

# Planning Committee AGENDA

**DATE:** Tuesday 3 September 2013

**TIME:** 6.30 PM

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

**A BRIEFING FOR PLANNING COMMITTEE MEMBERS WILL TAKE PLACE ON MONDAY 2 SEPTEMBER AT 6.30 PM IN COMMITTEE ROOM 5.**

**A SITE VISIT FOR PLANNING COMMITTEE MEMBERS WILL TAKE PLACE ON THURSDAY 29 AUGUST 2013 STARTING AT 6.00 PM.**

## **MEMBERSHIP** (Quorum 3)

---

**Chairman:** Councillor William Stoodley

### **Councillors:**

Stephen Greek (VC)  
Simon Williams  
Stephen Wright

Mrinal Choudhury  
Keith Ferry  
Bill Phillips

### **Reserve Members:**

---

1. Kam Chana
2. Amir Moshenson
3. Joyce Nickolay

1. Graham Henson
2. Ajay Maru
3. Sachin Shah

1. Mano Dharmarajah

**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 - 18)

That the minutes of the meeting held on 10 July 2013 and of the Special meeting held on 1 August 2013 be taken as read and signed as correct records.

#### **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. MEMBER SITE VISITS**

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

**12. ANY OTHER URGENT BUSINESS**

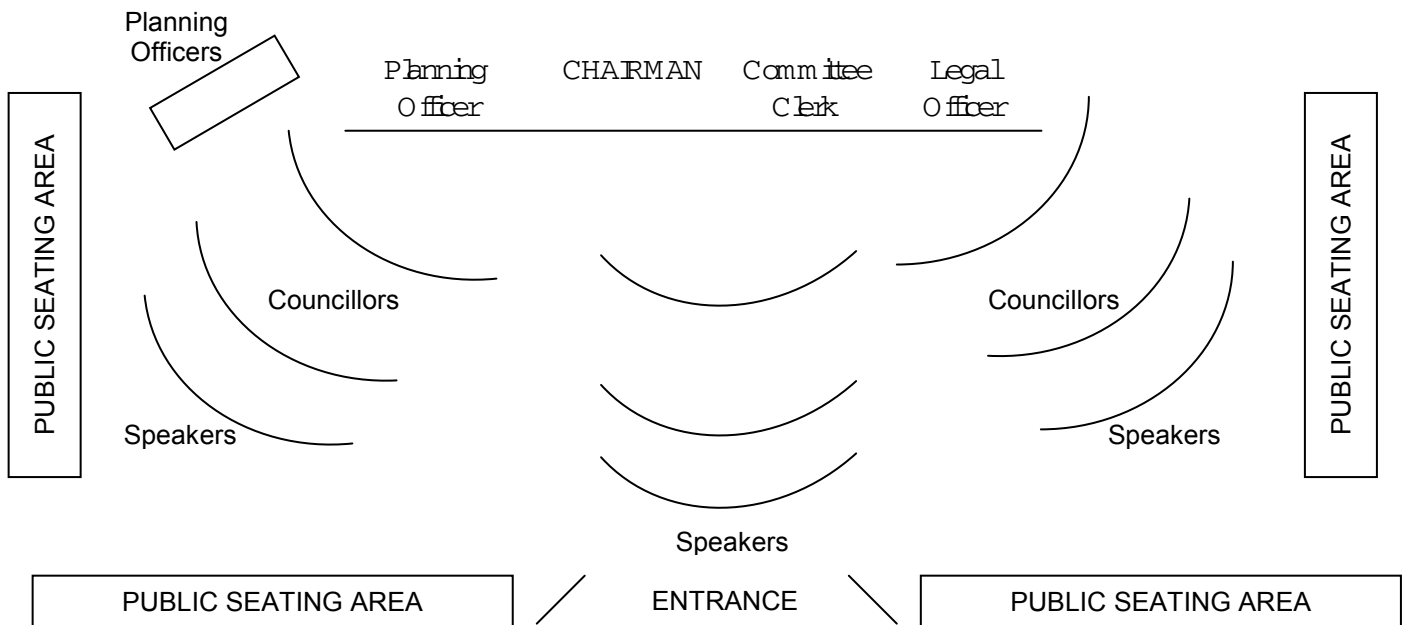
Which cannot otherwise be dealt with.

**AGENDA - PART II - NIL**

This page is intentionally left blank

## 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

### 10 JULY 2013

**Chairman:** \* Councillor William Stoodley

**Councillors:** \* Mrinal Choudhury \* Bill Phillips  
\* Keith Ferry \* Simon Williams  
\* Stephen Greek \* Stephen Wright

\* Denotes Member present

#### 420. Attendance by Reserve Members

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

#### 421. 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 items indicated:

<u>Councillor</u>	<u>Planning Application</u>
Susan Hall	1/01 – Colart Ltd, Whitefriars Avenue, Harrow
Susan Hall Jean Lammiman Stanley Sheinwald	2/02 – Units 1-10, 286 Pickwick Walk, Uxbridge Road, Hatch End, Pinner
Susan Hall	2/04 – Willow Cottage, Hillside Road, Pinner

#### 422. Declarations of Interest

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

Agenda Item 10 – Planning application 2/02 – Units 1-10, 286 Pickwick Walk, Uxbridge Road, Hatch End, Pinner

Councillor Stephen Wright declared a disclosable pecuniary interest in that he used a number of the retail outlets and knew the tenants on a personal basis. He would leave the room whilst the matter was considered and voted upon.

Agenda Item 10 - Planning application 2/02 – Units 1-10, 286 Pickwick Walk, Uxbridge Road, Hatch End, Pinner

Councillor Jean Lammiman and Councillor Susan Hall declared a non pecuniary interest in that they were users of the retail outlets. They would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 - Planning application 2/03 – Stanmore College, Elm Park, Stanmore

Councillor Jean Lammiman declared a non pecuniary interest in that she was a Governor of Stanmore College. She would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 - Planning application 2/05 – Lowland Recreation Ground, Lowlands Road, Harrow

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

#### 423. Minutes

**RESOLVED:** That the minutes of the meeting held on 19 June 2013 be taken as read and signed as a correct record.

#### 424. Public Questions

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

#### 425. Petitions

**RESOLVED:** To note the receipt of the following petitions:

- (1) A petition presented by Councillor Jean Lamiman containing 100 signatures in objection to the application regarding Units 1-10, 286 Pickwick Walk, Uxbridge Road, Hatch End, Pinner;
- (2) A petition presented by Councillor Stanley Sheinwald containing 483 signatures in objection to the application regarding Units 1-10, 286 Pickwick Walk, Uxbridge Road, Hatch End, Pinner.



#### **426. References from Council and other Committees/Panels**

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

#### **427. Representations on Planning Applications**

**RESOLVED:** That

- (1) in accordance with the provisions of Committee Procedure Rule 30 (Part 4B of the Constitution), representations be received in respect of items 1/01, 2/01 and 2/02 on the list of planning applications;
- (2) in accordance with the provisions of Committee Procedure Rule 30.5 it was agreed that two objectors be able to address the Committee in relation to item 2/02 on the list of planning applications.

#### **RESOLVED ITEMS**

#### **428. 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.

#### **COLART LTD, WHITEFRIARS AVENUE, HARROW**

Reference: P/1383/13 (Colart Fine Art And Graphics Limited). Outline Planning Application for a Comprehensive Mixed Use Development of Land at Former Winsor and Newton Factory and Office Buildings; Demolition of Existing Buildings, the Retention of the Winsor and Newton Former Office Building to be Refurbished for Business and Employment Uses (Use Classes B1(A), B1(B) and B(C)) and New B1 Employment Space Equating to a Total of 2,921sqm; up to 195 New Residential Dwellings (Use Class C3); Safeguarded Area of Land for Education Use (Use Class D1); Together with New Streets, Public Realm, Parking and Means Of Access.

An officer introduced the planning application which was for a comprehensive redevelopment with the retention of the existing building on the site frontage. It was reported that a site visit had taken place. It was a residential led employment scheme with creative industries appropriate to the area. The Committee noted that the Area Action Plan (AAP) included a specific allocation for this site for a mix of use and set the parameters of development. B1 use was appropriate in a residential area. The redevelopment would secure additional space for Salvatorian College.

In response to questions the Committee was informed that:

- the AAP indicated that five storey development would be acceptable on the part of the site adjacent to Salvatorian College. The five storey element within the site was restricted by the design code in relation to the percentage of building frontage at that height, and limitations on the length of any particular element on the fifth floor. By way of reference to building heights, the retained three storey building on the frontage would be approx 3m lower than a five storey residential building;
- the 159 parking spaces were based on an indicative layout. 0.7 parking spaces to each property was consistent with London Plan parking standards;
- the application was for outline approval and the requirement for play space would be subject to discussion at reserve matter stage. The concern of the Committee to ensure sufficient play space was noted and the officers would ensure that requirements were met;
- the education service CIL allocation was not ringfenced;
- CIL payments payable to the Mayor of London would be allocated for Crossrail;
- reference to an A3 café/restaurant in the AAP had not been included as a result of vitality work and marketing outcomes;
- the roads within the development would not be adopted and would be managed by a site management company;
- the applicant met the thresholds for sustainability;
- the heights within block D would be 13.6 metres and there would be 8 metres between the building and boundary with the residential properties fronting Graham Road..

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

1. The proposal would result in an overdevelopment, out of scale and character with the surrounding area, and the proposed building heights would result in a loss of amenity to neighbouring properties, contrary to Policy 7.4 of the London Plan, Policies CS1(B) and CS2(C) of the Core Strategy, Policies AAP4 and AAP5 of the Harrow and Wealdstone Area Action Plan, and Policy DM1 of the Development Management Policies Local Plan.
2. The proposal provides an insufficient level of off street parking to support the proposed level of use, with insufficient public transport capacity to meet demand, resulting in an unacceptable impact on the amenity of neighbouring occupiers, contrary to Policy CS1(S) of the

Core Strategy, Policy AAP19 of the Harrow and Wealdstone Area Action Plan, and Policy DM42 of the Development Management Policies Local Plan.

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

The committee received representations from an objector, James Ryan, and a representative of the Applicant, Michael Lowndes.

**DECISION:**

- (1) **GRANTED** permission for the development as described on the application and submitted plans, as amended by the addendum, subject to the referral to the Greater London Council and 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 legal agreement be approved;
- (3) should the Section 106 Agreement not be completed by 30 September 2013, the decision to REFUSE planning permission be delegated to the Divisional Director of Planning on the grounds as set out in the report.

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

**WESTBURY LODGE COTTAGE, CHAPEL LANE, PINNER**

Reference: P/0045/13 (Mrs Olawunmi Odunaiya). Single Storey Rear Extension and First Floor Side Extension; External Alterations.

The Committee was informed that the application was reported to the Committee because a petition had been received and it was considered that there was a significant level of public interest. It was reported that the application was a resubmission of an expired permission which was granted on 17 September 2008.

In response to questions it was noted that:

- the planning application before the Committee was exactly the same as that previously approved;
- the large Wellingtonia tree located in the side garden and a group of trees at the back boundary had Tree Preservation Orders;
- whilst planning policies had changed subsequent to the previous approval, the main thrust of the policies had not changed. The officers were unaware of the reasons why the planning consent had not been implemented but this was not necessarily a planning consideration;

- the proposed extension was about 30% bulk of the original so was not disproportionate in the officers' view;
- the single storey rear extension could not be constructed under permitted development due to the wraparound;
- the impact on Windsor Court had been addressed and was not unacceptable either for daylight or distance;
- whilst action under the High Hedges Act was not a planning consideration, the Council acted as an arbitrator and the officers would facilitate this if requested.

The committee received representations from an objector, Diana Spencer and a representative of the Applicant, Mr Odunaiya.

**DECISION: GRANTED** permission for the development as described on 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.*

**UNITS 1-10, 286 PICKWICK WALK, UXBRIDGE ROAD, HATCH END, PINNER**

Reference: P/0681/13 (The Word & Krailing Pension Fund). Change of Use of Units 1-10 from Shoe Repair Shop, Nail Bar, Cafe, Mini-Cab Office, Barbers and Dress Makers/Seamstress (Use Classes A1, A3, Sui Generis) to Retail Unit and Cafe (Use Classes A1 and A3).

An officer introduced the report, indicating that the application was being reported to the Planning Committee as the application was of significant public interest including petitions and representations. It was reported that planning policy did not protect small units/businesses. Since May 2013 a number of uses had authority to change to A1 or A3 without requiring planning permission. However, the nail bar and minicab businesses did not have such permitted rights because they were a sui generis use nor would they normally be town centre use. The internal division did not require planning permission in itself. The termination of tenancies was not a planning consideration.

In response to questions it was noted that:

- the lease arrangements were coming to an end and if the landlord chose not to renew it was not a planning consideration;
- the increase in retail floorspace was in accordance with policy;

- whilst the small premises added to the vitality of the area it was difficult to claim diversity of retail. A larger retail footprint could be equally attractive;
- the existing café was broadly similar. Whilst there would be a different access the activity was broadly in the same location;
- the policies and recently adopted plan did not provide protection to the current arrangements. The current uses of a number of the units were not classed as retail. The A1 retail space and A3 café were retail use but bank or betting shop uses would not be.

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

1. The proposed change of use would result in an unacceptable loss of retail frontage and of individual retail uses, including some specialist and unique retail facilities. It would therefore harm the vitality and distinctive local character of Hatch End Local Centre and the quality, diversity and range of its retail offering, contrary to Policies 2.15(C) and 4.8 of the London Plan, Policies CS1(B) and CS1(L) of the Core Strategy, and Policies DM1 and DM37 of the Development Management Policies Local Plan.
2. The proposed A3 use would result in an over-intensification of the site, and would harm the character of the adjoining residential area and the amenity of neighbouring occupiers, by reason of increased noise and disturbance, contrary to Policy 7.4 of the London Plan, Policy CS1(B) of the Core Strategy and Policy DM1 of the Development Management Policies Local Plan.

The motion for refusal was seconded, put to the vote and there was a equality of votes. The Chairman used his casting vote in favour of the motion to refuse so it was carried.

The committee received representations from two objectors, Anna Swinson and Hanisha Umeria.

**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 as follows:*

*Councillors Stephen Greek, William Stoodley, and Simon Williams voted to refuse planning permission.*

*Councillors Mrinal Choudhury, Keith Ferry and Bill Phillips voted against the motion to refuse planning permission.*

## **STANMORE COLLEGE, ELM PARK, STANMORE**

Reference: P/0439/13 (Mr Tristan Shanahan). Temporary Retention of Two Storey Building (Spruce Building) Fronting Elm Park for a Period of 36 Months.

In presenting the application, the officer referred to two previous planning applications for the retention of the temporary building and that permanent permission had been refused. A strategic plan was now being developed with funding on a year by year basis for three years. A three storey replacement to the Hamblin building was due for submission to the September Planning Committee.

It was noted that no responses to the consultation had been received.

**DECISION: DELEGATION** to the Divisional Director of Planning to **GRANT** the planning application following the end of the consultation period on 10 July 2013 be agreed, subject to no additional adverse comments being received and the conditions and informatives reported:

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

## **WILLOW COTTAGE, HILLSIDE ROAD, PINNER**

Reference: P/0934/13 (Mr Sabri Karim). Retrospective Application for a Loft Conversion with Proposed Alterations to Reduce the Size Of The Unauthorised Side And Rear Dormers; Removal Of One Of The Flat Roofed Rear Dormers; Removal Of 18 Of The 26 Unauthorised Rooflights; Insertion Of 2 Additional Rooflights; Replacement Of Unauthorised Pantiles With Clay Tiles On Roof

**DECISION: DEFERRED** to enable a site visit.

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

## **LOWLANDS RECREATION GROUND, LOWLANDS ROAD, HARROW**

Reference: P/1402/13 (Harrow Council). New Building to Provide Performance Space and Cafe; Earthworks to Include Banking and Changes in Levels; Steps to Create Amphitheatre; Provision of Play Areas including Mounds and Play Equipment; Associated Landscaping.

It was reported that a site visit had taken place. A Business Plan had been circulated for information and was not part of the planning application. In response to questions, it was noted that:

- toilet facilities were available at Harrow on the Hill station and one at the café building. Condition 13 required that an event with a significant number of people would require the submission of an event

management strategy which could include consideration of the need for portals;

- the character of the building was in context and there had been community engagement including a public meeting;
- fire regulations to ensure that risks were mitigated was a matter for building regulations, the officers undertook to bring it to their attention;
- information available indicated that funds would be available for ongoing maintenance;
- any signage would require advertisement consent

It was proposed, seconded and agreed that for uses with the performance space closed, the permitted closing hour should be 2300 hours throughout the week.

**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 and an amendment to Condition 9 to enable opening time to 2300 throughout the week.

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

#### **143 LONG ELMES, HARROW WEALD**

Reference: P/1145/13 (Mr Sanjay Karia). First Floor Side to Rear Extension.

It was noted that the application was reported to the Planning Committee because it lied on land owned by an employee of the Council and was therefore excluded from the Scheme of Delegation.

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

#### **TREVOSSE, 116 ROWLANDS AVENUE, HATCH END**

Reference: P/1381/13 (Mr & Mrs Atul Patel). Two Storey Side Extension.

**DECISION: DEFERRED** to allow for consideration of a revised scheme.

**429. INFORMATION REPORT - Appeals and Enforcement Update Report**

The Committee received a report of the Divisional Director of Planning which provided an overview of planning appeal decisions for Quarter 4 of 2012/13, and end of year overview enforcement statistics for 2012/13.

**RESOLVED:** That the report be noted.

**430. Local Validation Requirements: Consultation Response**

Consideration was given to a report of the Divisional Director of Planning on the outcome of the consultation on Harrow's revised Planning Validation Requirements.

**RESOLVED:** That the delegation to the Divisional Director of Planning, in consultation with the Portfolio Holder for Planning and Enterprise, to adopt the Validation Requirements following the expiration of the consultation period, be agreed.

**431. Member Site Visits**

**RESOLVED:** That a site visit be arranged for Willow Cottage, Hillside Road, Pinner.

(Note: The meeting, having commenced at 6.30 pm, closed at 9.56 pm).

(Signed) COUNCILLOR WILLIAM STOODLEY  
Chairman



# PLANNING COMMITTEE (SPECIAL) MINUTES

## 1 AUGUST 2013

**Chairman:** \* Councillor William Stoodley

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

\* Denotes Member present  
(2) Denotes category of Reserve Member

### 432. Attendance by Reserve Members

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

Ordinary Member

Reserve Member

Councillor Keith Ferry

Councillor Ajay Maru

### 433. Declarations of Interest

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

Agenda Item 6 – Planning application 1/01

Councillor Thaya Idaikkadar declared a non-pecuniary interest in that he had been involved in the Hive in his capacity as Portfolio Holder for Property and Major Contracts. He would remain in the room whilst the matter was considered and voted upon.

#### 434. 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 items indicated:

<u>Councillor</u>	<u>Planning Application</u>
Marilyn Ashton	1/01 - The Hive Football Centre (Formerly Prince Edward Playing Fields), Camrose Avenue, Edgware
Sachin Shah	1/01 - The Hive Football Centre (Formerly Prince Edward Playing Fields), Camrose Avenue, Edgware
Navin Shah	1/01 - The Hive Football Centre (Formerly Prince Edward Playing Fields), Camrose Avenue, Edgware

#### 435. Petitions and Deputations

**RESOLVED:** To note that no petitions or deputations were received at this meeting.

### **RESOLVED ITEMS**

#### 436. Representations on Planning Applications

**RESOLVED:** That in accordance with Committee Procedure Rule 25.1, Part 4B of the Constitution, that Procedure Rule 30.3, Part 4B of the Constitution, be suspended in order to allow a resident of Hindes Road, who wished to object to Planning application 2/01, to address the Committee.

#### 437. 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 dispatch 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.

### **THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE**

Reference: P/0665/13 (The Hive Developments Ltd) Variation Of Condition 29 (Approved Plans - Added Through Application P/2807/12) Attached To P/0002/07 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' To Allow Minor

Amendments To The Stadium Comprising: Phase 1: Internal And External Alterations To East Stand Including Additional Row Of Seats; Increase In Height, Depth And Capacity Of West Stand Including Camera Position; Reduction In Capacity Of Standing Areas; Increase In Height Of Floodlights And Re-Siting Of Southern Floodlights; Additional Turnstiles, Spectator Circulation, Fencing, Food Kiosks And Toilets; Alterations To Parking Areas. Phase 2: Replace North Stand With Seated Stand; Reduction In Capacity Of Standing Area In Southern Stand; Extension To Rear Of West Stand To Provide Indoor Spectator Space (Total Stadium Capacity Not To Exceed 5176 As Previously Approved)

The Divisional Director advised that, following publication of the addendum, it had been brought to his attention that officers had omitted to undertake a "screening opinion" in accordance with the Environmental Impact Assessment Regulations (EIA). He added that, as a result he was recommending that the application be deferred in order to allow this necessary procedural requirement to be undertaken and for the application to be submitted to a future meeting of the Planning Committee.

The Chairman advised Members that the Committee should focus its discussion on whether or not the application should be deferred and should not discuss the merits of the application itself. He added that, therefore, Members would not be permitted to back bench on this item.

Following questions and comments from Members, the Divisional Director advised that:

- EIA regulations required Planning Authorities to carry out a screening opinion to determine if an Environmental Impact Assessment was required to accompany a planning application. This process would be based upon a consideration of the expected environmental effects of a development. The screening process would consider the scheme as a whole along with any cumulative effects. Consideration of the merits of the proposals such as design and appearance of the stands or floodlights would not be considered as part of the process for determining whether an EIA was required. The application met the necessary thresholds for screening. The process was required to be carried out regardless of whether the application had been recommended for approval or for refusal;
- in Planning terms, the West Stand and floodlights were deemed to be unlawful but not illegal and officers would need to consider the expediency of any enforcement action if matches were to take place at the venue prior to the determination of the planning application. Those aspects of the site that were deemed to be lawful (by virtue of the existing planning permission from 2008) could continue to be used;
- if the application was deferred due to a procedural oversight on the part of the Council, the applicant would be entitled to appeal on the grounds of non-determination. In that circumstance, The Secretary of State would be required to consider the application against the same EIA

regulations as the Council if a screening opinion had not already been undertaken);

- a deferral was sought in order to rectify a procedural shortcoming in the processing of the above planning application.

A Member stated that Committee Members had received conflicting advice regarding the officer recommendation in relation to the application and sought assurances from the Divisional Director that the correct procedure was being followed in relation to the request for a deferral. The Divisional Director apologised on behalf of the Planning Service for the procedural oversight and advised that:

- the Planning Service would fully examine the cause of the procedural oversight and progress the application;
- the outcome of the screening process would be published before the application was re-submitted to the Committee, and officers could not at this stage be specific about the timescales for this.

**DECISION: DEFERRED** to allow completion of a screening opinion pursuant to the Environmental Impact Assessment Regulations to be carried out.

*The Committee wished it to be recorded that the decision to defer the application was agreed by a majority of Councillors*

#### **FLAT G, 36 HINDES ROAD, HARROW**

P/0538/13 (Mr Mohammed Lalji) Description Certificate Of Lawful Existing Use: Use Of Detached Outbuilding In Rear Garden As Residential Unit (Class C3)

The Divisional Director advised that the application was being reported to the Planning Committee following a request by the Nominated Member of the Committee, and that applications relating to Certificates of Lawful Existing Use were usually dealt with by the Planning Service as part of its delegated functions.

The Divisional Director added that the application had been recommended for Grant based on consideration of the evidence submitted and using the statutory test for such evidence which was “on the balance of probability”, and in the absence of any evidence to the contrary.

Following questions and comments from Members, officers advised that:

- the Planning Service was in the process of collating information relating to similar buildings which would be the subject of a future report to the Planning Committee.
- the Planning Service had been alerted to this development at 36 Hindes Road in 2007 following a visit to the property by the

Enforcement Team. However, the enforcement action had not been pursued further. The Divisional Director could not pinpoint the reasons for this but suggested this may have arisen from pressure on the enforcement officer resource, which has declined in recent years;

- supporting evidence provided by the applicant corroborated the claim of the outbuilding's continued use as a residential unit for the past four years and there was no evidence to suggest that there had been a break in occupancy;
- the applicant had submitted Council Tax receipts and tenancy agreements as evidence of this. The Council Tax payments had been made by the applicant/owner of the property, and the six tenancy agreements were with different individuals. Officers considered that the evidential threshold required by Planning Act had been met in this case and there was no evidence to the contrary;
- the Committee was not required to consider the merits or faults of the outbuilding, but to consider whether the evidence submitted demonstrated that it had been in continued use for a four-year period;
- Courts had acknowledged that a short period during which the building was unoccupied during the 4 years qualifying timescale would not amount to an argument against continuous use;
- the applicant had been paying domestic council tax on the unit, however, the main house was used for non-domestic purposes;
- the recent review of the Planning enforcement regime by the Government had introduced provisions relating to deliberate concealment of buildings. Officers would not recommend this case be used as a test case as the Council had been made aware of it in 2007 and it was highly unlikely that the case would succeed;
- in theory, the applicant could seek a lease on the outbuilding and sell the property if the application was granted;
- litter and other environmental issues and the terms of the tenancy agreements related to the property were not relevant to the application and did not form part of the evidence regarding whether this building's occupation was lawful;
- officers considered that it would be difficult to justify a refusal in this case. If it were refused, then the process for examination of the Committee's reasons would be via a public inquiry, with sworn witness statements and cross-examination by the applicants advisors or Counsel;
- if the application was deferred, the applicant would have the right of appeal against the Council's failure to make a decision within the prescribed time period;

- the Committee could not rely on suspicion or speculation, and would require clear contrary evidence. The claims made by the objector regarding this property did not constitute evidence;
- residents in fifteen properties on Hindes Road had been consulted regarding this application, and no responses had been received;
- this property did not meet the threshold for development that required screening for an EIA;
- if, in the future, the evidence provided by the applicant proved to be fraudulent, then the Council could seek to re-determine the case based on any new evidence. Any fraudulent act by an applicant would be deemed to be a criminal act and the Council could look at revoking its decision.

Members made the following points:

- these types of conversions tended to be small and overcrowded and affected an area and its residents;
- the Council needed to investigate how widespread this issue was, to make the wider community in Harrow aware of it and take relevant enforcement action;
- they had serious doubts regarding the robustness of the corroborating evidence submitted by the applicant and were of the view that fifteen consultation notices were insufficient in this case.

The Divisional Director advised that, if the item was deferred for reasons not supported by evidence, then there was a risk that the applicant would appeal against the decision and seek costs to be paid by the Council.

**DECISION: DEFERRED** to allow further examination of the evidence submitted by the applicant and to widen the consultation area and to re-consult residents in Hindes Road.

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

(Note: The meeting, having commenced at 7.31 pm, closed at 8.33 pm).

(Signed) COUNCILLOR WILLIAM STOODLEY  
Chairman