

PLANNING COMMITTEE

MINUTES

20 FEBRUARY 2013

Chairman: * Councillor Keith Ferry

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

* Denotes Member present

358. Attendance by Reserve Members

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

359. 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

David Perry

1/02 Marlborough Primary School,
Marlborough Hill, Harrow

360. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 10 – Planning Application 1/01 The Hive Football Centre (Formerly Prince Edwards Playing Fields), Camrose Avenue, Edgware

Councillor Keith Ferry declared a non pecuniary interest in that he had attended a football match, together with other Councillors, in December 2011 and had received hospitality from Barnet Football Club; he had represented the Council in negotiations regarding an amendment to the lease and had met the Applicant; and he had attended three matches during the current season as a spectator. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Application 1/01 The Hive Football Centre (Formerly Prince Edwards Playing Fields), Camrose Avenue, Edgware

Councillor Mrinal Choudhury declared a non pecuniary interest in that he had attended a football match at the Centre. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Application 1/02 Marlborough Primary School, Marlborough Hill, Harrow

Councillor David Perry declared a non pecuniary interest in that he was a Governor at the school and a member of the Cabinet that had approved the School Expansion Programme. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 11 – Permitted Development – Proposal to Seek an Exemption from Proposed Permitted Changes from Offices to Residential

Councillor Stephen Greek declared a non pecuniary interest in that he was an officer of the London Assembly. He would remain in the room whilst the matter was considered and voted upon.

361. Minutes

RESOLVED: That the minutes of the meeting held on 16 January 2013 be taken as read and signed as a correct record.

362. Public Questions and Deputations

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

363. Petitions

RESOLVED: To note the receipt of a petition objecting to planning application 2/02 Glasfryn Court, Brickfields, Harrow with 32 signatories.

364. References from Council and other Committees/Panels

RESOLVED: To note that there were none.

365. 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 1/02 and 2/02 on the list of planning applications.

RESOLVED ITEMS

366. 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, Planning to issue the decision notices in respect of the applications considered.

(APPLICATION 1/01) THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE

Reference: P/2940/12 (Mr Anthony Kleanthous). Variation of Condition 6 (Landscaping), to Allow Landscaping Detail to be Submitted to the Council after Development has Commenced on Site rather than Prior to the Development Commencing, attached to Planning Permission P/0002/07/CFU Dated 08/04/2008 for Redevelopment for Enlarged Football Stadium and Clubhouse, Floodlights, Games Pitches, Banqueting Facilities, Health and Fitness Facility, Internal Roads and Parking.

DECISION: GRANTED variation of Condition 6 for the development described in the application and submitted plans, subject to the conditions and informatives reported.

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

(APPLICATION 1/02) MARLBOROUGH PRIMARY SCHOOL, MARLBOROUGH HILL, HARROW

Reference: P/2493/12 (Harrow Council). Demolition of Existing School Buildings and Re-Development of Entire School Site over a Series of Construction Phases to Provide a Two and Three Storey Building; Associated Landscaping to Include Hard and Soft Play Areas; New Boundary Treatment; Alteration to Car Parking Layout and Provision of Cycle Storage; New Vehicle Access from Marlborough Hill and Badminton Close (To Expand Existing 2 Form Entry Primary School to Provide 3 Form Entry Primary School).

An officer introduced the application and reported that a site visit had taken place. It was noted that a representation had been received that afternoon from Gareth Thomas MP regarding the concerns raised by the objector.

In response to questions, it was noted that:

- the condition regarding no floodlighting related to the multi use games area. Ambient lighting would be provided in other areas as appropriate;
- the Community Safety Secured by Design Condition was intended to allow appropriate boundary treatment that opened up the area whilst providing a secure perimeter to the site. An enclosed 2.1 metre railing would enable clear views for any security cameras;
- Condition 20 stated that the vehicle crossing to Badminton Close would be used for emergency access only and for no other purpose and was enforceable. The applicant had stated that visually it would appear to be a continuation of the fence;
- the ownership of the fence was not a planning consideration. The focus was on whether the emergency gate was acceptable, taking into consideration the concern of the objector that it could become a school entrance;
- Condition 4 required a Construction method statement to ensure that the construction of the development was managed in a way that, as far as possible, avoided undue impact on the amenities of Badminton Close. This included the parking of construction vehicles;
- the Construction method statement would provide for the dealing of noise and phasing of the development. The submission of detail on the statements was not subject to consultation by the local Planning Authority with residents. Control of Noise Regulations and/or environmental health enforcement could be invoked if appropriate;
- should the developer wish to amend the external materials to change timber for another, condition 3 would provide some flexibility provided the overall appearance did not change. The indication was that the timber proposed was untreated timber;
- the Council highway department had confirmed that Badminton Close was adopted highway with the first 2 spits falling within the control of the Highway Authority.

The Committee received representations from one objector, Mrs Howarth, and the applicant, Marcus Toombs.

DECISION: GRANTED permission, under Regulation 3 of the Town and Country Planning General Regulations, for the development described in the

application and submitted plans, as amended by the addendum, subject to the conditions and informatives reported.

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

(APPLICATION 2/01) 132 BUTLER ROAD, WEST HARROW

Reference: P/2675/12 (Mr Mazzi & Mr Sharkey). Retrospective Application for the Revised Footprint of Units 1, 2 and 3, Revised Drainage Details and Alterations to External Elevations in Connection with the Redevelopment of Land to the Rear of 132 Butler Road to Provide a Pair of Semi-Detached Houses and a Detached Bungalow with Access and Parking (Variation of Planning Permission Ref: P/1414/09 dated 15/10/09).

The Chairman reported that a site visit had been made.

In response to a question, it was noted that had the increased footprint been included in the original application the officers would have recommended grant.

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 2/02) GLASFRYN COURT, BRICKFIELDS, HARROW

Reference: P/2959/12 (Glasfryn Court Management Co Ltd). 1.9m High Gate Fronting Roxeth Hill.

The Chairman stated that the Committee did not have authority to consider the legal implications of the right of way or highway regulations as its brief was consideration of the material planning procedures.

An officer introduced the report stating that the gate was considered acceptable in visual terms. The potential impact on the right of way was a separate but material consideration. The right of way shown by the definitive map had been obstructed by gates erected subsequent to a 1993 planning permission. The ability to enforce against an obstruction of a right of way was not a planning issue, being subject to the Highways Act 1980 and the management company had been advised to seek approval from the Highway Authority prior to undertaking any works. A Condition regarding details of any latch and a self closing mechanism was considered acceptable.

In response to questions, it was noted that

- whilst any action regarding the notice on the wall stating that there was no public access was a matter for the highways authority, councilors could make representations to the highway authority;

- officers considered the proposal to be acceptable in planning terms;
- the highway authority had a legal obligation to ensure free passage of a public right of way;
- the sign to the side of the proposed gate was not part of the planning application;
- as the approach to the gate was by means of a sloping route with steps, the officers considered that erection of a gate was not considered to add a significant additional burden to users of the route. This was nevertheless a judgement of the Planning Authority, and not the highway authority.

The Committee received representations from one objector, Alan Evans, and the applicant presented a written representation.

The officers were asked to request the highways department to erect a footpath indicator sign for footpath 120 in the vicinity of the gate.

DECISION: GRANTED permission for the development described in the application and submitted plans, as amended by the addendum, subject to conditions and informatives reported with an amendment to the end of condition 2 that ‘the gate shall at no time be fixed shut’.

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

Councillors Mrinal Choudhury, Keith Ferry, Stephen Greek, Joyce Nickolay, Bill Phillips and William Stoodley voted to grant the application.

Councillor Stephen Wright abstained.

(APPLICATION 2/03) LOWLANDS RECREATION GROUND, LOWLANDS ROAD, HARROW

Reference: P/0218/13 (Harrow Council). Earthworks to Include Banking and Changes in Levels, Retaining Wall, and Associated Landscaping.

The Committee considered this application as a matter of urgency because the proposal was in line with the corporate priority to support town centres and a February decision was required in relation to the funding from the Mayor’s Outer London Fund.

An officer reported that extensive consultation had taken place with Transport for London, ward Councillors, Council departments, Friends of Lowlands Recreation Ground and residents within the Conservation Area. An additional consultation response from the Conservation Area Advisory Committee expressing concern regarding the form of the hatched area was included in the addendum but this area was not part of the current planning application.

The proposal would facilitate further works at the recreation ground which would be the subject of a full application in due course.

In response to questions it was stated that:

- there was a commitment to fund the works over two years with the early engineering works being undertaken in the current financial year;
- access for grasscutting machinery would be facilitated;
- at present there was no intention to create a path around the inner part of the bowl structure;
- a consultant was undertaking work in connection with commercial viability and a business plan regarding the performance area. The nature of the performances would be a matter for the Licensing Panel.

DECISION: DELEGATED authority to the Divisional Director of Planning to grant planning permission, subject to conditions and informatives, following the end of the consultation period, as amended by the addendum.

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

367. Permitted Development - Proposal to Seek an Exemption from Proposed Permitted Changes from Offices to Residential

The Committee received a report of the Divisional Director of Planning regarding the intention of the government to amend the scope of permitted development to provide for the change of use between office (Class B1(a)) and residential (Class C3) use classes. Members were informed that the proposals had prompted widespread concern amongst planning authorities located in areas where there was a high demand for residential development, and where the differential between office and residential land values were significant.

It was noted that exemptions to the introduction of the new permitted development rights would only be granted in exceptional circumstances where it could be demonstrated that it would lead to either; a) the loss of a nationally significant area of economic activity or b) substantial adverse economic consequences at the local authority level which were not offset by the positive benefits that the new rights would bring. The officers considered that given the exceptional circumstances that existed within the Heart of Harrow Intensification Area, the Council should seek exemption from the provisions for this defined part of the borough.

The Committee was informed that due to the high value of residential accommodation, it was feared that office accommodation would be displaced and landlords seek residual. Employment in Harrow would then be affected. Other controls such as planning conditions could also not be applied.

RESOLVED: That

- (1) the officers write to the Secretary of State to request an exemption from the government's proposed changes to permitted development rights for the Heart of Harrow Intensification Area for the reasons set out in this report;
- (2) that copies of the letter be circulated to Members of Parliament, London Assembly Members and London Assembly Planning Committee members.

368. INFORMATION REPORT - Update on Planning Appeals and Enforcement Notices

Consideration was given to a report of the Divisional Director of Planning which provided an overview of planning appeal decisions received by the Council and enforcement statistics in Quarter 3 of 2012/2013.

The Committee was advised of concern at the effect of the Secretary of State's revised costs circular which would allow third parties to seek costs on a planning appeal. A report providing further information would be submitted to the Committee.

RESOLVED: That the report be noted.

369. 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 8.45 pm).

(Signed) COUNCILLOR KEITH FERRY
Chairman

APPENDIX

Sam Pigeon
Department for Communities and Local
Government
Zone J4
Eland House
Bressenden Place
London
SW1E 5DU

E-mail: Samantha.Pigden@communities.gsi.gov.uk

21 February 2013

Dear Sam

Permitted Development rights for change of use from Commercial to residential – request for exemption

I refer to the letter from the Chief Planner dated 24th January in connection with the proposals for the above.

On behalf of the London Borough of Harrow, and in accordance with the resolution of Harrow's planning committee, I write to seek a "ground B" exemption (substantial adverse economic consequences at the local level) for the Harrow and Wealdstone Area for Intensification (the Heart of Harrow) for the reasons set out below.

The enclosed 1:4,500 OS extract outlines the extent of the Harrow and Wealdstone Area for Intensification. The area outlined is defined in the adopted London Plan as a regional priority for regeneration and economic output for London [LP ref Policy 2.13 & Annex 1] and the Harrow Core Strategy (adopted 2012). An Area Action Plan DPD for the defined area has recently (Jan 13) been the subject of independent examination and the authority is awaiting the report of the appointed inspector into the soundness of the document.

The London Plan, Core Strategy and emerging AAP aim to secure a minimum of 3,000 new jobs and 1,800 new homes in the Heart of Harrow over the plan period.

The economy of Harrow

Harrow's Local Economic Assessment 2012 (LEA) indicates that some 68,000 people currently work in Harrow. Between 2005 and 2011, Harrow has seen a 66% decline in larger (200+ employees) businesses (typically operating from single site office buildings). In West London, IBDR data shows that Harrow has the lowest number of businesses overall. Over 78% of Harrows current businesses employ less than 5 people - the highest proportion in West London (LEA).

The Business Register and Economy Survey 2010 indicates that 55% of Harrow's workforce falls into categories reflecting the "knowledge economy". The growth of knowledge based enterprises is seen as key to maintaining the competitiveness of the UK economy. Whilst Harrow has the lowest absolute number of jobs in the knowledge economy in West London, MJ has ranked the Borough 6th in England (and second in London) for "Human Resources," reflecting its potential to act as a location for sustainable economic growth through knowledge based enterprise. Office based jobs continue to account for the largest employment grouping - 29.2% (LEA). Information collected by Banksearch Consultancy Ltd (2012) also indicates that Harrow is the only West London Borough to show continual growth in new business formation since 2006. Since 2008, the largest number of new business start-ups has been in real estate and professional services (essentially office based enterprises). The largest number of new business start ups has been in the "Greenhill" ward, within the Harrow and Wealdstone Area for Intensification.

Office accommodation in Harrow.

The recently published Harrow Annual Monitoring Report (April 2011 - March 2012) shows office floorspace in the borough has reduced from 400,601 sq.m in 2003 to 324,173 sq.m in 2012. Much of this loss can be attributed to mix use re-development of old and redundant office space, consistent with the Borough's policy of office renewal. The AAP area accounts for some 57% of Harrow's overall office stock. A quarter of all people employed in the borough (25.45%), work in Harrow Town centre.

As part of the examination of the core strategy, Site Allocation Development Plan Document and the proposed Community Infrastructure Levy, the Council has recently undertaken assessments of development viability which have looked at land values and rental yield across the borough, and within the "Heart of Harrow" (ref GVA). This analysis demonstrates a significant difference in office and residential land values (£250 p.sq.m and £1480 p. sq.m respectively) that would make the conversion of office space to residential especially attractive in all circumstances and in all locations across the borough, but especially within the areas of high public transport and amenity access such as the Harrow and Wealdstone Intensification area.

Housing supply and management

The London Plan 2011 proposes an annual housing target for Harrow of 350 new units per year. Within the Harrow and Wealdstone Intensification area, the plan has a target for 1,800 homes, and 3,000 new jobs. In the last 12 months, the Council has worked with developers to approve over 1,500 new homes within this area, together with new office and employment space and the essential infrastructure required to enable developers and investors to build sustainable housing. The Council is acutely aware of its role, in helping to plan for London's future employment and housing needs. Housing demand in the Borough remains strong but the Borough is already outperforming its planned housing target (by 197% since 2009) through intelligent and sensitive management of land and buildings. Harrow is one of only 10 boroughs in London to have exceeded its housing delivery target in the London Plan last year – and has done so consistently over the past five years.

The Core Strategy and Site Allocations Development Plan Development's which were the subject of recent examination, have identified and allocated sufficient land across the Borough to fully meet the 15 year housing target within the London Plan, without relying on the need for windfall office conversions to meet an identified shortfall. The Borough has

successfully and deliberately managed conversions of unsuitable second hand office stock into high quality, sustainable mixed use developments where the residential component has been able to cross subsidise new, employment floorspace to meet employment as well as social and economic regeneration objectives.

Heart of Harrow as a strategic employment location

The Heart of Harrow already contributes some 57% of the office accommodation and 72% of the employment provided within the Borough. The London Plan (2011) and Heart of Harrow Area Action Plan (Pre submission consultation draft) seek to utilise the excellent connectivity, and ready supply of development sites (56Ha across the Borough) to deliver a significant uplift in economic, social and physical outcomes. The planning strategy envisages mixed use re-development on a number of allocated sites for a combination of employment (including office) development enabled by new higher quality, and higher density residential development. The strategy has been welcomed by the development industry for providing certainty and consistency to enable investment to take place, whilst safeguarding values and the overall range of amenities, including employment, required to create a successful, sustainable metropolitan centre.

Harrow as an incubator of Small and Medium Enterprise

The Local Economic Assessment 2011/12 states that small businesses employing 0-4 employees constitute 78% of all businesses in the borough. One in five of those businesses had been established within the last two years, much higher than the national average of 15%. The majority of employment in Harrow takes place within small businesses, which traditionally use secondary and lower cost employment space, such as offices. The supply of suitable, affordable offices has emerged to meet these demands, with a range of low cost, flexible tenancies.

The Annual Monitoring Report shows that vacant office space fell in the Metropolitan Town Centre by 1,180 m² creating 56 jobs. The council expects this trend to continue. It is investing, jointly with the Greater London Authority, £3.2million in public realm improvements and is starting an major inward investment initiative, funded in part by developers such as Land Securities which aims to actively market these amenities, and the opportunities provided by the borough, to new businesses and investors. The natural location for such enterprises, particularly touchdown investors from overseas, is the Heart of Harrow area, with its excellent communications to central London and the East and West Midlands, and strong "metropolitan" feel.

Given the significant stock of suitable offices within the defined area (as opposed to prime high value stock) and the private nature of its ownership, as opposed to institutional portfolio based ownership, the Council considers that there is a serious risk of significant quantities of this supply, being converted to residential use without planning permission. Not only will this will drive up residual office values, prompt the termination of leases and result in the loss of a wide range of Small and Medium Enterprise business, but it will also constrain the supply of new space to emerging and growing SME which forms the cornerstone of the current and forecast future investment profile for the borough. In turn, this loss of daytime activity will adversely affect the vitality and viability of the retail and associated services within the Town centre, materially undermining the objectives of the Local Plan and London Plan.

Proposal for an exemption

The Council is seeking an exemption for the Harrow and Wealdstone Area for Intensification, as defined in the London Plan 2011 and the Harrow Core Strategy 2012 on

the basis of “*substantial adverse economic consequences at the local authority level which are not offset by the positive benefits the new rights would bring.*”

On the basis of the evidence above, the Council argues that there will be substantial adverse consequences at the local authority level because:

- The Heart of Harrow Area contains the boroughs Metropolitan centre, and has the best conditions, and amenities, to support sustainable, economic growth, in the borough. The Area contains a significant quantum of employment generating office stock, housing employment sectors (and sizes) that are important for the borough, and are forecast to continue to play an important part if economic growth in the borough.
- The economy of Harrow is based upon small business (less than 5 employees) within areas of activity which require flexible, affordable office stock to grow and succeed.
- The Mayors office, Local Strategic Partnership, Community and developers and investors have agreed that the Heart of Harrow should be the focus for employment in the Borough (see above)
- There is a significant differential between office and residential land values within the area identified and evidence of a declining supply of office stock across the borough.

The Council, Mayor of London and development industry are already investing significant sums of public money, and have a long term commitment to investment in economic development requiring office type floorspace within the Heart of Harrow as part of a sustainable vision for growth in Harrow. Because of the quantum of secondary office accommodation, the significant price differential and the housing need in the borough, the proposals will have a significant adverse impact upon the delivery of development sites allocated for comprehensive mixed use development using cross subsidy to support sustainable development and the associated infrastructure to secure regeneration in the Heart of the Borough.

In support of the proposal for an exemption, the Council can also demonstrate that housing delivery in the borough would not be jeopardised because:

- The Council has an up to date Planning Policy framework with significant allocated land for housing development across the borough.
- The Borough has consistently managed its land supply to exceed housing targets (and is one of only 10 boroughs in London to do so).
- The Council has approved in excess of 1500 new homes within the Heart of Harrow over the last 12 months, comprising a range of housing types and formats. There are 17 housing sites already allocated for re-development in the Heart of Harrow Area Action Plan and a pipeline of housing sites encompassing a minimum of 3,400 new units over the plan period.

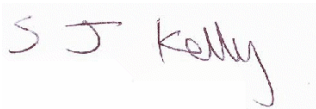
Conclusions

The proposals to enable the conversion of offices to residential use may provide a stimulus to development in some parts of the Country. In Harrow, where the Council has sought to pro-actively manage housing and employment land supply, as part of a progressive, planned development framework, the proposals risk seriously undermining the capacity of the Council and developers to deliver the comprehensive regeneration of the area. The Borough has consistently met, and planned for housing need, and has managed with

developer partners, a pipeline of sites for housing, in full accordance with the objectives of the National Planning Policy Framework. The emerging focus on Small and Medium Enterprise, and the investment made in promoting Harrow, and North West London, as a key part of London's future enterprise storey risks being fatally undermined. For these reasons, the Council considers that the Heart of Harrow Area for Intensification justifies an exemption from these emerging proposals.

If I can provide any further information, please do not hesitate to contact me by e-mail or telephone.

Yours sincerely

A handwritten signature in blue ink that reads "S J Kelly". The signature is written in a cursive style with a small dot at the end.

Stephen Kelly
Divisional Director of Planning
London Borough of Harrow

Enc: 1:4,500 OS Base Map of Harrow and Wealdstone Intensification Area

Cc: Keith Ferry, Portfolio Holder, Harrow Council