

# PLANNING COMMITTEE

## MINUTES

### 19 JUNE 2013

**Chairman:** \* Councillor William Stoodley

**Councillors:** \* Mrinal Choudhury \* Ajay Maru (2)  
\* Keith Ferry \* Simon Williams  
\* Stephen Greek \* Stephen Wright

\* Denotes Member present

#### 409. Attendance by Reserve Members

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

Ordinary Member

Councillor Bill Phillips

Reserve Member

Councillor Ajay Maru

#### 410. 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:

Councillor

Susan Hall  
Zarina Khalid  
Bill Phillips  
Navin Shah (London Assembly)

Planning Application

1/02 Vaughan Primary School, Vaughan  
Road, Harrow

**411. Declarations of Interest**

**RESOLVED:** To note that the following interests were declared:

Agenda Item 10 – Planning application 1/02 – Vaughan Primary School, Vaughan Road, Harrow

Councillor Christine Bednell declared a non-pecuniary interest in that she was a Governor of Vaughan School. She would remain in the room whilst the matter was considered and voted upon.

Councillor Navin Shah declared a non-pecuniary interest as a local Councillor. He would remain in the room whilst the matter was considered and voted upon.

**412. Minutes**

**RESOLVED:** That the minutes of the meeting held on 29 May 2013 be taken as read and signed as a correct record.

**413. Public Questions and Deputations**

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

**414. Petitions**

**RESOLVED:** To note the receipt of a petition containing 203 signatures in support of planning application P/2515/12 regarding Vaughan School.

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

**RESOLVED:** The Committee noted a reference from the Overview and Scrutiny Committee on 4 June 2013 regarding a petition of 1,125 signatures supporting the Vaughan School planning application.

**416. Representations on Planning Applications**

**RESOLVED:** That

- (1) in accordance with the provisions of Committee Procedure Rule 30, representations be received in respect of items 1/01, 1/02, 1/03, 2/02 on the list of planning applications;
- (2) in accordance with Procedural Rule 30.5 it was agreed that two objectors be able to address the Committee in relation to items 1/02 and 2/01 on the list of planning applications, and that in connection with

1/02 speaking rights be allowed on a deferred item on which there had been speakers at a previous meeting.

## **RESOLVED ITEMS**

### **417. Planning Applications Received**

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

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

#### **BRADSTOWE HOUSE, HEADSTONE ROAD, HARROW, HA1 1PG**

Reference: P/1205/13 (Comer Homes). Variation of Condition 18 (Approved Plans) attached to Planning Permission East/106/01/FUL dated 16/09/2005 to Increase the Number of Residential Flats within the Development from 144 to 177 and Revise the Mix to 60 One Bedroom and 117 Two Bedroom Apartments, Remove the Class D2 Floorspace from the First Floor, Remove Dome and Balustrade from the Top Floor and Simplification of Elevation to Ground Floor on Greenhill Way Elevation.

An officer introduced the application on which a site visit had taken place. The Committee was informed that, in the absence of Government guidelines as to the definition of a material amendment, it was for the Committee to decide whether it was a minor material amendment. The key difference from the previous application was housing provision on the first floor. Minimum requirements for the quality of accommodation and amount of daylight and sunlight had been met. A condition required an air quality assessment to mitigate air quality impacts to the first floor residential accommodation that might arise from the highway.

In response to questions, the Committee noted that:

- documentation provided illustrated that the market for leisure provision was limited. The application before the Committee was for residential use;
- the general financial circumstances of the developer was not a material planning consideration;
- the mews flats would achieve adequate daylight to habitable rooms;
- with regard to there being one set of stairs to the upper floor, Building Control was satisfied that solutions could be found subject to details

being submitted. As it was building regulations the Committee was unable to add a condition on this matter.

The Committee received representations from an objector, Irene Wear, and a representative of the Applicant, Robert Sprunt.

**DECISION:**

- (1) **GRANTED** permission for the variation to condition 18 as described on the application and submitted plans, as amended by the addendum, subject to the completion of a Section 106 Agreement with the Heads of Terms stated, conditions and informatives reported;
- (2) the delegation to the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement be approved.

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

**VAUGHAN PRIMARY SCHOOL, VAUGHAN ROAD, HARROW**

Reference: P/2515/12 (Harrow Council). Re-Development of School Site over a Series of Construction Phases; Involving Construction of a New Two-Storey Building; Remodelling of Existing Single Storey Building; Demolition of Existing Structures; Associated Landscaping to Include Hard and Soft Play Areas; Boundary Treatment; Alteration to Car Parking Layout; Provision of Cycle Storage and Refuse Store (To Expand Existing 2 Form Entry Primary School and to Provide 3 Form Entry Primary School).

The Divisional Director of Planning introduced the report for full planning permission as part of the School Expansion Programme for alteration and enlargement to Vaughan School to three forms of entry which had been deferred from the meeting on 17 April 2013. Two site visits had been undertaken and substantial representations received both in support of and in opposition to the scheme so a balancing view was required. It was not a straightforward proposal due to the flood risk, open space policy considerations and the volume of representations. An option appraisal had been submitted in response to the Committee's deferral which identified three options: building on the existing footprint, the development of the southern corner of the site and new build to the north. The option appraisal was not part of the planning application. The planning application was for the development described in option 3 only. It was for the Committee to decide whether option three was acceptable in planning terms.

The core considerations centred around the principle of development, the suitability of the physical form/layout and the consequential impacts arising including the intensification of traffic generation and considerations surrounding residential amenity.

Regarding the principle of development, the educational need was set out in the report. The Environment Agency and Council's drainage team were satisfied that the impact of the development on flood risk was acceptable. The application had been subject to a SFRA which the Council's drainage engineers had assessed and considered acceptable.

The open space was designated as such in the Development Plan. The Committee should consider the effect of development on the open space – having regard to its purpose and the impact upon surrounding properties.

The configuration of the building appeared to be informed by current standards regarding teaching facilities. The design and scale reflected the proposed educational use. This was different to the form of residential homes surrounding the site.

There was no indication that any changes to the transport network in the locality would result. There would be a greater impact than currently. The management of peak demand on surrounding roads could not involve significant changes to the network and so the improvement of the traffic management scheme would be sought. There were maximum car parking standards for such developments.

It was clear that there would be significant change for a number of pupils. The assessment of officers was that the proposals were consistent with standards of residential amenity applied across the suburban/urban area in Harrow.

In response to questions, the Committee was informed that:

- the mitigation of flood risk included the deployment of measures to ensure a greenfield run off rate through containment and management of any flood waters on the site. The existing site lay wholly within the flood risk area but there were no existing measures in place;
- the flood risk would not materially change. At present there was no strategy or provision for managing flood water/release. The density of occupation (and increased numbers) meant it was quite appropriate to have an evacuation plan for vulnerable people;
- presubmission consultation/engagement with the community was not a matter for the Committee – consideration must be confined to the merits of the application;
- the scheme was identical to the application that had been deferred at the earlier meeting;
- screening by means of a planted physical bank along the boundary with homes could not be achieved within the current proposal because it would not be endorsed by the drainage engineer because of its impact upon flood risk. There was an unresolved issue regarding growth and species for screening.

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

1. This proposed new building to the north of the site, by reason of excessive height, scale, bulk and proximity to the site boundary, would cause unacceptable harm to the amenity of neighbouring properties and would be out of character to the area, contrary to saved policies D4, D5 and C7 of Harrow's Unitary Development Plan, policy CS1B of Harrow's Core Strategy, emerging policies DM1 and DM46 of Harrow's Local Plan and policies 3.18D and 7.4 of the London Plan.
2. This development represents an unacceptable loss of open green space in the northern area of the site, when alternative previously developed land is available for development within the site, contrary to saved policy EP47 of the Harrow Unitary Development Plan, emerging policy DM18 of Harrow's Local Plan and policy 7.18 of the London Plan.
3. The proposed development presents an unacceptable flood risk within flood zone 3B, including the loss of an undeveloped functional floodplain, disrupting its natural capacity to manage flood risk, contrary to saved policy EP12 of the Harrow's Unitary Development Plan, policy CS1U of Harrow's Core Strategy, emerging policy DM9 of Harrow's Local Plan and policies 5.12 and 5.13 of the London Plan.

The motion for refusal was seconded, put to the vote and lost. The granting of the application was put to the vote and carried.

The Committee received representations from two objectors, Rosalyn Neale and Hermando De Cruz, and two representatives of the Applicant, Catherine Doran and Pippa Lee.

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

*Councillors Mrinal Choudhury, Keith Ferry, Ajay Maru and William Stoodley voted to grant planning permission.*

*Councillor Stephen Greek, Simon Williams and Stephen Wright voted against.*

#### **47 TO 96 ELIZABETH GARDENS, STANMORE**

Reference: P/0806/13 (Harrow Churches Housing Association). Expansion of Existing Sheltered Housing Development involving Construction of a New Attached Three Storey Building to the Southern Elevation and a New Linked Single and Three Storey Building to the South West of the Existing Building to Provide Additional 28 X 1 Bed Extra Care Flats and New Communal Facilities

for the Residents; Part Change of Use of Existing Residential Accommodation on Ground, First and Second Floors to Ancillary Office and Storage Space and Laundry Rooms; Associated Alterations to Car Parking Layout; Landscaping and Boundary Treatment; Part Demolition of Existing Single Storey Building and Alteration to Existing Building.

An officer introduced the application and reported that a site visit had been undertaken. The Committee noted that the provision of additional open space was an exact match to that lost. A Section 106 Agreement managed access to the open space and management of the woodland. There was a net addition of 21 units with the replacement of ancillary units. The provision of daylight and sunlight and the distance between the properties to the rear were in accordance with minimum standards.

In response to questions, it was noted that:

- access to the open space would be subject to Section 106 negotiations and would be to residents and to others by appointment. The church was the landowner and would be a signatory to the Agreement together with the Council and developer;
- the officers were satisfied that the provision of communal areas was to appropriate standards;
- the decanting of residents was not a planning consideration and was for the housing association to manage;
- there was a marginal increase in building height. Balconies would be provided at the front of the building with windows only at the rear;
- the Tree Officer and Arboricultural Officer had endorsed the scheme. It was a neighbourhood preservation order and not for individual trees.

The Committee received representations from an objector, Mark Charles, and a representative of the Applicant, Sheelagh McManus.

#### **DECISION:**

- (1) **GRANTED** permission for the development as described on the application and submitted plans, as amended by the addendum, subject to the completion of a Section 106 Agreement with the Heads of Terms stated by 19 September 2013, conditions and informatives reported;
- (2) the delegation to the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement be approved;

- (3) should the Section 106 Agreement not be completed by 19 September 2013, the decision to REFUSE planning permission be delegated to the Divisional Director of Planning on the grounds set out in the report.

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

### **37 HEADSTONE LANE, HARROW**

Reference: P/0172/13 (Mr Lester Emmanuel). Change of Use of Dwelling House (Class C3) to Residential Care Home (Class C2).

An officer introduced the report on which there had been a site visit. Attention was drawn to the fact that whilst the supporting documents stated that there would be five children supported by three members of staff, subsequent discussion had suggested five children supported by one member of staff. The latter did not require planning permission. However, it was the planning application that was before the Committee. The Addendum contained additional representations and a dossier compiled by the Petitioners Action Group.

In response to questions, it was noted that:

- under the terms of the application, any one of the three staff could be on site at any one time;
- should no more than six people live at the property, it would remain a single dwelling house (C3 use) by definition despite the adult not being related to the children, the carer being a paid staff member and the children not being related to each other;
- should planning permission be granted the C3 use would be lost;
- officers would defer to Ofsted, the regulator of such use classes, should changes be required to the layout of the scheme;
- the conditions would restrict the use to eight persons;
- statutory consultation had been undertaken.

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

- (1) The proposed change of use, by reason of the excessive numbers proposed to be accommodated on site, would result in an overly intensive use of the site, to the detriment of neighbouring amenity through an increase in noise disturbance, and detrimental to the character of the area, contrary to policy CS1B of Harrow's Core Strategy, policy DM1 of the emerging Harrow Development Management Policies Local Plan (2013), and saved policies D5, H14 and C8 of Harrow's Unitary Development Plan.



- (2) the proposed development fails to provide adequate off street parking provision to support the proposed use of the site, to the detriment of neighbouring properties and to the safety and free flow of the public highway, therefore failing to accord with policy CS1S of Harrow's Core Strategy, policy DM43C of the emerging Harrow Development Management Policies Local Plan (2013), and saved policies C8, T13, H14 policy of Harrow's Unitary Development Plan (2004).
- (3) The proposal represents an unacceptable loss of housing land, contrary to policies 3.3 and 3.14 of the London Plan (2011), and saved policy H11 of Harrow's Unitary Development Plan (2004).
- (4) The proposal has failed to demonstrate how it would provide a safe use of the site within the existing layout, or how it would continue to maintain a safe and secure neighbourhood, contrary to policy 7.3 of the London Plan (2011), CS1E of Harrow's Core Strategy, policy DM2A of the emerging Harrow Development Management Policies Local Plan (2013), and saved policy D4 of Harrow's Unitary Development Plan.
- (5) The current property is not of sufficient size, nor does it have sufficient living space to accommodate the proposed number of occupants, constituting a cramped and substandard level of accommodation, to the detriment of the amenity of future occupiers of the site. The proposal would therefore be contrary to policy 7.4.B of The London Plan (2011), policy CS1.B of The Harrow Core Strategy 2012, policy DM1 of the emerging Harrow Development Management Policies Plan (2013), and saved policy D4 of the Harrow Unitary Development Plan 2004.

The motion was put to the vote and carried.

The Committee received representations from two objectors, John Betts and Caroline Liw.

**DECISION: REFUSED** planning permission for the development described in the submitted plans and application for the reasons given.

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

#### **418. Member Site Visits**

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

**419. Extension of the Meeting**

In accordance with the provisions of Committee Procedure Rule 14 a proposal to extend the length of the meeting until 10.30 pm, if necessary, was agreed.

**RESOLVED:** That the Committee continue until 10.30 pm if necessary.

(Note: The meeting, having commenced at 6.30 pm, closed at 10.17 pm).

(Signed) COUNCILLOR WILLIAM STOODLEY  
Chairman