the officer's recommendation, had been received and so in accordance with the Council's Schedule of Delegation the application had to be determined by Members.

It was noted that Council Tax records showed that the applicant started paying Council Tax in relation to seven flats from 30 September 2009. The Council's Electoral Register did not reflect the fact that there were seven self contained flats on the land. However, these facts were not enough to conclusively refute the information/evidence submitted by the applicant in support of the application.

During discussion on the application, Members asked a number of questions which were responded to as follows:

- the law required a local authority to take enforcement action within a four year period, once the four year period had elapsed it was immune from enforcement. The dwellings were self-contained so it was not a House in Multiple Occupation (HMO), for which there was a ten year time requirement;
- an investigation had taken place as a result of a representation in 2008 regarding this property. There had been no response to letters sent to the landlord. The subsequent enforcement notice had been withdrawn to allow an application for lawfulness to be submitted;

- evidence had been submitted that the first lettings had taken place in 2004. All flats had their own kitchen and bathroom and did not share facilities and the affidavit demonstrated that that had been the case for more than four years;
- the legal opinion was that it was more likely than not that the dwelling had been so used for more than four years. The officers had reviewed tenancy documents submitted in evidence and considered that the affidavit was validly made and was acceptable under UK law;
- the legal issue was not whether the occupation of the flats was illegal but whether evidence had been submitted that showed that the flats had been in use as self-contained units for a continuous period of four years. Where the Council had no independent evidence of its own to contradict the applicant's evidence, there was no good reason to refuse the application.

Should the application be refused, it was probable that a public enquiry would be held to determine the application, at which the Council would be required to provide evidence which refuted the applicant's contention that the flats had been in use for more than four years. If the Council failed to produce such evidence, costs could be awarded against the Council.

A ten minute adjournment was agreed during the discussion to enable Members to view the affidavit and original tenancy documentation.

Members expressed concern that the Committee was unable to consider the merits of the application, solely whether on a balance of probability the use had been in existence for a continuous period of at least four years prior to the date of the application. The Committee noted that continuous use did not mean that there were no gaps in occupation but, rather, whether the gaps were sufficiently long for a conclusion to be drawn that the use had been abandoned.

The officers were requested to liaise with the relevant Council departments to initiate recovery of unpaid Council tax and to investigate the recovery of illegal rent through the Proceeds of Crime Act.

The Committee received a representation from a Member which was noted. The Committee received representations from an objector, Mr Tucker, and a representative of the applicant, Mr Bloomfield.

DECISION: GRANTED a Certificate of Lawful Existing Use as described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the voting was as follows:

Councillors Keith Ferry, Thaya Idaikkadar and William Stoodley voted to grant the application.

Councillors Stephen Greek, Joyce Nickolay, Bill Phillips and Anthony Seymour abstained.

464 PINNER ROAD, HARROW, HA2 6EG (APPLICATION 2/05)

Reference: P/0724/11 – (Ms Victoria Silver). Certificate of Lawful Proposed Development: Single Storey Rear Extension and Alteration to External Elevations.

The application was reported to the Committee because the applicant was a Council Member.

DECISION: GRANTED a Certificate of Lawful Proposed Development as described on the application and submitted plans, subject to informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous by those present and able to vote.

LAND ADJACENT TO 29 SUMMIT CLOSE, EDGWARE, HA8 6EJ (APPLICATION 2/06)

Reference: P/0595/11 – (Pinner Developments). Demolition of 2 Blocks of Lock Up Garages; Redevelopment to Provide Three Detached Single Storey Houses with Parking, Landscaping and Bin Store (Retrospective).

It was noted that:

- the development had commenced on site without prior approval of the pre-commencement conditions. The application sought to regularise the position;
- the height of the dwellings was as previously approved and the high level windows had been removed from the design;
- the Applicant's representative stated that the distance between the new development and the objector's house was 17 metres. The developer had agreed to repair the damage to the objector's concrete post;
- the clarification of the boundary had resulted in a reduction in garden space;
- the provision of four car parking spaces was included in the application.

The Committee received representations from an objector, Mr Rodrigues, and a representative of the applicant, Mr Kraskian.

DECISION: GRANTED permission for the development described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the voting was as follows:

Councillors Keith Ferry, Thaya Idaikkadar, Bill Phillips and William Stoodley voted to approve the application.

Councillors Stephen Greek, Joyce Nickolay and Anthony Seymour abstained.

WEST HOUSE, WEST END LANE, PINNER, HA5 1AE (APPLICATION 2/07)

Reference: P/1016/11 – (Christopher Mote.) Change of Use of Second Floor from an Office (Use Class B1) to a Medical Facility (Use Class D1).

The application was reported to the Committee because the applicant was a Council Member.

DECISION: GRANTED permission for the change of use described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous by those present and able to vote.

MCDONALD'S RESTAURANT, SHAFTESBURY CIRCLE, HA2 OAE (APPLICATION 2/08)

Reference: P/0971/11 – (McDonald's Restaurant Ltd). Demolition of the Existing Single Storey Building Adjacent to Restaurant; Alterations to the Layout of Existing Restaurant to Create a New Drive Thru Lane & Covered Area, Alterations and Extension to Existing Car Park, Landscaping and Outdoor Seating; New Drive Thru Booths, Closure of Existing Vehicular Access on Shaftesbury Avenue; External Alterations.

The Chairman reported that a site visit had taken place.

In response to a question it was noted that all traffic issues had been addressed to the satisfaction of the officers. The Committee received information on the arrangements for dealing with litter in the vicinity of the premises.

DECISION: GRANTED permission for the development described on the application and submitted plans, subject to conditions and informatives reported.

The Committee wished it to be recorded that the decision to grant the application was unanimous.

HARROW TOWN SPORTS CLUB, 258 RAYNERS LANE, HARROW, HA2 9TY (APPLICATION 2/09)

Reference: P/0784/11 – (Michael Nye Design). Extension of the Existing Car Park (Access from Rayners Lane); Two X 4.5m Floodlight Columns; New 2m High Fencing to Boundary of Car Park.

DECISION: GRANTED permission for the development described on the application and submitted plans, subject to conditions and informatives reported, with a further amendment to Condition 4 to read as follows:

The floodlighting hereby permitted shall only be used on any day between the hours of 30 minutes before sunset until 2200 hours, unless the prior written permission of the local planning authority is obtained.

Reason: In order to ensure that neighbouring residential amenities are protected in accordance with saved policy D23 of the Harrow Unitary Development Plan (2004).

The Committee wished it to be recorded that the decision to grant the application was unanimous.

149. Proposed Amendments to Council Constitution in relation to Information on the Rights of Applicants, Objectors and Members to Speak at the Planning Committee

The Committee received a report of the Director of Legal and Governance Services which set out proposed amendments to paragraph 30 of the Council's Committee Procedural Rules in relation to information on the rights of Applicants, Objectors and Members to speak in relation to Applications at the Planning Committee.

The proposal was that, for any planning application, the number of Members, who were not Members of the Committee, speaking be up to three and the time limit be up to five minutes each. It was noted that, in exceptional circumstances, the Council's Constitution allowed for the Committee to suspend the procedural rule in order to increase the number of Members to speak or to extend the time limit.

RESOLVED: That the Constitutional Review Working Group be advised that the Committee supported the proposed amendments to paragraph 30 of the Council's Committee Procedural Rules as set out in Appendix A.

150. INFORMATION REPORT - Urgent Non-Executive Decision: Kingsgate House, 29-39 The Broadway, Stanmore

The Committee received an information report of the Director of Legal and Governance Services advising of a non-executive urgent action to agree an extension of the time period allowed by the Planning Committee on 9 February 2011 for completion of a section 106 Agreement from 9 May 2011 to 9 July 2011.

The delegation to the Divisional Director of Planning to refuse planning permission for the proposed development if the section 106 Agreement was not completed by 9 July 2011 had also been agreed.

RESOLVED: That the report be noted.

151. INFORMATION REPORT - Urgent Non-Executive Decision: Kingsland Hotel, London Borough of Brent

The Committee received an information report of the Director of Legal and Governance Services advising of a non-executive urgent action decision to inform the London Borough of Brent that Harrow Council had raised an objection to the application for planning permission for the Kingsland Hotel, Kingsbury Circle, Brent. The reason for the objection was that:

‘The proposed hotel, by reason of excessive height and visual bulk, would appear unduly prominent and would not relate satisfactorily to its immediate surroundings and to the built form of the adjacent part of the London Borough of Harrow.’

RESOLVED: That the report be noted.

152. Member Site Visits

RESOLVED: To note that there were no site visits to be arranged.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.43 pm).

(Signed) COUNCILLOR KEITH FERRY
Chairman