

Planning Committee AGENDA

DATE: Wednesday 20 November 2013

TIME: 6.30 PM

VENUE: Council Chamber, Harrow
Civic Centre

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

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

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

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 - 14)

That the minutes of the meeting held on 16 October 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. INFORMATION REPORT - APPEALS AND ENFORCEMENT UPDATE REPORT
(Pages 15 - 26)**

Report of the Divisional Director, Planning.

12. MEMBER SITE VISITS

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

13. ANY OTHER URGENT BUSINESS

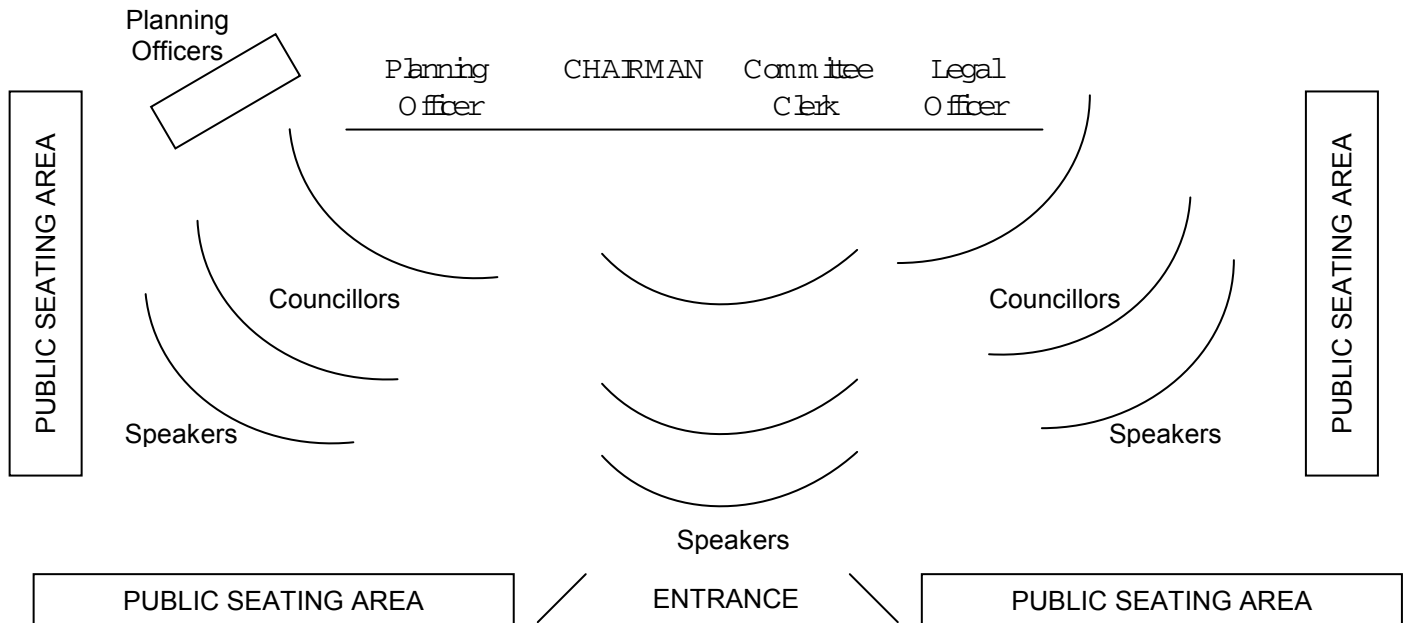
Which cannot otherwise be dealt with.

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 OCTOBER 2013

Chairman: * Councillor William Stoodley

Councillors: * Keith Ferry * Sachin Shah (3)
* Stephen Greek * Simon Williams
* Graham Henson (1) * Stephen Wright

* Denotes Member present
(1) and (3) Denote category of Reserve Members

458. Attendance by Reserve Members

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

Ordinary Member

Councillor Mrinal Choudhury
Councillor Bill Phillips

Reserve Member

Councillor Graham Henson
Councillor Sachin Shah

459. 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

Marilyn Ashton
Manji Kara

Planning Application

Application 2/06 Park High School,
Thistlecroft Gardens, Stanmore

460. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 10 – Planning application 1/01 – Krishna-Avanti Primary School, Camrose Avenue, Edgware

Councillor Marilyn Ashton declared a non-pecuniary interest in that she had taken an interest in this application. She would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning application 2/01 – West House, Pinner Memorial Park, West End Lane, Pinner

Councillor Keith Ferry declared a pecuniary interest in that he was a Trustee of West House and was on the Management Committee. He would leave the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning application 2/02 – 355-359 Station Road and 3-5 College Road, Harrow

Councillor Graham Henson declared a non-pecuniary interest in that he banked with Barclays Bank at that address. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning application 2/03 – West End Lawn Tennis Club, Cuckoo Hill Road, Pinner

Councillor Marilyn Ashton declared a non-pecuniary interest in that she had provided advice to neighbours regarding the application. She would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning application 2/06 – Park High School, Thistlecroft Gardens, Stanmore

Councillor Marilyn Ashton declared a non-pecuniary interest in that she was a Local Authority appointed Governor of Park High School. She would remain in the room whilst the matter was considered and voted upon.

Councillor Stephen Wright declared a non-pecuniary interest in that he was Portfolio Holder for Property and Major Contracts and the ground was owned by the Council. He would remain in the room whilst the matter was considered and voted upon.

461. Minutes

RESOLVED: That the minutes of the meeting held on 23 September 2013 be taken as read and signed as a correct record.

462. Public Questions and Deputations

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

463. Petitions

RESOLVED: To note the receipt of a petition objecting to application 2/05 Garvarnie, 4 Penketh Drive, Harrow with 18 signatories.

464. References from Council and other Committees/Panels

RESOLVED: To note that there were none.

465. 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 2/03, 2/06 and 2/07 on the list of planning applications;
- (2) in accordance with the provisions of Committee Procedural Rule 30.5 two objectors be allowed to address the meeting in respect of item 2/05 on the list of planning applications.

[Note: Planning application 2/03 was subsequently deferred, and so the representations were not received].

RESOLVED ITEMS

466. Planning Applications Received

In accordance with the Local Government (Access to Information) Act 1985, the Addendum and a second Addendum were admitted late to the agenda as they contained information relating to various items on the agenda and were based on information received after the despatch of the agenda. It was noted that on 11 October 2013, the Greater London Authority (GLA) published Revised Early Minor Alterations (REMA) to The London Plan 2011. From this date the REMA are operative as formal alterations to The London Plan 2011 and therefore form part of the development plan for Harrow. The Addendum and second Addendum were 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.

KRISHNA-AVANTI PRIMARY SCHOOL, CAMROSE AVENUE, EDGWARE

Reference: P/2566/13 (Avanti School). Trust Variation Of Condition 14 (Use Class Restriction) Of Planning Permission Ref: P/1282/07 Dated 8 April 2008 From 'The Land And Buildings, Except For The Multi Use Playing Areas Shall Be Used For The Purpose Specified On The Application And For No Other Purpose Or For The Hire Of The Premises For Any Purpose, Including Any Other Purpose In Class D1 Of The Schedule To The Town And Country

Planning (Use Classes) Order 1987 (Or In Any Provision Equivalent To That Class In Any Statutory Instrument Revoking And Re-Enacting That Order With Or Without Modification)' To 'The Land And Buildings, Except For The Multi Use Playing Areas Shall Be Used For Primary Education Only And For No Other Purpose And Shall Not Be Used Or Hired For Any Purpose, Including Any Other Purpose In Class D1 Of The Schedule To The Town And Country Planning (Use Classes) Order 1987 (Or In Any Provision Equivalent To That Class In Any Statutory Instrument Revoking And Re-Enacting That Order With Or Without Modification)'.

Variation Of Condition 19 (Restriction Of Use Of School By Pupils And Staff Only) Of Planning Permission Ref: P/1282/07 Dated 8 April 2008 From 'The School Hereby Permitted Shall Be Used Solely By The Pupils And Staff And Shall Not Be Used, Hired Or Made Available For Use By Any Other Party' To 'The Land And Buildings Hereby Permitted Shall Be Used For Primary Education Only And Shall Not Be Used, Hired Or Made Available For Use By Any Other Party'.

An officer introduced the report and drew attention to the addendum. It was noted that the application sought to vary both conditions for an additional year from the date of the permission pending the move to more permanent accommodation.

In response to a question it was agreed that a simplified description would be notified to the public to increase awareness of the purpose of the application.

DECISION: DELEGATED to the Divisional Director of Planning to determine the application following the end of the consultation period, as amended by the addendum.

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

WEST HOUSE, PINNER MEMORIAL PARK, WEST END LANE, PINNER

Reference: P/2618/13 (Ms Cynthia Wells). New Two Storey Museum Building With Covered Link To Existing West House Building.

In response to questions, the Committee was informed that the proposed hours that the museum development would be open to the public reflected the established opening hours of West House, which had operated for some time without evidenced detriment to the amenities of neighbouring occupiers. This would enable flexibility should there be an ancillary event at the museum.

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

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

355 - 359 STATION ROAD AND 3-5 COLLEGE ROAD, HARROW

Reference: P/1992/13 (Mr N Shah & Mr R Soni). Redevelopment To Provide New Third Floor To Create Three Self-Contained Flats.

An officer introduced the report and, in response to a question, advised that a ventilated refuse store would continue in its present location with the occupiers taking their rubbish downstairs on collection days.

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

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

WEST END LAWN TENNIS CLUB, CUCKOO HILL ROAD, PINNER

Reference: P/1425/13 (Roger Hill-Chairman). Installation Of New 5 Metre High Floodlight Column With 2 X Luminaries To Court 6; New Luminaries To Existing 5 Metre Column Between Court 5 & 6 (Updated Lighting Information Received).

DECISION: DEFERRED to enable officers additional time to consider representations received in response to consultations on the application.

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

11 GRANTCHESTER CLOSE, HARROW

Reference: P/1946/13 (Mr M Pangali). Single And Two Storey Front Side And Rear Extensions Incorporating Front And Rear Dormers; Rear Extension And Increase In Height Of Detached Garage; External Alterations.

In response to questions, the Committee was advised that:

- there were examples in the immediate area of properties with skylights;
- the conversion of the existing garage would not require planning permission. The use of the garage was ancillary and change of use would be required for it to become self contained with planning permission being required for business use or independent residential use.

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

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

GARVARNIE, 4 PENKETH DRIVE, HARROW

Reference: P/2982/12 (Mr Ryan O'Leary). Retrospective Application For Swimming Pool With Hard Standing And Alterations To Ground Levels; Fencing ; Detached Outbuilding; Boundary Wall.

An officer introduced the report for retrospective planning permission and noted that there had been a site visit.

The committee was informed that

- the hardstanding around the swimming pool required planning permission, the swimming pool itself did not;
- the rear garden had been subject to a considerable amount of infill earthworks resulting in difficulty in establishing the site levels. The engineering officers had measured at various points and were of the view that the land had been raised by approximately 1.0m with the detached outbuilding being at a higher level than previously. This was not considered harmful as it was within the back garden in a semi-rural location with landscaping offsetting any harm;
- some concerns regarding stability and flood risk were acknowledged but there was recourse to ensure retrospective work to mitigate this in conditions 2 and 3;
- the Tree Officer and Enforcement Officer had visited the site and were satisfied that whilst there had been some works to trees it was acceptable overall.

A Building Control representative stated that he had visited the site with the drainage officers. The earthworks were currently retained by a timber fence which would deteriorate. It was recommended that a more permanent structure designed by a structural engineer be implemented to ensure that boundary definitions were retained.

In response to questions, it was stated that:

- the Article 4 direction existed to protect amenity assets. The type of trees did not require planning permission. The consultant and professional colleagues considered that the required earthworks were achievable and could provide betterment;
- there was a condition prescribing methods to ensure the stability of the willow tree;
- the applicant would speak to the drainage engineer and planners to ensure a solution on the route of storm water;

- landscaping conditions were proposed to supplement the screening of the outbuilding which was about 5 metres in from the boundary, and 35 metres from the back of the house;
- calculations took into account the loading from the swimming pool;
- should the levels be returned to the previous level the outbuilding would be permitted development. The bar did not require planning permission.

A Member proposed refusal on the following grounds:

The proposed development failed to preserve or enhance the character or appearance of the Mount Park Estate Conservation Area and would cause harm to the amenity of neighbouring properties contrary to the Harrow on the Hill Supplementary Planning Document, DM1 and DM7 of the Development Management Policies Local Plan, CSI.B, CSID, CS3 of the Core Strategy, 7.4 and 7.8 of the London Plan.

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

The Committee received representations from objectors, Eileen Kinnear and Alan Evans, and a representative of the applicant, Jeremy Steene.

DECISION:

- (1) **GRANTED** permission for the development described in the application and submitted plans, subject to conditions and informatives, as amended by the addendum;
- (2) that discharge of conditions 2 and 3 be submitted to Committee for approval.

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

Councillors Keith Ferry, Graham Henson, Sachin Shah and William Stoodley voted for grant.

Councillors Stephen Greek, Simon Williams and Stephen Wright voted against.

PARK HIGH SCHOOL, THISTLECROFT GARDENS, STANMORE

Reference: P/0940/13 (Mr Emlyn Lumley). Variation Of Condition 1 Of Planning Permission East/298/96/Var Dated 16-Jul-1996 To Allow For Use Of Sports Hall By Members Of The Public For Sports Purposes.

The officer presented the application, noting that the application was deferred from the meeting on 3 September 2013 to allow for consideration and consultation regarding additional information received from the applicant. A

site visit had been made. Attention was drawn to the addendum which included additional representations and listed alternative facilities which were not within the 1 mile/20 minute walk catchment area noted in the Council's PPG17 Open Space Study.

The Committee was informed that, having looked at the potential amenity the officer view was that on balance the case for additional facilities had not been made. Whilst it was noted that the proposal could result in additional levels of noise, disturbance and traffic movements the impacts could more reasonably be determined while the use was in implementation, therefore consideration could be given to a temporary permission.

In response to questions, the Committee was informed that:

- the issue was how accessible the available facilities were to the user. None were within the catchment area in the Open Space Study which divided Harrow into five different zones;
- in previous such cases the clear test was whether complaints were made regarding the use. These would be noted by the school;
- the conditions referred to 'sport' and not 'sport and fitness' in order to minimise the impact on neighbouring amenity;
- the demonstration that there was demand for indoor sports facilities in the area was provided by the letters from sports clubs;
- whilst it was recognised that there would be an overlap in the maximum numbers in condition 3, the activity would be outside peak traffic hours and would not coincide with the school peak hours. Generous provision of parking space was made, mostly contained within the site. There was the potential for some overflow onto the highway but not to the detriment of the locality. The Highway Authority had not objected to the proposals, it was an amenity scheme. The condition was enforceable with Enforcement Officers counting the number of vehicles and notifying the school;
- Condition 5 required a full management strategy. It would be for the school to inform users of requirements and permission could be retracted should serious problems ensue.

A Member moved the following motion of refusal:

In the absence of an identified need for additional sports facilities in the area, the proposal would result in an unacceptable level of noise, disturbance and traffic movements, to the detriment of the residential amenities of the occupiers of Burnell Gardens and Thistlecroft Gardens, contrary to policies DM1 and DM46 of the Harrow Development Management Policies Local Plan (2013).

The motion was seconded, put to the vote and carried.

The Committee received representations from an objector, Michael Noble, and a representative of the applicant, Frank Stocks.

DECISION: REFUSED for the reasons given above.

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

Councillors Stephen Greek, Graham Henson, Sachin Shah and Simon Williams voted in favour of refusal.

Councillors Keith Ferry, William Stoodley and Stephen Wright voted against refusal.

LANESIDE, CHURCH LANE, PINNER

Reference: P/1841/13 (Ms Alpa Shah). Single And Two Storey Side Extensions To Both Sides Of Dwellinghouse And Single And Two Storey Rear Extension; Two Rear Dormers; Insertion Of Rooflights In Front And Both Side Roofslopes Of Dwellinghouse; Front Porch; Raising Of Roof Ridge Of The Dwelling; Creation Of Basement; Conversion Of Detached Garage To Room With External Alterations.

An officer introduced the application, drawing a

In response to questions, it was noted that:

- a Conservation Area was not intended to restrict development but to ensure protection or enhancement of the character and appearance;
- the profile had essentially been maintained with the sloping roof characteristic, retention of the chimney was retained and provision of a further chimney;
- the character of the Pinner High Street Conservation Area was defined by individual buildings;
- the existing property had a single parking space, any increase in parking requirements would require application for permits within the parking zone;
- the house next door also had dormers to the front. There was quite an extensive side garden of 10 metres, the extension being 4.6 metres. The side had a catslide feature;
- the aerial viewpoint showed the footprint to be one of the smallest, if not the smallest, property in the area.

A Member moved the following motion of refusal:

The proposal would result in excessive scale, bulk and insufficient parking and would harm the appearance of the Pinner High Street Conservation Area contrary to policies DM1, DM7 of the Harrow Development Management Policies Local Plan, CS1 of the Core Strategy, and 7.4 and 7.8 of the London Plan.

The motion was seconded and put to the vote. There was an equality of votes and the Chairman exercised his casting vote against the motion. The motion was therefore lost.

The Committee received representations from an objector, John Harvey, and a representative of the applicant, Dipesh Shah.

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

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

Councillors Keith Ferry, Graham Henson, Sachin Shah and William Stoodley voted in favour of the application.

Councillors Stephen Greek, Simon Williams and Stephen Wright voted against the application.

GLEBE PRIMARY SCHOOL, D'ARCY GARDENS, HARROW

Reference: P/2529/13 (Harrow Council). Details Pursuant To Condition 12 (Travel Plan), Attached To Planning Permission P/2342/12 Dated 06/11/2012 For 'Erection Of Single Storey Building (Up To 8.1m High) With Link-To Existing School Building; External Alterations Including Boundary Treatment Along Glebe Lane; Provision Of 5 Additional Car Parking Spaces'.

It was noted that the Committee had requested the submission of details of the travel plan in order to ensure a satisfactory Travel Plan for the expanded school.

DECISION: APPROVED details pursuant to condition 12, as amended by the addendum.

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

STANBURN FIRST AND JUNIOR SCHOOLS, ABERCORN ROAD, STANMORE

Reference: P/2535/13 (Harrow Council). Details Pursuant To Condition 9 (Travel Plan), Attached To Planning Permission P/2020/12 Dated 02/11/2012 For 'Two Storey Extension With First Floor Link To Main Building; Alterations To School Pedestrian Entrance And Car Park (Demolition Of Two Storey Annexe Building)'.

It was noted that the Committee had requested the submission of details of the travel plan in order to ensure a satisfactory Travel Plan for the expanded school.

DECISION: APPROVED details pursuant to condition 9, as amended by the addendum.

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

LAND ADJACENT TO THE ROYAL NATIONAL ORTHOPAEDIC HOSPITAL, BROCKLEY HILL, STANMORE

Reference: P/1396/13 (Mr Popat). Detached Three Storey Dwelling House With Basement, Use Of Vine Cottage As Triple Garage, Store And Residential Unit For Caretaker With External Alterations, Demolition Of All Other Buildings On The Site, Access From Brockley Hill.

An officer introduced the report, noting that a site visit had been undertaken.

In response to questions, the Committee was informed that:

- a design for the gates, similar to the original design, would be taken into account during consideration of boundary conditions;
- that, in accordance with condition 2, the outbuildings should be demolished prior to commencement of works. If the development was not implemented in accordance with the plans it would be a breach of condition;
- it was confirmed that no listed trees were affected.

DECISION: GRANTED permission for the development described in the application and submitted plans, subject to conditions and informatives, as amended by the addendum and referral to the National Planning Casework Unit (DCLG) under the Town and Country Planning (Consultation) (England) Direction 2009.

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

47 HIGH STREET, EDGWARE

Reference: P/1121/13 (VIP Lounge & Safestore Self Storage). Variation Of Condition 3 (Opening Hours) To Planning Permission P/3012/11 Dated 31/08/2012 To Allow Opening Hours From 08:00 Hours To 00:45 Hours Monday To Sunday Including Bank Holidays.

An officer introduced the report, noting that a site visit had been undertaken. The second addendum contained two additional representations and a briefing note for Members submitted on behalf of the applicant.

The attention of the Committee was drawn to the fact that a previous planning permission to increase capacity to 700 persons had not yet been implemented as a result of which a management plan had not been assessed to demonstrate how the existing permission could be operated. Officers therefore considered that the expanded facility should be brought into use for at least a period of one year, before an extension to the opening hours could be considered. This would allow for the Local Planning Authority to monitor the impacts associated with the expanded use.

In response to questions, it was noted that:

- there was no concern with the proposed earlier opening time of 08.00. However, the increase in closing time into the early morning for functions/events each day, particularly on Sundays and weekdays was considered to be unacceptable at the current time;
- the recording of complaints from neighbouring properties regarding noise was not a planning matter but for Environmental Health;
- the management strategy was comprehensive and covered up to 700 people. It was important to ensure that any extended opening hours would not give rise to permanent adverse impacts on nearby residents.

DECISION: REFUSED for the reasons given in the report.

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

467. Member Site Visits

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

468. Extension of Meeting

RESOLVED: That, in accordance with the provisions of Committee Procedure Rule 14, a proposal to extend the length of the meeting until 10.45 pm, if necessary, be agreed.

(Note: The meeting, having commenced at 6.30 pm, closed at 10.22 pm).

(Signed) COUNCILLOR WILLIAM STOODLEY
Chairman

REPORT FOR: PLANNING COMMITTEE.

Date of Meeting: 20 November 2013

Subject: **INFORMATION REPORT** – Appeals and Enforcement Update Report

Responsible Officer: Stephen Kelly - Divisional Director of Planning

Exempt: No

Enclosures: Enforcement Register Quarters 1-2, 2013/2014

Section 1 – Summary

This report provides the Committee with an overview of Planning appeal decisions and an overview of enforcement statistics for Quarters 1 and 2 of 2013/14.

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 Quarters 1 and 2 of 2013/2014.

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 Quarter 1

Table 1: Appeal Decisions by Type – 1 April 2013 – 30th June 2013

Summary of Appeal Decisions (Jan – April 2013)
Householder Appeals 10 Decided 5 Allowed % Allowed = 50%
Enforcement 5 Decided 2 Allowed % Allowed = 40%
Others (Written representations, informal hearings, public inquiries) 10 Decided 3 Allowed % Allowed = 30%

The above table summarises the results of appeal decisions by type in the previous quarter (Q1). The Local Planning Authorities performance has not improved on the last quarter with 40% of appeals allowed (38% were allowed within the previous quarter).

This is considered to be attributed to the rise in householder applications allowed as a result of the revised General Permitted Development Order which has relaxed the tolerances in which householder works can take place without requiring planning permission. Inspectors have considered the appeals in relation to the revised General Permitted Development Order, although the Local Planning Authority made their decision prior to the adoption of this legislation. The Development Management team are now ensuring that the revised legislation is a key consideration in determining applications and as such performance should improve within the next quarter.

Performance in the 'other' category remains consistent and reflects the work within 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. It is also considered to reflect the adoption of the Harrow Garden Land Development Supplementary Planning Document, which clarifies and defines garden land for decision makers.

There has been an increase in the number of enforcement notices quashed this quarter. The circumstances surrounding this are as follows; The enforcement notices at 293 and 293a Station Road was quashed and costs awarded against the Local Planning Authority due to the fact that the Council did not correctly describe the breach of planning control. In order to avoid any future costs applications Officers will check at length that the description of the breach is accurate.

The other enforcement notice quashed was at 33 Radnor Road where the Inspector agreed with the Local Planning Authorities conclusion that the out building was too high. However, the enforcement notice was quashed on the basis of the addition of a planning condition requesting the reduction in the height of the building to 2.5 metres.

The development management team will continue to ensure that taking formal enforcement action is expedient whilst checking at length that notices accurately identify the breach of planning control.

2.3 Appeal Decisions by Type Q2

Table 1: Appeal Decisions by Type – 1st July 2013 – 30th September 2013

Summary of Appeal Decisions (1st July 2013 – 30th September 2013)
Householder Appeals 8 Decided 1 Allowed % Allowed = 12.5%

Enforcement 4 Decided 1 Allowed % Allowed = 25%
Others (Written representations, informal hearings, public inquiries) 10 Decided 2 Allowed % Allowed = 20%
Majors 0 Decided 0 Allowed % Allowed = 0%

The above table summarises the results of appeal decisions by type in the previous quarter (Q2). The Local Planning Authorities performance has significantly improved with 18% of applications allowed on appeal during this quarter compared to 40% allowed in the last quarter Q1.

There has been significant improvement in performance with regard to householder appeals this quarter with only 1 appeal out of 8 allowed. This is considered to reflect the Development Management teams approach to consider not just adopted guidance, but also to take into account site circumstances, being clear to identify harm cause prior to refusing permission. Further to this it is also demonstrates the fact the Development Management team is implementing the Government's recent policy and legislation changes consistently and accurately.

Performance in the 'other' category has also improved with a 10% decrease in applications allowed on appeal and reflects the work within the development management team to ensure site circumstances are a significant consideration in the context of the adopted development plan.

One enforcement notice was quashed over the past three months at 9 Crowshott Avenue, this notice was quashed as a requirement indicated involving amendments to the roof could not physically be carried out. The development management team will continue to ensure that taking formal enforcement action is expedient whilst checking at length that requirements are accurate and can be implemented.

Costs have been awarded against the Council for unreasonable behaviour in two cases. Costs were awarded in the case of a proposed extension at Summerdyne in which a window was inaccurately identified as a bedroom window when it served an en-suite and subsequently the Planning Inspector considered one of the refusal reasons unreasonable (the appeal was dismissed). Partial costs have also been awarded against the Council in the case of the LPA's refusal to discharge a number of planning conditions for a new dwelling at 'Land adjacent to Laureston', in that the Inspector considered that common ground could have been found on certain issues prior to the Appeal. Costs have also been awarded for the Council in this case as the Inspector considered that the level of information submitted at the appeal stage by the appellant was excessive and unreasonable, although, this additional information was assessed through the appeal process. This appeal was also dismissed.

Officers are now ensuring that all windows are accurately identified and if necessary neighbouring properties are inspected prior to an application being refused on this basis. The Local Planning Authority continues to proactively engage with applicants through the comprehensive pre-application service it offers to avoid any unnecessary appeals.

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.

2.5 Planning Enforcement

Below is a summary of enforcement statistics for Quarters 1 and 2 for 2013/14. A copy of the enforcement register for quarters 1 and 2 is appended to this report for information. Last year saw 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. The Development Management team structure has also been changed to bring the enforcement officers into the area teams to work more closely with the area team managers and with the case officers within each team, with the effective implementation date on 1 April 2013.

Planning enforcement continues to receive a significant number of complaints regarding alleged breaches of planning control, and notwithstanding the reduction by 50% in the number of dedicated enforcement officers, the number of complaints investigated and closed has remained consistent.

In the first quarter of the year there was a notable reduction in the number of formal notices served. As a response to this officers have reviewed the process for agreeing and authorising formal enforcement action, and as a consequence of this review a revised report format has been implemented and a review of Q2 notices served has shown the positive impact of revisions to the process, with 6 notices served and reports drafted for 12 further notices.

Table 2: Enforcement Statistics by Quarter 2012/13

Summary of Enforcement Statistics for 2013/2014 (Jul 13 to Sep 13)

Months/Year	Total New Cases Created	Total ENF Notices served	Appeals Lodged	Outstanding Appeals Allowed	Outstanding Appeals Dismissed	Prosecution
Apr 13 – Jun 13	165	1	0	3	3	1 pending
July 13- Sep 13	143	6 (12 pending with legal)	2	0	5	3 Currently 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 2013, 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 defence 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: Jessie Mann	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 6 November 2013		
Name: Siân Webb	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 7 November 2013		

Section 6 - Contact Details and Background Papers

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

Background Papers:
Enforcement Register Q1-Q2 2013/14

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ENFORCEMENT GRID

<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>
728	ENF/0725/09/P	249C Station Road Harrow Middlesex HA1 2TB	<p>Without planning permission the construction of a two storey building on the Land ("Unauthorised Development")</p> <p>Without planning permission the use of the building on the Land as a mixed use comprising storage and preparation of hot food on part of the ground floor and as a place of worship/educational/cultural/community centre on the remaining part of the ground floor of the building (sui generis use) ("the Unauthorised Use")</p>	9-May-13	9-Aug-13	20-Jun-14

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ENFORCEMENT GRID

<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>
729	ENF/0153/11/P	8 Village Way Pinner Middlesex HA5 5AF	Breach of conditions 1, 2 and 4	8-Aug-13	9-Aug-13	8-Oct-13
		Pinner				
734	ENF/0356/10/P	Flat 5 Appin Court Roxborough Park Harrow Middlesex HA1 3BJ	Without planning permission, the construction of a pergola on the roof terrace at the Land ("Unauthorised Development")	4-Sep-13	21-Oct-13	10-Nov-13
		Greenhill				
73	ENF/0493/08/P	20 Torver Road Harrow Middlesex HA1 1TQ	Without planning permission, the material change of use of the detached outbuilding in the rear garden of the Land from a use ancillary to the main dwellinghouse to a self contained flat ("the Unauthorised Development")	26-Sep-13	21-Oct-13	30-Apr-13
730	ENF/0609/10/P	16 Chestnut Drive Harrow Middlesex HA3 7DJ	Without planning, the construction of a front porch, a single storey side to rear extension, a roof extension comprising a hip to end gable roof form, a rear dormer with Juliette balcony and the siting of solar panels and associated supporting metal frame mounted over the rear extension ("the Unauthorised Development")	26-Sep-13	16-Oct-13	30-Apr-14
		Harrow Weald				

* 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>
731	ENF/0204/13/P	The Hive Football Centre Camrose Avenue Edgware HA8 6AG	<ol style="list-style-type: none"> 1. Without planning permission the construction of a 2634 seat spectator stand along the Western Boundary of the site known as "the West Stand at the land ("the Unauthorised West Stand) 2. Without planning permission the erection of 4 No Stadium floodlight columns with associated lanterns at the land in the approximate location shown on the attached "Plan 2" ("Unauthorised 4 No Stadium floodlights") 	27-Sep-13	16-Oct-13	30-Apr-14