

# PLANNING COMMITTEE

## MINUTES

### 27 SEPTEMBER 2012

**Chairman:** \* Councillor Keith Ferry

**Councillors:** \* Mrinal Choudhury \* Bill Phillips  
\* Stephen Greek \* William Stoodley  
\* Joyce Nickolay \* Stephen Wright

\* Denotes Member present

#### 309. Attendance by Reserve Members

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

#### 310. Right of Members to Speak

**RESOLVED:** That, in accordance with Committee Procedure Rule 4.1, the following Councillors, who were not Members of the Committee, be allowed to speak on the agenda item indicated:

<u>Councillor</u>	<u>Planning Application</u>
Councillor James Bond	1/02 354-356 Pinner Road, Harrow
Councillor Sasi Suresh	1/02 354-356 Pinner Road, Harrow

#### 311. Declarations of Interest

**RESOLVED:** To note that the following interest was declared:

Agenda Item 10: Planning Applications – 1/01 1 Eliot Drive, Harrow

Councillor Mrinal Choudhury declared a non-pecuniary interest in that, as a previous Mayor, he had opened some of the showhouses on the site. He would remain in the room whilst the matter was considered and voted upon.

**312. Minutes**

**RESOLVED:** That the minutes of the meeting held on 5 September 2012 be taken as read and signed as a correct record subject to an amendment to the first sentence of the third paragraph on page 5 to read 'and applauded the road straightening process'.

**313. Public Questions, Petitions and Deputations**

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

**314. References from Council and other Committees/Panels**

**RESOLVED:** To note that there were none.

**315. Representations on Planning Applications**

**RESOLVED:** That in accordance with the provisions of Committee Procedure Rule 30 (Part 4B of the Constitution), representations be received in respect of item 2/04 on the list of planning applications.

**RESOLVED ITEMS**

**316. 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 Head of Planning to issue the decision notices in respect of the applications considered.

**(APPLICATION 1/01) 1 ELIOT DRIVE, HARROW**

Reference: P/1778/12 (Home Group Limited). Redevelopment to Provide 82 New Dwellings Comprising a Mix of Houses and Flats Within 2, 3 and 4 Storey Buildings; Associated Car Parking and Communal Open Space; Demolition of Existing Buildings.

In response to questions the officer indicated the arrangements for secure cycle parking, the location of open space, the external materials for the

balconies to which condition 2 referred, and the location of the satellite dish to which condition 22 referred.

Arising from further questions, it was noted that:

- the allocation of 60% affordable housing across the estate as a whole was well in excess of that required by the London Plan;
- a meeting would be held with Transport for London (TfL) to discuss the objection it had raised with regard to the impact of the changes on buses in the area, an increase in car parking and clarification of the status of any Travel Plan.

**DECISION: GRANTED** permission for the development described in 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.*

#### **(APPLICATION 1/02) 354 - 356 PINNER ROAD, HARROW**

Reference: P/1891/12 (The Gym Ltd). Change of Use from Retail to Gym/Health and Fitness Centre (Use Class A1 to Use Class D2).

The officer reported that the owners had attempted to market the property as A1 use but had had no success. The proposal would add to the vitality of the area and should increase the footfall for the site and local businesses. Although there was no parking available on site, car parking, with one hour free, was available across the road and there was a Controlled Parking Zone (CPZ). Approximately 5% usage was expected to be at night, and environmental health had no objections to the application.

Officers had undertaken a visit to a similar gym/health and fitness centre run by the applicants which was also below a block of flats.

It was for the Planning Committee to make a planning judgement as to whether 24 hour operating was a reasonable imposition and to be aware that a condition limiting hours could result in the permission not being implemented on site. In addition, the operator could appeal to the planning inspector regarding the condition.

In response to questions it was noted that:

- the provisional Greater London Authority (GLA) Community Infrastructure Levy (CIL) contribution was £43,085;
- the section 106 monies earmarked for parking places, in relation to the original development on the site, had been received;

- surrounding properties had been consulted including the North Harrow Assembly Hall and a site visit had taken place;
- officers undertook to ascertain whether there had been any parking on site in the original application as Members recalled.

Members considered three elements of the application:

- the amount of parking available during the day. Car parking would have been required for the previously approved use as a supermarket, both for staff and the public, and the amount of parking resulting from the current application was believed to be substantially lower;
- the 24 hour operation and whether this would result in disturbance to residents. Sound insulation would be covered by building regulations and environmental health;
- the noise arising from use as a gym and whether there would be an affect on those living above. There was a condition to deal with the control of noise emanating from the site which required a full acoustic report and layout of audio visual equipment and a compliance certificate.

**DECISION: GRANTED** permission for the development described in the application and submitted plans, subject to conditions and informatives reported and as amended by the addendum.

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

#### **(APPLICATION 2/01) 71 - 73 STATION ROAD NORTH HARROW**

Reference: P/0496/12 (Mr M Qureshi). Change of Use from Retail to Minicab Office (A1 to Sui Generis).

The Committee was informed that the application was reported to the Planning Committee because the proposal would constitute a departure from the Harrow Unitary Development Plan (HUDP).

In response to questions, it was noted that:

- the word 'site' in the first line of the reason of condition 2 should be replaced by 'premises';
- with regard to parking concerns, a condition was proposed that vehicles should be controlled and directed by radio broadcast in order to prevent customers entering and leaving the premises;
- as it was a new venture, the number of vehicles was unknown but would be 2 or 3 cars initially;

- it was considered reasonable to recommend a two year temporary planning permission, subject to monitoring, which would enable reconsideration of the position in two years time;
- it was not enforceable to stipulate that the vehicles could not park in the area;
- the nearest minicab company was in Rayners Lane;
- the application was outside the Local Development Order (LDO) as sui generis applications had to be dealt with on their merits.

A Member of the Committee proposed refusal on the grounds that:

The applicant had failed to demonstrate that the proposed development, by reason of the increased vehicle generation and parking of minicabs within the existing highway network, would not lead to increased levels of parking, resulting in an unacceptable deterioration of highway safety and amenity, to the detriment of local residents and other highway users, as well as causing harm to the economic vitality of the local town centre. It was therefore contrary to saved HUDP policies T6, T13 and EP25.

The motion for refusal was seconded, put to the vote and lost.

**DECISION: GRANTED** permission for the a temporary permission for two years for the development described in the application and submitted plans, subject to conditions and informatives reported, as amended by the addendum.

*The Committee wished it to be recorded that the decision to grant the temporary permission was as follows:*

*Councillors Keith Ferry, Mrinal Choudhury, Bill Phillips and William Stoodley voted to approve.*

*Councillors Stephen Greek, Joyce Nickolay and Stephen Wright voted against.*

**(APPLICATION 2/02) PADDA COURT (THE FORMER TIMBER CARRIAGE PUBLIC HOUSE), 19 NORTHOLT ROAD, HARROW**

Reference: P/1762/12 (Forest Property Development Ltd). Discharge of all Obligations in the Section 106 Agreement dated 12 December 2005 attached to Planning Permission P/1108/05/CFU Relating to the Provision of Affordable Housing Within the Development).

The Committee noted that the National Planning Framework (clause 176) and Localism Act (clause 143) had introduced the requirement for Planning Committees to take into account financial constraints in certain applications. The officers undertook to provide a briefing note on the subject for Members.

**DECISION: APPROVED** the discharge of all the obligations of the section 106 Agreement dated 12 December 2005 as set out in the report, subject to the applicant entering into a Deed of Release with the Council and payment of Harrow Council's reasonable costs in the preparation of the Deed of Release.

*The Committee wished it to be recorded that the decision to discharge the obligations was as follows:*

*Councillors Mrinal Choudhury, Keith Ferry, Stephen Greek, Joyce Nickolay and Stephen Wright voted to approve.*

*Councillor William Stoodley voted against*

*Councillor Bill Phillips abstained.*

### **(APPLICATION 2/03) 22-24 DUDLEY ROAD, HARROW**

Reference: P/2046/12 (Mrs Theeba Akilan). First Floor Extensions to Bungalows to Form Two-Storey Building with Gabled Roofs, Rear Dormers and Front Rooflights; Single Storey Rear Extension to Replace Existing Conservatory at No.24; Conversion of Extended Building to Four Flats (Part Retrospective).

The Committee was informed that planning permission P/1673/11 for the works which comprised this application was granted in August 2011. As development commenced without conditions being discharged, the applicant had reapplied for planning permission for the whole scheme, part of which now related to retrospective works. It was noted that the number of flats had been reduced from six to four.

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

*The Committee wished it to be recorded that the decision to grant permission was as follows:*

*Councillors Keith Ferry, Mrinal Choudhury, Bill Phillips and William Stoodley voted to approve.*

*Councillors Stephen Greek, Joyce Nickolay and Stephen Wright abstained.*

### **(APPLICATION 2/04) 5 CANONS CORNER, EDGWARE**

Reference: P/2142/12 (Mr Muhammad Shami). Change of Use Retail to Restaurant and Take - Away (Use Class A1 to Use Class A3/A5); Installation of Ventilation Ducts at Rear.

An officer reported that the Canons Corner neighbourhood parade comprised eight A1 retail units and one A2 use. It was noted that the addendum contained additional comments from Environmental Health and responses to points raised by an objector.

In response to questions it was noted that:

- the closing times were as detailed in condition 2;
- with regard to parking there were more than six pay and display spaces which was considered to be sufficient capacity. Restricted parking and the Controlled Parking Zone (CPZ) had not been implemented at the time a previous planning application was considered by the planning inspectorate. Usage of the parade was not intensive in the evening so spaces should be available during that period. Double parking or parking on corners was deterred by the proximity of a London distributor road;
- the ventilation duct was not attached to the rear elevation;
- officers had taken account of the recent High Court decision which held that local planning authorities must have regard to the impact of a proposed takeaway on local schools;
- the plans showed a substantial seating area;
- wholesale business was not part of the current application and would not be permitted under the planning permission sought.

The Committee was informed that a condition that deliveries to the premises should not take place beyond 23:00 Mondays to Fridays had been proposed as there was currently no restriction on delivery times for the parade of shops, which were serviced from the rear service road. The suggestion by Members that the time should be reduced to 21:00 was considered acceptable by the officers.

A Member of the Committee proposed refusal on the grounds that:

The application should be refused as it would have a harmful effect on the amenity of residents in the flats above by virtue of the noise and smell generated; also on the residents in nearby roads because of the unsatisfactory parking arrangements whereby there is controlled parking outside the premises which would cause spillage on to the nearby residential roads at unsocial hours, contrary to saved Policy EM25, EM20 and T13 of the Harrow Unitary Development Plan.

The motion for refusal was seconded, put to the vote and lost.

The Committee received representations from one objector, Mr Dyan, and the applicant, Mr Shami.

**DECISION: GRANTED** permission for the development described in the application and submitted plans, subject to the conditions and informatives reported, as amended by the addendum and with an amendment to

condition 8 to amend the time for deliveries to the premises on Mondays to Fridays to 07:00 to 21:00.

*The Committee wished it to be recorded that the decision to grant the application was as follows:*

*Councillors Keith Ferry, Mrinal Choudhury, Bill Phillips and William Stoodley voted to approve.*

*Councillors Stephen Greek, Joyce Nickolay and Stephen Wright voted against.*

#### **(APPLICATION 2/05) 776 KENTON LANE, HARROW**

Reference: P/2069/12 (Mr Ciaran Horohoe). Demolition of Existing Two Storey Wing and Single Storey Rear Projection; New Two Storey Side to Rear Extension; Internal and External Alterations to Facilitate Refurbishment of Property as Single Family Dwellinghouse; Associated Landscaping, Parking and Access.

The Chairman referred to the permission granted on 23 March 2011, the site visit and briefing.

The officer reported that the addendum contained consultation responses from the Society for the Protection of Ancient Buildings, the Council for British Archaeology and English Heritage. The Committee was informed that a more in-depth, specialist conservation investigation had been conducted on site by English Heritage and a specialist historic building surveyor which concluded that the scheme proposed could not be implemented because of the condition of the building and the inability of the current frame to provide a structural function. Following extensive discussion with English Heritage, the current proposal was considered to be the most effective way to preserve the special interest of the Listed Building subject to the conditions suggested.

In response to a question, the Committee was informed that the medieval timber frame was the most important part of the structure. As it had not proved possible to implement the previous approval, the current application was the only feasible approach. The application also proposed extending the back and side of the building. The appearance of the enabling development was in accordance with the planning permission.

**DECISION: GRANTED** permission for the development described in the application and submitted plans, subject to conditions and informatives reported, as amended by the addendum.

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

#### **(APPLICATION 2/06) 776 KENTON LANE, HARROW**

Reference: P/2110/12 (Mr Ciaran Horohoe). Listed Building Consent: Demolition of Existing Two Storey Wing and Single Storey Rear Projection;



New Two Storey Side to Rear Extension; Internal and External Alterations to Facilitate Refurbishment of Property As Single Family Dwellinghouse; Associated Landscaping, Parking and Access.

**DECISION: GRANTED** listed building consent as described in the application and submitted plans, subject to conditions and informatives reported, as amended by the addendum.

*The Committee wished it to be recorded that the decision to grant the listed building consent was unanimous.*

**(APPLICATION 3/01) 16 ALLINGTON ROAD, HARROW**

Reference: P/0531/12 (Mr Pradeep Shah). Rear Dormer with Juliette Balcony (Retrospective Application).

The Chairman reported that the application had been deferred from the last meeting because the Committee had been minded to grant the application although refusal had been recommended by the officers. Re-notification had taken place in order to provide the opportunity for objections to be made.

**DECISION: GRANTED** permission for the development described in the application and submitted plans

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

**317. Member Site Visits**

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

**318. Any Other Urgent Business**

The Committee was informed that Sasha Singh Batra, an Enforcement Officer, had retired from the Council's service. It was agreed that a letter be sent on behalf of the Committee to thank him for all the work he had undertaken for Harrow.

(Note: The meeting, having commenced at 6.30 pm, closed at 9.05 pm).

(Signed) COUNCILLOR KEITH FERRY  
Chairman