

# Planning Committee AGENDA

**DATE:** Wednesday 12 February 2014

**TIME:** 6.30 PM

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

**A BRIEFING FOR PLANNING COMMITTEE MEMBERS WILL TAKE PLACE ON MONDAY 10 FEBRUARY 2014 AT 6.00 PM IN COMMITTEE ROOM 3.**

**A SITE VISIT FOR PLANNING COMMITTEE MEMBERS WILL TAKE PLACE ON SATURDAY 8 FEBRUARY 2014 STARTING AT 10.00 AM.**

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## **MEMBERSHIP** (Quorum 3)

**Chairman:** Councillor William Stoodley

**Councillors:**

Stephen Greek (VC)  
Simon Williams  
Stephen Wright

Mrinal Choudhury  
Keith Ferry  
Bill Phillips

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## **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 - 16)

That the minutes of the meetings held on 18 December 2013 and 8 January 2014 be taken as read and signed as a correct record.

### **5. PUBLIC QUESTIONS \***

To receive any public questions received in accordance with Committee Procedure Rule 17 (Part 4B of the Constitution).

Questions will be asked in the order notice of them was received and there be a time limit of 15 minutes.

**[The deadline for receipt of public questions is 3.00 pm, Friday 7 February 2014. Questions should be sent to [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk)**

**No person may submit more than one question].**

### **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 17 - 24)**

Report of the Divisional Director of 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**

### **\* DATA PROTECTION ACT NOTICE**

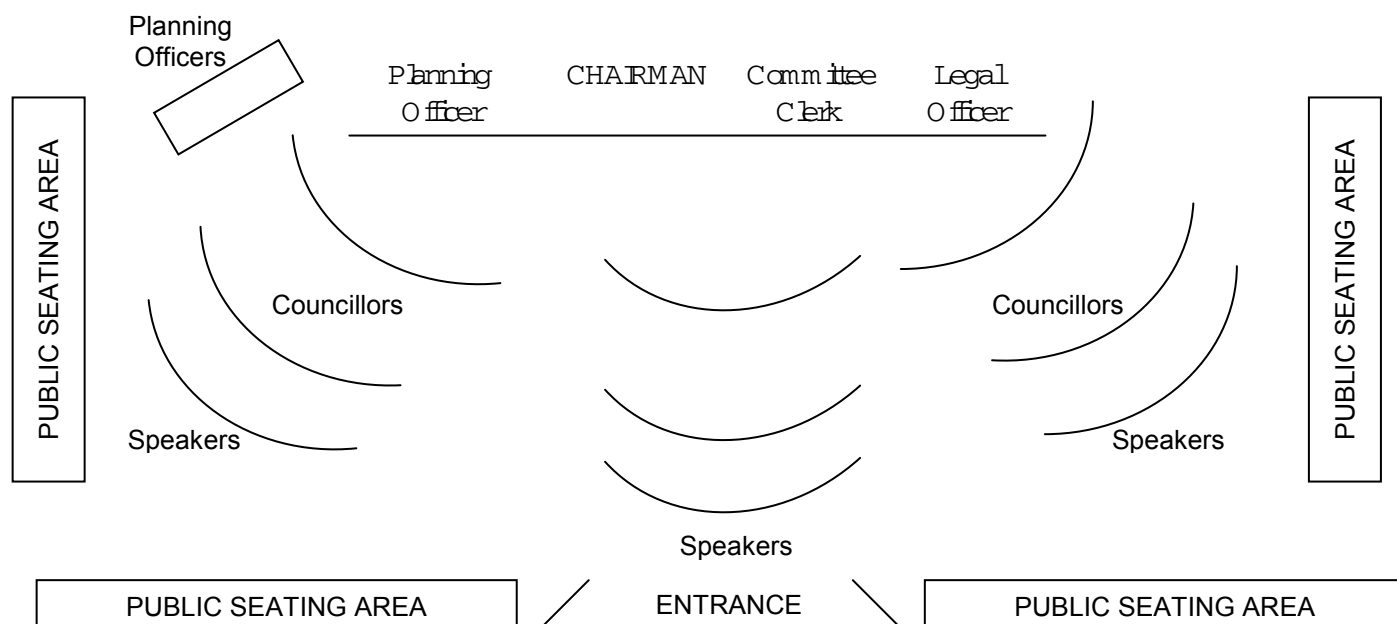
The Council will audio record item 5 (Public Questions) and will place the audio recording on the Council's website, which will be accessible to all.

[**Note:** The questions and answers will not be reproduced in the minutes.]

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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

### 18 DECEMBER 2013

**Chairman:** \* Councillor William Stoodley

**Councillors:**

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

\* Denotes Member present

#### 479. Attendance by Reserve Members

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

#### 480. Right of Members to Speak

**RESOLVED:** That, in accordance with Committee Procedure Rule 4.1, the following Councillor, who was not a Member of the Committee, be allowed to speak on the agenda item indicated:

Councillor

Bill Stephenson

Planning Application

2/04, 5 The Quadrant, Headstone  
Gardens, Harrow

#### 481. Declarations of Interest

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

Agenda Item 10 – Planning Application 2/07 Whitmore High School, Porlock Avenue, Harrow

Councillor Bill Phillips declared a non-pecuniary interest in that he was a Governor of Whitmore High School. He would remain in the room whilst the matter was considered and voted upon.

**482. Minutes**

**RESOLVED:** That the minutes of the meeting held on 20 November 2013 be taken as read and signed as a correct record.

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

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

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

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

**485. 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 2/04, and 2/06 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 items 2/05 and 3/01;
- 3) in accordance with the provisions of Committee Procedural Rule 25.1, Committee Procedural Rule 30.8 be suspended to enable objectors and the applicant to speak on application 3/01 although it was recommended for refusal by the officers;
- 4) in accordance with the provisions of Committee Procedural Rule 25.1, Committee Procedural Rule 30.3 be suspended to enable objectors who had not registered in accordance with the deadline to speak on 2/05 and 3/01 on the list of planning applications.

**RESOLVED ITEMS**

**486. 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.

#### **LAND REAR OF 47-51 GAYTON ROAD, HARROW**

Reference: P/2804/13 (Mr Sean O'Brien). Redevelopment To Construct A Two And Three Storey Building To Provide 8 Flats With Associated Landscape And Parking, Refuse And Cycle Storage.

In response to a question, it was noted that the ground floor flats were built in accordance with Lifetime Homes Standards.

**DECISION: GRANTED** permission for the development described in the application and submitted plans, subject to conditions and informatives.

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

#### **KODAK, HEADSTONE DRIVE, WEALDSTONE**

Reference: P/3277/13 (LS Harrow Properties Ltd). Application for Modification of Section 37 Agreement dated 17/07/1969 Relating to Land at Harrow View Harrow to Release the Owner of the Obligations Contained Within that Agreement.

**DECISION: GRANTED** permission for the modification of the section 37 agreement as set out in the report, subject to the applicant entering into a Deed of Release with the Council and the payment of the Council's reasonable costs, as amended by the addendum and subject to informatives.

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

#### **SAINT ANSELMS RC PRIMARY SCHOOL, ROXBOROUGH PARK, HARROW**

Reference: P/2654/13 (The Governing Body). Re-Configuration and Refurbishment of Existing Playground to Include Netball Court, Ramp and Soft Play Area; Re-Building of Existing Retaining Boundary Wall and Replacement Entrance Gates.

**DECISION: GRANTED** permission for the development described in the application and submitted plans, subject to conditions and informatives.

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

## 5 THE QUADRANT, HEADSTONE GARDENS, HARROW

Reference: P/2874/13 (Mr Neelam Ali). Change of Use of Ground Floor from Retail (Class A1) to Office (Class B1); Single Storey Rear Extension; External Alterations to Front Elevation.

The Committee was informed that the application was for the change of use of ground floor retail use to office only whereas the previous application sought to change the use of the whole of the site, including the flat above the shop, to a B1 use.

In response to questions it was noted that:

- the use of the premises as a minicab business would be sui generis and would require planning permission;
- Condition 5 required the premises to be used only for the purpose specified in the application and for no other purpose;
- any residential use would be a breach of control and could be subject to investigation;
- the property specified in the application was self-contained and did not have access to the first floor;
- the Council was unable to ensure compliance with building regulations when Approved inspectors were used;
- no additional transport problems were envisaged at the nearby junction or in neighbouring roads due to the previous active A1 use at the premises ;
- the property had been empty for a number of years

In view of the concerns expressed by the Committee, it was agreed to add an informative that the ground floor only and that the other floors could not change

The Committee received representations from an objector, Kamal Shah.

**DECISION: GRANTED** permission for the development described in the application and submitted plans, subject to conditions and informatives, together with an additional informative that:

The applicant is advised that this permission relates to the ground floor of the premises only.

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

## 17 GLANLEAM ROAD, STANMORE

Reference: P/3175/13 (Mr J Halai). Three Storey Detached Dwellinghouse with Single Storey Rear Projection and Basement (Retrospective Application) Proposed Alterations Including Removal of Front Atrium and Reduction to Second Floor.

An officer introduced the report, noting that a site visit had taken place. The Committee was informed that the scheme addressed the major concerns of the Planning Inspector and following the previous refusal of planning permission, the following amendments had been made

- removal of the front atrium and its replacement with glazed front doors;
- set in of the second floor front elevation by an additional 1m;
- provision of privacy screens to first floor balconies on the east and west elevations.

In response to questions, it was noted that:

- the inspector's report stated that the impact on the amenity of neighbours was acceptable;
- the approved drawings had not been accurate. Building regulations had been approved by an Approved Inspector resulting in the Council being unable to check compliance;
- the implementation of the enforcement notice would enable the applicant to subsequently rebuild;
- the drainage proposals were acceptable to the drainage engineers;
- the outbuilding had been referred to the enforcement officers;
- CCTV facilities did not require planning permission;
- the original planning permission was at a lower site level than the adjoining properties;
- whilst acknowledging that the footprint was slightly larger, the Inspector considered it insignificant.

It was proposed and seconded that discussions be entered into to ascertain whether any modifications could be agreed or any betterment achieved.

The Committee received representations from objectors, Maurice Leaman and Paul Gani, and on behalf of the applicant, Malcolm Pawley.

**DECISION: DEFERRED** to enable further discussion in consultation with neighbouring properties.

*The Committee wished it to be recorded that the decision to defer was as follows:*

*Councillors Stephen Greek, William Stoodley, Simon Williams and Stephen Wright voted to defer the application.*

*Councillors Mrinal Choudhury, Keith Ferry and Bill Phillips voted against deferral.*

## **5 CANONS CORNER, EDGWARE**

Reference: P/1614/13 (Mr Muhammad Shami). Change of Use Retail to Restaurant and Take - Away (Use Class A1 to Use Class A3/A5); Installation of Ventilation Ducts at Rear.

The Committee was informed that the application was retrospective as the change of use had been implemented without complying with condition 9 which required details of fume extraction to be submitted and approved in writing by the local planning authority prior to the implementation of the change of use. It was noted that details of fume extraction had been provided with the current application.

Members were informed that the internal layout was different to the application previously submitted. However, the amendment did not require planning permission.

In response to questions, it was noted that:

- the officers had taken the proximity of the school to the take-away into account as a material consideration and had considered the weight to be given to it. The ruling in the Copland judgment had been considered and the report clearly referred to this and reflected that the proximity of the school was a material planning consideration;
- as there was no set floorspace for either use, the applicant had the flexibility to divide the A3/A5 split as desired. The officers were of the view that either hot food take-away or restaurant use was acceptable in policy terms;
- it was not possible to condition that the fans be shut off once the premises were closed to customers. Condition 5 was to ensure that the development did not give rise to noise and odour/fume nuisance to neighbouring residents. Should any complaints arise, the Environmental Health Officer would be able to measure the emissions;
- the definition of a restaurant in planning terms did not provide a minimum or maximum seating capacity. It was noted that the floor layout observed at the site visit did not correspond to the plans;

- no changes in planning policies with regard to healthy eating and take-aways had been made since the previous permission in 2012. Planning policies had greater weight than suggestions or documents from outside bodies.
- The Committee received representations from an objector, Godfrey Dyane, and the applicant, Mr Shami.

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

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

*Councillors Mrinal Choudhury, Keith Ferry, Bill Phillips, William Stoodley, Simon Williams and Stephen Wright voted for grant.*

*Councillor Stephen Greek abstained.*

### **WHITMORE HIGH SCHOOL, PORLOCK AVENUE, HARROW**

Reference: P/3088/13 (Ms S Hammond). Construction of Two Storey Classroom 6th Form Block within Courtyard

**DECISION: GRANTED** permission, under Regulation 3 of the Town and Country Planning General Regulations, for the development described in the application and submitted plans, as amended by the addendum, subject to conditions and informatives.

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

### **43 - 55 WEST STREET, HARROW**

Reference: P/3259/12 (Mr Graham Harwood). Demolition of Existing Former Printworks Buildings at 43-49 West Street and Refurbishment of 51 West Street to Create New Mixed Use Development for Print Works and Print Museum, with Ancillary Coffee Shop and Offices (Sui Generis Use) with First Floor Link to No.51 West Street; Part Demolition & Rebuild at 53-55 West Street to Provide 2 X Dwellinghouses and 1 Detached Dwellinghouse to the Rear of 43-55 West Street with Two-Storey Building to Provide Car Parking on Ground Floor & 3 X B1 Use Class Studio Workshops Above; Associated Landscaping, Parking and Refuse Storage.

An officer presented the application and noted that a site visit had been made. The attention of the Committee was drawn to the retention of the front façade, the impact of blocks B and C and the marked site level difference at the back of the properties. Insufficient information had been submitted in order to enable a comprehensive assessment of the impact of the development on the designated Archaeological Priority Area, as required by the policy DM7 of the Development Management Policies Local Plan 2013.

In response to questions, it was noted that:

- it was a full application for the whole site. B1 use was acceptable due to the previous development of the site. A sub division was proposed to enable access to plot A;
- that the site was in a conservation area and was a brownfield site were both factors worthy of being material planning considerations. The Committee was required to balance the bringing of a derelict site into use with the potentially harmful affect on the Conservation Area;
- the issue of overlooking could be dealt with by redesign. However, this could not address the bulk and land level issues;
- the buffer proposed was minimal and was impeded by the location of properties;
- although there were some statutorily listed buildings in the proximity, the buildings on the site were locally listed;
- the Conservation officer had focused her advice on the Conservation element and not the scheme as a whole. The building behind the façade was important in how it addressed the amenity and character of the area and could be glimpsed through gaps in the properties;
- the relationship between properties nearby to plots B & C was back to back whereas with regard to plot A it was side to side which was acceptable;
- the proposal was for residential use for plots A, B and C and industrial use for the studios and museum. Any future proposals for use of the industrial element as residential or development in the courtyard would require permission for change of use;
- there were some site constraints regarding Lifetime Homes Standards but departures from the guidance were justified in such circumstances, provided that the internal layout strove towards meeting the other Lifetime Homes standards;
- it was acknowledged that natural surveillance could secure by design at night, therefore increased activity in the area would result in betterment;
- a potential solution to the reasons for refusal could be negotiated and would be sought provided that the deterioration in the condition of the site had become too great.

It was proposed, seconded and put to the vote that a third reason for refusal be included. This was put to the vote and carried.

The Committee received representations from two objectors, Jane Yardley and James Bartlett, and on behalf of the applicant, Graham Harwood and Ransford Stewart.

**DECISION: REFUSED** for the reasons given in the report plus an additional reason as follows:

That the proposed new dwelling on plot A would harm the character of the area and the amenity of neighbouring properties and be contrary to Secure by Design principles contrary to policy 7.6 of the London Plan (2011), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Residential Design Guide (2010).

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

### **43 - 49 WEST STREET, HARROW**

Reference P/0182/13 (Mr Graham Harwood). Partial Demolition of Former Printworks Buildings at 43-49 West Street and 53-55 West Street (Street Frontages to be Retained); Demolition of Brick and Timber Sheds to the Rear of Nos 43-55 West Street.

**DECISION: REFUSED** Conservation Area Consent for the reasons given in the report.

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

### **23 JESMOND WAY, STANMORE**

Reference P/2616/13 (Mr Irving Caplan). Single Storey Rear Two Storey Side and First Floor Other Side Extensions; Conversion of Garage to Room; Rear Dormer; Raising of Ground Level to Create Ramp at Front; Proposed Raised Decking at Rear ; External Alterations.

It was noted that the application had been deferred at the Committee meeting on 20 November 2013 to enable officers to undertake further consultation with neighbouring residents following the indication by the Committee of being minded to approve the application.

An officer presented the report, stating that the officer recommendation was to refuse, primarily due to the first floor extension element.

**DECISION: GRANTED** permission for the development described in the application and submitted plans with the following informative:

The decision to grant planning permission was with regard to the extenuating mitigating circumstances of the applicant and should not be seen as setting a precedent.

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

**487. Member Site Visits**

**RESOLVED:** To note that there were no site visits to be arranged arising from the meeting.

**488. Any Other Business**

The Committee expressed its gratitude to Stephen Kelly, Divisional Director of Planning, for the work that he had undertaken on behalf of the Committee and the Council and wished him well in his new job.

**489. 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 10.30 pm, if necessary, be agreed.

(Note: The meeting, having commenced at 6.35 pm, closed at 10.20 pm).

(Signed) COUNCILLOR WILLIAM STOODLEY  
Chairman



# PLANNING COMMITTEE

## MINUTES

### 8 JANUARY 2014

**Chairman:** \* Councillor William Stoodley

**Councillors:**

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

\* Denotes Member present

#### 490. Attendance by Reserve Members

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

#### 491. Right of Members to Speak

**RESOLVED:** That no Members, who were not members of the Committee, had indicated that they wished to speak at the meeting.

#### 492. Declarations of Interest

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

Agenda Item 10 – Planning application 1/01 – Edgware Town Football Club, Edgware

Councillor Mrinal Choudhury declared a non-pecuniary interest in that he was an Edgware Ward Councillor. He would remain in the room whilst the matter was considered and voted upon.

**493. Minutes**

**RESOLVED:** That consideration of the minutes of the meeting held on 18 December 2013 be deferred to the next meeting.

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

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

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

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

**496. Representations on Planning Applications**

**RESOLVED:** That in accordance with the provisions of Committee Procedure Rule 30 (Part 4B of the Constitution), representations be received in respect of item 1/01 on the list of planning applications.

**RESOLVED ITEMS**

**497. 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.

**EDGWARE TOWN FOOTBALL CLUB, EDGWARE**

Reference: P/2992/13 (Mr Steven Hatton). Reserved Matters for External Appearance of the Buildings, Design of the Buildings and Landscaping for the Site (Condition 9) Attached to Outline Planning Application Reference P/1941/07UN Dated 22/04/2010 For a Development to Provide 189 Dwellings (Layout, Scale and Access). Details Pursuant to Condition 2 (Boundary Treatment), Condition 8 (Levels), Condition 22 (Environmental Enhancement Scheme) and Condition 25 (Cycle Parking) of Outline Planning Application Reference P/1941/07UN Dated 22/04/2010 for a Development to Provide 189 Dwellings (Layout, Scale And Access).

An officer introduced the report, noting that the principle for development had previously been agreed including layout, scale and access. The application before the Committee was for the reserved matters and details pursuant to conditions. It was noted that the GLA directive referred to in the previous planning application had been withdrawn. The addendum amended a number

of conditions to enable development to begin as soon as possible with the consideration of detail when the work was underway. It also removed conditions 14 and 15 as these had been previously agreed.

The Committee was informed of the removal of trees from around the building and the development of houses around the site.

In response to questions, the Committee was advised that:

- the overall roof levels were the same;
- quite an open landscape would result with limited tree planting around car parking areas and significant tree planting around the boundaries. The Landscape Architect had been involved regarding potential amenity. Condition 11 required a landscape management plan to be submitted;
- Section 106 monies were attached to the original planning permission for use for CPZ, buses and car club;
- Neighbouring properties received notice of the application despite there being no requirement to do so.

The Committee received representations from an objector, Jack Welby, and the applicant, Steven Hatton.

**DECISION: GRANTED** permission for the reserved matters for the development described in the application and submitted plans, and **APPROVED** details pursuant to the conditions 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.*

### **37 WESTWOOD AVENUE, HARROW**

Reference: P/3009/13 (Ms Farzana Aldridge). Single Storey Front Extension; Conversion of Garage to Habitable Room; Raising of Roof Height.

It was noted that the application had been reported to Committee because the applicant was a Council employee and the determination of the application was therefore outside the Scheme of Delegation.

**DECISION: GRANTED** permission for the development described in the application and submitted plans, subject to conditions and informatives

#### **498. Member Site Visits**

**RESOLVED:** To note that there were no site visits to be arranged arising from the meeting.

#### **499. Any Other Urgent Business**

As it was not possible to convene a meeting of the Committee during May due to the election period, consideration was given to a meeting in April in addition to the meeting scheduled for 9 April 2014.

**RESOLVED:** That a meeting of the Planning Committee be held on Wednesday 30 April 2014 at 6.30pm.

(Note: The meeting, having commenced at 6.30 pm, closed at 7.12 pm).

(Signed) COUNCILLOR WILLIAM STOODLEY  
Chairman

**REPORT FOR: PLANNING COMM. . . . .**

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**Date of Meeting:** 12 February 2014

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

**Responsible Officer:** Beverley Kuchar – Head of  
Development management and  
Building Control

**Exempt:** No

**Enclosures:** Enforcement Register Quarter 3  
2013/2014

**Section 1 – Summary**

This report provides the Committee with an overview of Planning appeal decisions and an overview of enforcement statistics for Quarter 3 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 Quarter 3 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

**Table 1: Appeal Decisions by Type – 1<sup>st</sup> October 2013 – 31<sup>st</sup> December 2013**

<b>Summary of Appeal Decisions (1<sup>st</sup> October 2013 – 31<sup>st</sup> December 2013)</b>
<b>Householder Appeals</b> 23 Decided 8 Allowed <b>% Allowed = 34%</b>
<b>Enforcement</b> 0 Decided 0 Allowed <b>% Allowed = 0%</b>
<b>Others (Written representations, informal hearings, public inquiries)</b> 15 Decided 4 Allowed <b>% Allowed = 26%</b>

**Majors**

1 Decided

0 Allowed

**% Allowed = 0%**

The above table summarises the results of appeal decisions by type in the previous quarter (Q3). 30% of applications were allowed in this quarter which is an increase on appeals allowed than in quarter 2. However, performance in major applications has remained consistent with no major applications allowed and the percentage of others allowed over and above last quarter is not considered significant (5%).

The main decline in performance has been in householder appeals where there has been double the percentage of applications allowed on appeal in this quarter than quarter 2. The percentage of householder applications allowed on appeal in this quarter is, however, less than in quarter 1 in which half all householder appeals were allowed by the Planning Inspectorate. In order to sustain the performance results from Q2 the development management team needs to continue to ensure that site circumstances are fully considered in the determination of applications including ensuring that the impact on neighbouring occupiers is fully considered and justified. It is also important to recognise that a number of the householder applications determined by the Planning Inspectorate this quarter were originally determined in 2012 and early 2013.

There have been no costs applications awarded against the Council this quarter. There has not been any enforcement appeals determined this quarter.

#### 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 the 3<sup>rd</sup> Quarter 2013/14. A copy of the enforcement register for this quarter is appended to this report for information. For the majority of last year, the planning enforcement team had

to operate with only 2 officers. The Development Management team structure had 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 from 4 to 2 for the majority of the year, the number of complaints investigated and closed has remained consistent. However the current administration, resolved to invest more into the team given the number of outstanding cases that remained uninvestigated and as a result a recruitment drive secured the services of two (2) additional officers who joined the team in November 2013. The two new officers are tasked with reducing the backlog of outstanding cases and initiating the appropriate action required to resolve the breaches of planning control. In addition 2 officers are actively pursuing the 'beds in sheds' project in conjunction with teams across the Council.

In the last quarter there has been an increase in the number of formal notices issued and served. However there has been a notable increase in the number of site visit undertaken and cases closed which has been as a direct result of the additional resources.

It is expected that the true impact of the additional officers will be noted in the report for the 4<sup>th</sup> quarter

**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	2	0	5	3 Currently pending
Oct 13 – Dec 13	120	7 (6 pending with legal)	5	0	1	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: Simon George	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 1 February 2014		
Name: Sian Webb	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 27 January 2014		

## Section 6 - Contact Details and Background Papers

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

**Background Papers:**  
Enforcement Register Q3 2013/14

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ENFORCEMENT GRID

No:	<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>
733	ENF/0352/09/P	17 Glanleam Road Stanmore Middlesex HA 7 4NW	Without planning permission, the construction of a three storey detached dwelling house with a single storey rear projection and basement ("the Unauthorised Development")	18-Oct-13	12-Dec-13	28-Nov-14
Canons						
738	ENF/0639/12/P	30 Bonnersfield Lane Harrow HA1 2LE	Without planning permission, the construction of a canopy and supporting pillars attached to the front of the existing dwellinghouse on the Land ("the Unauthorised Canopy")	25-Oct-13	12-Dec-13	28-Dec-13
NEEDS UPDATING						
736	ENF/0629/12/P	65 Courtenay Avenue Harrow HA3 6LJ	Without planning permission	6-Nov-13	12-Dec-13	11-Jun-14
			3.1 the material change of use of the single family dwelling house to a mixed use comprising of a house in multiple occupation and a self contained flat ("the Unauthorised Use")			
			3.2 the construction of a detached single storey building in the rear of the garden of the Land for use as a self contained flat ("the Unauthorised Development")			
736	ENF/0688/11/P	13 Village Way East Harrow Middlesex HA2 7LX	Without planning permission, the construction of a single storey rear extension shown in the approximate location denoted by hatching on the plan attached ("Unauthorised Development")	25-Nov-13	31-Dec-13	29-Mar-14
Rayners Lane						

\* 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>
735	ENF/0625/11/P	10 Aberdeen Road Harrow Middlesex HA3 7NF	Without planning permission, the material change of use of the single family dwellinghouse on the Land to use as two self contained flats ("Unauthorised Use")	25-Nov-13	12-Dec-13	2-Jul-14
Marlborough						
737	ENF/0100/12/P	81 West Street Harrow Middlesex HA1 3EL	Without planning permission, the installations of six (6) solar panels on the front roofslope of the dwelling ("Unauthorised Development")	25-Nov-13	12-Dec-13	27-Feb-14
Harrow on the Hill						
	ENF/0073/13/P	23 Hawthorne Avenue Harrow HA3 8AG	Without planning permission, the construction of a raised decking at the rear of the dwellinghouse at the Land ("the Unauthorised Development")	18-Dec-13	6-Jan-14	26-Mar-14