

# Planning Committee AGENDA

**DATE:** Wednesday 20 February 2013

**TIME:** 6.30 PM

**VENUE:** Council Chamber, Harrow  
Civic Centre

**A BRIEFING FOR PLANNING COMMITTEE MEMBERS WILL TAKE PLACE ON MONDAY 18 FEBRUARY 2013 AT 6.00 PM IN COMMITTEE ROOM 3.**

**A SITE VISIT FOR PLANNING COMMITTEE MEMBERS WILL TAKE PLACE ON SATURDAY 16 FEBRUARY 2013 STARTING AT 10.00 AM.**

## **MEMBERSHIP** (Quorum 3)

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**Chairman:** Councillor Keith Ferry

### **Councillors:**

Mrinal Choudhury (VC)  
Bill Phillips  
William Stoodley

Stephen Greek  
Joyce Nickolay  
Stephen Wright

### **Reserve Members:**

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1. Graham Henson
2. Ajay Maru
3. Sachin Shah
4. Jerry Miles

1. Simon Williams
2. Manji Kara
3. Amir Moshenson

**Contact:** Miriam Wearing, Senior Democratic Services Officer  
Tel: 020 8424 1542 E-mail: [miriam.wearing@harrow.gov.uk](mailto:miriam.wearing@harrow.gov.uk)

## **AGENDA - PART I**

### **Guidance Note for Members of the Public attending the Planning 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 disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee;
- (b) all other Members present.

#### **4. MINUTES** (Pages 3 - 12)

That the minutes of the meeting held on 16 January 2013 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 17 (Part 4B of the Constitution).

#### **6. PETITIONS**

To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 15 (Part 4B of the Constitution).

#### **7. DEPUTATIONS**

To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (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 30 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.

**10. PLANNING APPLICATIONS RECEIVED**

Report of the Divisional Director, Planning - circulated separately.

Members are reminded that, in accordance with the Planning Protocol, where Councillors disagree with the advice of the Divisional Director, Planning, 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.

**11. PERMITTED DEVELOPMENT - PROPOSAL TO SEEK AN EXEMPTION FROM PROPOSED PERMITTED CHANGES FROM OFFICES TO RESIDENTIAL (Pages 13 - 18)**

Report of the Divisional Director, Planning.

**12. INFORMATION REPORT - UPDATE ON PLANNING APPEALS AND ENFORCEMENT NOTICES (Pages 19 - 26)**

Report of the Divisional Director, Planning.

**13. MEMBER SITE VISITS**

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

**14. ANY OTHER URGENT BUSINESS**

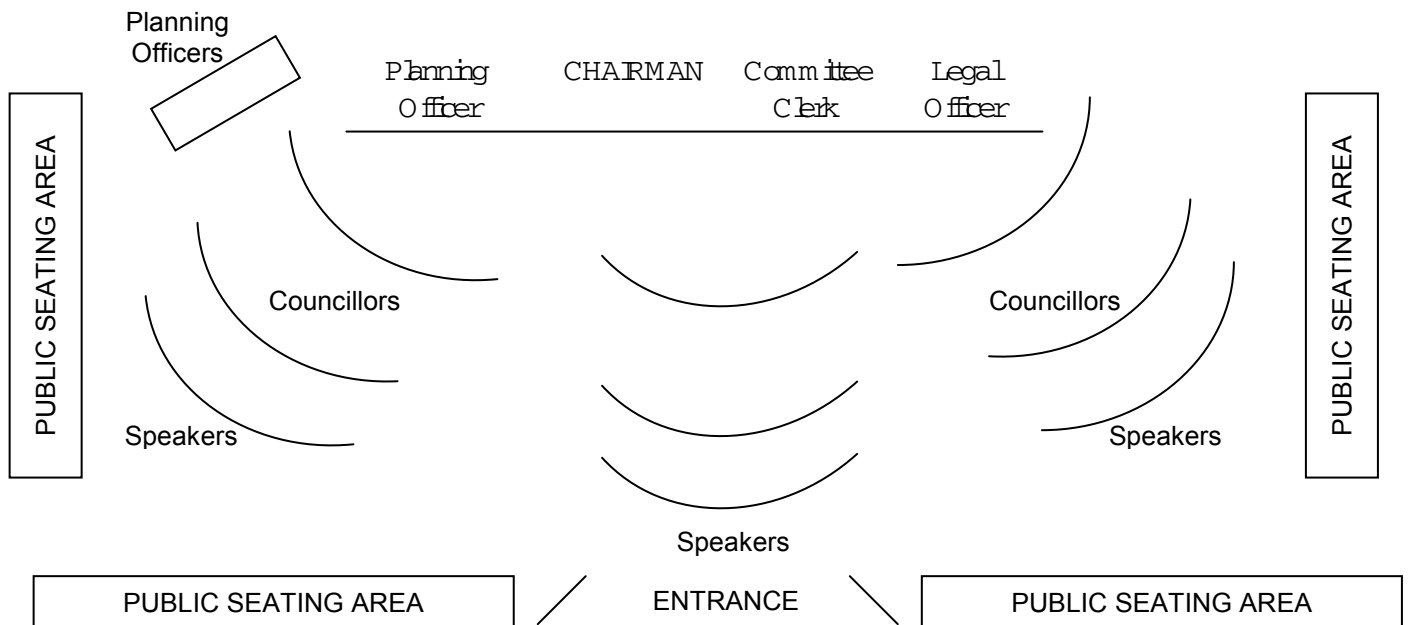
Which cannot otherwise be dealt with.

**AGENDA - PART II - NIL**

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## GUIDANCE NOTE FOR MEMBERS OF THE PUBLIC ATTENDING THE PLANNING COMMITTEE

### Typical Planning Committee layout for Council Chamber



### 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.

The Democratic Services Officer will ask those members of the public, who are seated before the meeting begins, which planning application they are interested in.

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 Planning Committees

**Please note that objectors may only speak if they requested to do so before 5.00 pm 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 Planning 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 Planning Committee”** which is available in both the Planning Reception or by contacting the Committee Administrator (tel 020 8424 1542). 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 Planning 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 Council Chamber from approximately 6.00 pm onwards.**

## **Decisions taken by the Planning 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 Planning Committee procedures. It is not an authoritative statement of the law. Also, the Committee may, on occasion, vary procedures.*)

# PLANNING COMMITTEE

## MINUTES

### 16 JANUARY 2013

**Chairman:** \* Councillor Keith Ferry

**Councillors:** \* Mrinal Choudhury \* Joyce Nickolay  
\* Stephen Greek \* Bill Phillips  
\* Ajay Maru (2) \* Stephen Wright

\* Denotes Member present

#### 348. Attendance by Reserve Members

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

Ordinary Member

Councillor William Stoodley

Reserve Member

Councillor Ajay Maru

#### 349. 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

James Bond

Planning Application

2/05 – 62 Imperial Drive, North Harrow

**350. Declarations of Interest**

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

Agenda Item 10 – Planning Application 2/01 - Bentley Priory, The Common, Stanmore

Councillor Keith Ferry declared a non-pecuniary interest in that he was Chairman of the Bentley Priory Mansion House Operational Investment Trust. He would remain in the room whilst the matter was considered and voted upon.

**351. Minutes**

**RESOLVED:** That the minutes of the meeting held on 12 December 2012 be taken as read and signed as a correct record.

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

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

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

**RESOLVED:** To note that there were no references from Council or other Committees or Panels to be received at the meeting.

**354. Representations on Planning Applications**

**RESOLVED:** To note that no representations had been received.

**RESOLVED ITEMS**

**355. 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. Members were advised that application 2/07 was deferred to the next meeting and not 2/03 as stated on the addendum.

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

**(APPLICATION 1/01) KINGSGATE HOUSE, 29-39 THE BROADWAY, STANMORE**

Reference: P/3016/12 (Jasper Homes Ltd). Change of Use of First, Second and Third Floors from Office Use to 19 Self Contained Flats (Class B1 to C3); Extension at Third Floor; External Alterations including Installation of



Windows, Rooflights and Solar Panels; New Entrance; Refuse and Cycle Storage at Ground Floor; Minor Alterations to External Parking and Landscaping; Additional Offsite Parking Area (12 Spaces) at the Rear of 14-30 (Even) The Broadway, Stanmore (Retrospective Application).

An officer reported that sixteen of the flats were fully compliant with Lifetime Homes Standards. Although the additional three flats on the third floor were not fully accessible as there was not a lift, there was no requirement for a lift.

In response to queries raised by Members, responses were provided as follows:

- the pre-application discussion had taken place subsequent to the initial application to develop the roof terrace to the third floor;
- the Head of Terms relating to affordable housing was based on the additional flats and had been calculated using the viability appraisal;
- an amendment would be made to the table on page 10 regarding the number of each size of property;
- the consultation had included any properties which could potentially be overlooked and no responses had been received. The top floor of the development would not be visible from these properties;
- the Highways officers considered the location of the car parking acceptable. It was advised that the use of the car parking spaces was not a material planning consideration. As the car parking provision was in situ from the previous development it was considered acceptable although in excess of the London Plan (2011).

#### **DECISION:**

- (1) **GRANTED** permission for the development described in the application and submitted plans, subject to conditions and informatives reported and the completion of a Section 106 Agreement by 17 February 2013;
- (2) the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, be authorised to seal the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement;
- (3) that if the Section 106 Agreement was not completed by 17 February 2013 the Divisional Director of Planning be delegated to **REFUSE** planning permission on the grounds laid out in the report.

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

**(APPLICATION 1/02) THE ROYAL NATIONAL ORTHOPAEDIC HOSPITAL,  
BROCKLEY HILL, STANMORE**

Reference: P/3213/12 (The Royal National Orthopaedic Hospital NHS Trust).  
The Laying of a Services Duct and Associated Excavation Works and The  
Approval For Tree Removal.

The Chairman advised that a separate application for a new hospital had  
been submitted, a presentation on which had been made to the Major  
Developments Panel. It was important to note that the granting of the  
application before the Committee would not indicate the Committee's stance  
on the main hospital application. A Unilateral Undertaking was proposed to  
ensure the delivery of appropriate replacement trees by the Applicant should  
the main planning application be subsequently refused.

An officer reported that the delegation to the Divisional Director of Planning  
was proposed to ensure that the work, if approved, could be undertaken  
outside the bird nesting season. Should any adverse comments be received  
prior to the end of the consultation period the application would be submitted  
to the February Planning Committee. The statutory consultation period had  
been extended to 30 days to allow additional time due to the Christmas  
period.

In response to a question it was noted that the replacement of trees would  
take into account the varying grade of trees.

It was noted that the layout of the proposed works indicated a main entrance  
to the hospital from Wood Lane and not the present access. Officers advised  
that the application before the Committee did not involve creation of a new  
access to the hospital, and did not relate to the relocation of the main hospital  
access. These matters are included within the main hybrid planning  
application which would be considered at a later Committee meeting.

**DECISION:** That the Divisional Director of Planning be delegated to grant the  
planning application, as amended by the addendum, subject to the conditions  
and informatives reported and the completion of an Unilateral Undertaking,  
following the end of the consultation period on 18 January 2013, subject to no  
additional adverse comments being received.

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

**(APPLICATION 2/01) BENTLEY PRIORY, THE COMMON, STANMORE**

Reference: P/2707/12 (Mr James Tavernor). Listed Building Consent:  
Replacement Windows (Retrospective).

**DECISION: GRANTED** listed building consent 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 listed building consent was unanimous.*

**(APPLICATION 2/02) 324-326 STATION ROAD, HARROW**

Reference: P/2854/12 (LCP Real Estate Limited). Creation of New Third Floor to Provide Four Self Contained Flats; External Alterations.

An officer reported that the resident permit restricted wording had been removed due to planning inspector advice.

In response to questions it was noted that it was anticipated that the existing access would continue to be used with the rear access for emergency use. The public realm improvements in the Heads of Terms included lighting improvements to the alleyway to Lyon Road which was adopted highway.

**DECISION:**

- (1) **GRANTED** permission for the development described in the application and submitted plans, as amended by the addendum, subject to conditions and informatives reported and the completion of a Section 106 Agreement by 15 April 2013;
- (2) the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, be authorized to seal the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement;
- (3) that, if the Section 106 Agreement was not completed by 15 April 2013, the Divisional Director of Planning be delegated to **REFUSE** planning permission on the grounds laid out in the report.

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

**(APPLICATION 2/03) EASTCROFT HOUSE, 100 NORTHOLT ROAD, HARROW**

Reference: P/2972/12 (Bellway Homes Ltd). Change of Use of Existing Ground Floor Commercial Unit into Three Self-Contained Flats (Use Class C3); External Alterations.

The officer advised that the application was reported to committee as the proposal constituted a material departure from the development plan and therefore was outside the scheme of delegation.

The Committee was informed that the application was in accordance with the planning inspector view that unsuccessful marketing of commercial space for 2 years was a reasonable indication of the market. Further evidence had been submitted to indicate that the residential nature of the remainder of the ground floor had been a factor.

In response to queries raised by Members, it was noted that the development was just outside the fringe of the South Harrow Controlled Parking Zone (CPZ). The Council was currently reviewing resident parking permits.

It was noted that, as the development would result in inappropriate stacking arrangements with the units on the first floor, there was a condition relating to sound insulation. The concrete ceilings/floors provided good levels of sound insulation.

**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 2/04) DUNWOODY HOUSE, 396 KENTON ROAD, HARROW**

Reference: P/2594/12 (Mr K Popat). Proposed Use of Ground Floor for Alternative Use as Either Class B1 (Office) or Non-Residential Institution for the Provision of Education (Class D1), and Installation of a Platform Lift to Front Entrance.

In response to a question, it was noted that the permission would allow both B1 and D1 use but if one use occurred continuously for a period of 10 years it could not change again.

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

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

**(APPLICATION 2/05) 62 IMPERIAL DRIVE, NORTH HARROW, HARROW,**

Reference: P/2439/12 (Mrs Berta Lilley). Certificate of Lawful Existing Use: Continued Use of a Dwellinghouse as 7 Self-Contained Flats and 1 Non Self-Contained Flat.

An officer reported that the application was deferred from the Planning Committee meeting on 12 December 2012 to allow further consideration of the submitted information by Members and officers. Subsequent to the meeting, a number of Members had been in to see the evidence. Environmental Health had confirmed by letter that in 2007 the property had been divided into self contained flats with kitchens and bathrooms.

The Committee noted that it was not a planning application to be assessed in accordance with planning policies but a Section 191 application in accordance with the Town and Country Planning Act which was evidence based. The officer read out extracts from the 10/97 circular annex 8 which detailed how

the application should be tested. In summary, this provided for the resubmission with further evidence of a previously refused application; a need to consider the balance of probability that the development had been in existence for the last 4 years and not beyond reasonable doubt; the Applicant's evidence did not have to be corroborated; and it was purely a legal test. The officers were not advising that policy standards had been met but that no evidence had been provided against the claim that the development had been in existence for the last 4 years.

A Member expressed the view that the lack of evidence of individual utility bills suggested a HMO rather than individual flats. A further Member stated that he had not seen any evidence of utility bills, invoices for fitting out or for furniture or bathrooms. The only invoices submitted were for maintenance. He would have expected bills to be retained for VAT purposes.

The officer responded that the definition of a HMO under the 2004 Housing Act would allow for the division of a property into flats. This was different to the definition in the Planning legislation.

In response to queries raised by Members, responses were provided as follows:

- the tenancy agreements indicated that the landlord was responsible for gas, electricity, water, and Council Tax Bills;
- it had been confirmed that Environmental Health had not visited the property prior to the issue of the licence for a House in Multiple Occupation (HMO).

In determining the application, Members expressed the view that:

- the stance of the Local Development Framework Panel towards HMOs should be taken into account. The Chairman stated that a Supplementary Planning Document (SPD) had since been adopted for HMOs but the application under consideration was not for a HMO;
- concern was expressed that the names on the tenancy agreements were not registered in the electoral roll. Whilst noting the legal advice that inclusion on the electoral roll was not required, the inclusion in the tenancy agreements submitted of the names that were listed in the register would be expected;
- the tenancy agreements did not include eight concurrent agreements. Therefore the number of flats in existence could not be proved to be 8;
- a reputable landlord would have registered for the appropriate Council tax payments;
- Environmental Health Officers had not visited the property so could not confirm the arrangements.

A Member of the Committee proposed refusal on the same grounds on which the application had been previously refused. This was seconded and put to the vote and carried.

**DECISION: REFUSED** Certificate of Lawful Existing Development for the development described in the submitted plans and application for the following reason:

The Local Planning Authority is not satisfied that sufficient evidence has been provided to demonstrate that, on the balance of probabilities, the single-family dwellinghouse at 62 Imperial Drive, North Harrow, Middlesex, HA2 7LJ has been in use as 7 self-contained flats and 1 non-self-contained flat for a continuous period of at least 4 years prior to the date of this application. The existing development is therefore considered to be unlawful and as such the Local Planning Authority refuse to issue a Certificate of Lawful Existing Development.

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

#### **(APPLICATION 2/06) 271 NORTHOLT ROAD, HARROW**

Reference: P/2721/12 (B Patel). Change of Use of Ground Floor from Shop (Class A1) to Dental Surgery (Class D1).

An officer advised that the application was reported to the Planning Committee because the proposal represented a departure from the Development Plan and therefore was outside the scheme of delegation.

**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 2/07) GLASFRYN COURT, BRICKFIELDS, HARROW**

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

**DECISION: DEFERRED** consideration of the report to the next meeting of the Committee.

### **356. Overview of Planning Appeal Decisions and Enforcement Statistics**

**RESOLVED:** To note that the report would be submitted to the next meeting.

**357. Member Site Visits**

**RESOLVED:** That a site visit be arranged to Glasfryn Court, Brickfields, Harrow.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.12 pm).

(Signed) COUNCILLOR KEITH FERRY  
Chairman

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**REPORT FOR: Planning Committee**

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|                             |  |
|-----------------------------|--|
| <b>Date of Meeting:</b>     | 20 <sup>th</sup> February 2013   |
| <b>Subject:</b>             | Permitted Development – Proposal to seek an exemption from proposed permitted changes from offices to residential. |
| <b>Responsible Officer:</b> | Stephen Kelly, Divisional Director, Planning   |
| <b>Exempt:</b>              | No   |
| <b>Enclosures:</b>          | None   |

**Section 1 – Summary and Recommendations**

On 24<sup>th</sup> January 2013, the government announced its intention 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. The proposals have prompted widespread concern amongst planning authorities located in areas where there is a high demand for residential development, and where the differential between office and residential land values are significant. Whilst the full details of the proposals, which may include some form of “prior approval” process, are outstanding, the Chief Planner has written to all Local Planning Authorities outlining the government’s intention to provide for an “exemption” from the proposals. Requests for an exemption need to be submitted by 22 February 2013.

**FOR DECISION**

**RECOMMENDATION:**

That 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.

## **Section 2 – Report**

The Chief Planner's letter makes it clear that exemptions to the introduction of the new permitted development rights will only be granted in exceptional circumstances where it can be demonstrated that it will 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 are not offset by the positive benefits the new rights would bring.

This paper proposes that the Council write to the Secretary of State, to seek an exemption from the proposed permitted development provisions, for the area covered by the Harrow and Wealdstone (Heart of Harrow) area Action Plan. The reasons for seeking an exemption are set out below.

### **Office accommodation in Harrow.**

The recently published Authority Monitoring Report (April 2011 - March 2012) indicates a decline in office floorspace in the borough from 400,601 sq.m in 2003 to 324,173 sq.m in 2012. Similarly, despite a fall in the middle of the last decade, vacancy rates have moved from 11.5% in 2003 to 14.95% in 2012. Harrow town centre accounts for some 36% of the overall office stock in the borough. Since 2006, vacancy rates have fluctuated from 9.13% (in 2007) to 30.1 % (in 2011), although they have improved to 21.5% in 2012. 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 specific 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." This analysis demonstrates a significant difference in office and residential land values that would make the conversion of office space to residential attractive in all circumstances and locations across the borough but especially within the higher residential value areas, such as Harrow Town Centre and within the north of the borough.

### **Housing supply and management**

Housing demand in the Borough remains strong. Whilst there are a number of stalled residential sites across Harrow, notably Bradstowe House in Harrow Town Centre, the Borough is one of only 10 in London to have exceeded its housing delivery target 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 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 managed conversions of unsuitable second hand stock into high quality, sustainable mixed use developments where the residential component has been able to cross subsidise new, employment floorspace that contributes towards meeting employment as well as physical social and economic regeneration objectives set out in the plan. New developments proposed at Kodak and Colart in Wealdstone, and Lyon Road and Tesco Station Road store in Harrow Metropolitan Town Centre embody a constructive and creative approach to renewal that uses the opportunities provide by the significantly higher value of residential development to deliver homes and infrastructure as part of a clear, long term, strategy for the Heart of

the Borough. This strategy, clearly articulated in the up to date Harrow Core Strategy (2012), mirrors the designation of the area as an Area for Intensification within the London Plan 2011 because of its potential to contribute to London's future employment and housing needs.

### **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 (46Ha) to deliver a significant uplift in economic, social and physical outcomes. The 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 developments. 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 takes place within small businesses, which traditionally use secondary and lower cost employment space, such as offices. The supply of offices has grown 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 m<sup>2</sup> creating 56 jobs. The council expects this trend to continue. It is investing, jointly with the Greater London Authority millions of pounds 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 provide 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 second grade offices within the heart of Harrow (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 risk of significant quantities of this supply, being converted to residential use without planning permission. 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. 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**

It is clear from the Chief Planners letter that the Secretary of State is unlikely to entertain any submission that seeks exemption from the new provisions, for the entire borough. However, officers consider that given the exceptional circumstances that exist within the Heart of Harrow Intensification Area, the Council should seek an exemption from the provisions for this defined part of the borough. Having regard to the Chief Planners letter, these exceptional circumstances are summarised below:

- The area is identified in up to date Local Plan (Core Strategy) and regional Plans (London Plan 2011) as an important employment location in London
- The Council has an up to date Planning Policy framework with significant allocated land for housing development.
- The Borough has consistently managed its land supply to exceed housing targets (and is one of only 10 boroughs in London to do so)
- There is a significant differential between office and residential land values and evidence of a declining supply of office stock across the borough.
- There is a significant quantity of occupied secondary office stock that is likely to be converted to residential use, resulted in displaced local Small and Medium Enterprise and business uses.
- The proposals undermine the delivery of development sites allocated for comprehensive mixed use development alongside associated infrastructure to secure regeneration in the Heart of the Borough.

## **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, officers consider that the Heart of Harrow Area for Intensification justifies an exemption from these emerging proposals.

## **Options Considered**

There are no other options considered. If we choose to take no action then this would mean that we will not be able to opt out at a later date.

## **Financial Implications**

Harrow are currently meeting the housing targets set and permitting this change will increase the enforcement team workload.

Given the existing enforcement workload (some 700 complaints per year, and the significant impact that the proposals are expected to have on the amenities of neighbouring properties, officers expect to see an increase in enforcement complaints, and demands for investigation. The change in the thresholds for what is, and is not, acceptable, may allow the service to “close” a number of existing and outstanding enforcement complaints, but officers expect to have to investigate both development, and if the temporary time period proposed is brought forward, compliance timetables.

The service would need to re-structure, and re-focus, its resource in the event that the proposals were to be implemented. The existing professional resource is unlikely to be able to be sustained within the Council, without additional funding growth. The move from applying officer time to matters of judgement to matters of fact, would provide opportunities to migrate applications from professional officers to technical support staff (who are not necessarily qualified planners) as a means to mitigate the impact of declining fees and ensure these pressures are contained within existing budget .

### **Risk Management Implications**

The proposals risk seriously undermining the capacity of the Council and developers to deliver the comprehensive regeneration of the area.

### **Equalities implications**

None

### **Corporate Priorities**

The proposals will impact upon the ability of the Council to manage the appearance of the built environment, and the amenities of residents and businesses across the borough.

- Inappropriate development gives rise to adverse impacts upon environmental, physical social and emotional wellbeing of our residents. The proposals are therefore at odds with the significant work across the Council and the Heart of Harrow plans.

## **Section 3 - Statutory Officer Clearance**

|                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| Name: Kanta Hirani                  | <input checked="" type="checkbox"/> | on behalf of the<br>Chief Financial Officer |
| Date: 5 <sup>th</sup> February 2013 |                                     |   |
| Name: Abiodun Kolawole              | <input checked="" type="checkbox"/> | on behalf of the<br>Monitoring Officer      |
| Date: 5 <sup>th</sup> February 2013 |                                     |   |

## **Section 4 - Contact Details and Background Papers**

Contact: Stephen Kelly 020 8736 6149  
[stephen.kelly@harrow.gov.uk](mailto:stephen.kelly@harrow.gov.uk)

### **Background Papers:**

None

If appropriate, does the report include the following considerations?

|    |                      |    |
|----|----------------------|----|
| 1. | Consultation         | NO |
| 2. | Corporate Priorities | NO |

**REPORT FOR: PLANNING COMMITTEE.**

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**Date of Meeting:** 20 February 2013

**Subject:** INFORMATION REPORT – Update on Planning Appeals and Enforcement Notices

**Responsible Officer:** Stephen Kelly - Divisional Director of Planning

**Exempt:** No

**Enclosures:** Appendix A – Enforcement Grid

**Section 1 – Summary**

This report provides the Committee with an overview of Planning appeal decisions, and enforcement statistics for the third quarter of 2012/13.

**FOR INFORMATION**

**Section 2 – Report**

2.1 Appeals Background

This report provides the Committee with an overview on the appeal decisions received by the Council in Quarter 3 of 2012/2013.

## 2.2 Overview

The decisions of the Council as Local Planning Authority are subject to a right of appeal. Appeals are made to the Planning Inspectorate, an agency of Government, established independently by the Secretary of State to review and in most cases, determine, planning appeals submitted. Planning Appeals may be determined by 'written representations' – where the appeal is 'heard' by an exchange of written correspondence; an 'informal hearing' – where the parties meet to explore the reasons for refusal with a Planning Inspector or by way of a public inquiry, where formalised examination of the evidence takes place under the Direction of an Inspector.

The majority of planning appeals are heard by way of written representations. Public Inquiries, because of their cost and the delay associated with them, are the least common form of appeal in the borough.

In addition to the consideration of the planning merits of a specific application – centred upon the reasons for refusal, in some cases, Planning Inspectors will determine claims against the Council for applicants (or the Councils) costs arising as a result of unreasonable behaviour.

## 2.3 Appeal Decisions by Type

**Table 1: Appeal Decisions by Type – 1 October 2012 – 31<sup>st</sup> December 2012**

| <b>Summary of Appeal Decisions (Oct – Dec 2012)</b>   |
|---|
| <b>Householder Appeals</b><br>35 Decided<br>13 Allowed<br><b>% Allowed = 37%</b>  |
| <b>Enforcement</b><br>4 Decided<br>2 Allowed<br><b>% Allowed = 50%</b>  |
| <b>Others (Written representations, informal hearings, public inquiries)</b><br>17 Decided<br>9 Allowed<br><b>% Allowed = 53%</b> |

The above table summarises the results of appeal decisions by type in the previous quarter (Q3). The success rate (for appellants) has risen since the last quarter with 42 % of all appeals being allowed. However, this quarter included double the appeals of Q2 and an improvement in householder appeal performance. With the percentage of householder appeals allowed dropping from 45% to 37%. This improvement in performance for householder appeals has come as a result of work with the Development Management team to consider not just adopted guidance, but also to take into account site circumstances, being clear to



identify harm cause prior to refusing permission. This work is on going and it is considered encouraging to note the continuous improvement this quarter.

Performance in the 'other' category has dropped to 43% from 25%. There are a variety of appeal types within this category but 50% of the appeals allowed in December were resubmissions of applications for dwellings on garden land approved prior to the adoption of the NPF and the Core Strategy. In order to address this and provide clarification and a definition of garden land to help decisions makers. The Council has prepared a draft Harrow Garden land Development Supplementary Planning Document. The SPD is currently the subject of a consultation and is available on the Councils website for comments. The adoption of the SPD should mean a significant improvement in Appeal performance for this type of application.

The Enforcement Appeal performance has reduced since the last quarter. However, there was only 3 enforcement appeals in Q2 with 1 allowed and 4 enforcement appeals in Q3 with 1 allowed and 1 part allowed as such it is not considered that the changes in performance are significant. It is also important to recognise that 2 out of the 4 appeals were located at 16 Exeter Road and one of the appeals for a front porch was dismissed with costs awarded to the Local Planning Authority.

There are no examples of enforcement notices being dismissed on any basis of legal or procedural deficiency.

#### 2.4 Conclusion (Appeals)

Planning Appeals introduce considerable additional costs to the planning application process for both applicants and the Council. They also prolong the uncertainty surrounding new development for surrounding residents and businesses. The outcome of planning appeals can be uncertain for both applicants and the Council. Wherever possible, the Planning Division is seeking to avoid unnecessary appeals by providing better, earlier and more consistent guidance and by ensuring that planning applications submitted respond to clear policy guidance setting out the expectations of the Council for quality, sustainability and amenity. When an application is refused, work within the team is increasingly focused upon ensuring that sound and clear reasons for refusal are provided, to enable an applicant to understand what needs to be changed (if possible) to make a proposal acceptable, and to allow the most robust defence of such reasons in the event of an appeal.

#### 2.7 Planning Enforcement

Below is a summary of enforcement statistics for quarter 3 of 2012/13. A copy of the enforcement register is appended to this report for information. This quarter has seen the reduction in staff from 4 to 2 in the planning enforcement team, following the deletion of the Enforcement team leader post as part of the Medium Term Financial Strategy, and the departure of another officer to take up a more senior position in another authority. Notwithstanding this, the planning enforcement team continues to receive a significant number of complaints regarding alleged breaches of planning control, and has responded by investigating these breaches and closing 171 cases where investigation revealed there was no breach in planning control, or where the

breach was minor, and not expedient in the public interest to pursue formal action. A total of 6 enforcement notices were served. This is a reduction from previous quarter and reflects the reduction in members of staff. 8 appeals against enforcement notices have been received. Of the enforcement appeals determined in this period, 2 out of 4 were allowed. This is discussed in the appeals section above. This is a lower level of performance than the high level of success on enforcement appeals from previous Quarters. The robustness of the enforcement process, including thorough consideration of identified harm, the expediency of taking action, will continue to be monitored. As detailed in the appeals section above, there are no examples of enforcement notices being dismissed on any basis of legal or procedural deficiency.

The Enforcement team has, in this quarter, also worked with Harrow and Brent Trading Standards to successfully prosecute a second landlord under the Proceeds of Crime Act (POCA). Further cases have been identified for similar action, and it is important to note that, following publicity on the successful POCA prosecution, other landlords in a similar position have confirmed that they will be (and indeed have) complied with the requirements of their enforcement notices.

**Table 2: Enforcement Summary Oct - Dec 2012**

| Months    | Total Cases Closed | Total New Cases Created | Total ENF Notices served | Appeals Lodged | Appeals Allowed                 | Appeals Dismissed | Prosecution   |
|-----------|--------------------|-------------------------|--------------------------|----------------|---------------------------------|-------------------|---------------|
| Oct - Dec | 171                | 123                     | 6                        | 8              | 2<br>(including 1 part allowed) | 2                 | 2 (4 pending) |

### **Section 3 – Further Information**

This report, insofar as it reports on enforcement action, will be updated on a quarterly basis, in accordance with Proviso F of the Planning and Building Control Scheme of Delegation, March 2012, which requires that any decision on taking enforcement action be reported to the planning committee.

### **Section 4 – Financial Implications**

This report, for information, has no direct financial implications.

### **Section 5 – Corporate Priorities**

The delivery of effective defense against appeals and planning enforcement has a direct role to play in the achievement of Council Corporate priorities, including 'Keeping neighbourhoods clean, green and safe' and 'Supporting our Town Centre, our local shopping centres and businesses'.

The objectives of the Council's involvement in appeals and planning enforcement, set out in this report will contribute directly to improving the

physical environment of the Borough and reinforcing the integrity of the statutory planning process, for the benefit of the Borough and its residents and businesses.

|                        |                                     |   |
|------------------------|-------------------------------------|---|
| Name: Kanta Hirani     | <input checked="" type="checkbox"/> | on behalf of the<br>Chief Financial Officer |
| Date: 7 February 2013  |                                     |   |
| Name: Abiodun Kolawole | <input checked="" type="checkbox"/> | on behalf of the<br>Monitoring Officer      |
| Date: 4 February 2013  |                                     |   |

## **Section 6 - Contact Details and Background Papers**

**Contact:** Beverley Kuchar, Head of Development Management and Building Control, x6167

### **Background Papers:**

Enforcement Register  
Schedule of appeals April to June 2012

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**ENFORCEMENT GRID**

Report Date: 17/12/2012

PERIOD: 1-Oct-2012 to 17-Dec-2012

| <u>No:</u>             | <u>ENF_REF</u> | <u>ADDRESS</u>  | <u>DESCRIPTION OF ALLEGED BREACH</u>   | <u>ISSUED DATE</u> | <u>EFFECT DATE *</u> | <u>COMPLIANCE DUE DATE *</u> |
|------------------------|----------------|---|--|--------------------|----------------------|------------------------------|
| 716                    | ENF/0502/12/P  | 295a Station Road<br>Harrow<br>HA1 2TA                  | Without planning permission, the material change of use of the Land from mixed use as a retail premises and a house in multiple occupation for three to six people (sui generis) to a mixed use as retail premises and six self contained residential units (sui generis) ("Unauthorised Use")   | 22-Oct-12          | 2-Oct-12             | 21-Apr-13                    |
| 720                    | ENF/0284/11/P  | 21 Parkfield Crescent<br>Harrow<br>Middlesex<br>HA2 6LE | Without planning permission, the material change of use of the side to rear extension of the dwellinghouse on the Land to use as a self-contained residential unit of accommodation ("the Unauthorised Use")   | 25-Oct-12          | 1-Nov-12             | 29-Mar-13                    |
| <b>Headstone North</b> |                |   |  |                    |                      |                              |
| 7--                    | ENF/0280/12/P  | 35 Stanmore Hill<br>Stanmore<br>HA7 3DS                 | 3.1 Without planning permission, the material change of use of the Land from builder's yard and workshop (sui generis) to a Shisha Lounge (sui generis) ("the Unauthorised Use")<br><br>3.2 Without planning permission, the construction of an extension to the pre-existing buildings at the Land in the approximate location shown cross-hatched on the attached Plan 2 (the Unauthorised Development") | 25-Oct-12          | 1-Nov-12             | 29-Dec-12                    |
| 722                    | ENF/0099/11/P  | 9 Crowshott Avenue<br>Stanmore<br>Middlesex<br>HA7 1HN  | Without planning permission, the construction of a single storey front extension and part single and part two storey side and rear extensions together with alterations and extension to roof comprising conversion of hip to gable and rear dormer ("Unauthorised Development")   | 25-Oct-12          | 2-Nov-12             | 29-May-12                    |
| <b>Belmont</b>         |                |   |  |                    |                      |                              |

\* The Effect and Compliance Due Dates are subject to change if a valid appeal is submitted.

| <u>No:</u>         | <u>ENF_REF</u> | <u>ADDRESS</u>                                     | <u>DESCRIPTION OF ALLEGED BREACH</u>   | <u>ISSUED DATE</u> | <u>EFFECT DATE *</u> | <u>COMPLIANCE DUE DATE *</u> |
|--------------------|----------------|--|--|--------------------|----------------------|------------------------------|
| 719                | ENF/0606/11/P  | 33 Radnor Avenue<br>Harrow<br>Middlesex<br>HA1 1SB | Without planning permission, the construction of an outbuilding in the rear garden of the dwellinghouse on the Land ("the Unauthorised Development")   | 25-Oct-12          | 10-Dec-12            | 1-Mar-13                     |
| <b>Marlborough</b> |                |  |  |                    |                      |                              |
| 723                | ENF/0441/12/P  | 31 Morland Road<br>Harrow<br>HA3 9LU               | Without planning permission, the material change of use of the ground floor flat at the Land from use as one (1) self contained flat into use as two (2) self contained flats ("the Unauthorised Use") | 10-Dec-12          | 14-Dec-12            | 30-Jun-13                    |