

# PLANNING COMMITTEE

## MINUTES

### 25 MAY 2016

**Chair:** \* Councillor Keith Ferry

**Councillors:** \* Ghazanfar Ali (1) \* Barry Kendler  
\* June Baxter \* Nitin Parekh (2)  
\* Stephen Greek \* Pritesh Patel

**In attendance:** Graham Henson Minute 244  
**(Councillors)**

\* Denotes Member present  
(1) and (2) Denote category of Reserve Members

#### 237. Attendance by Reserve Members

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

Ordinary Member

Councillor Anne Whitehead  
Councillor Christine Robson

Reserve Member

Councillor Ghazanfar Ali  
Councillor Nitin Parekh

#### 238. Appointment of Vice Chair

**RESOLVED:** To note that Councillor Anne Whitehead be appointed Vice Chair of the Committee for the 2016/17 Municipal Year.

### 239. 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:

<u>Councillor</u>	<u>Planning Application</u>
Graham Henson	1/03 & 2/06

### 240. Declarations of Interest

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

Agenda Item 10 – Planning Applications Received (1/02 )

Councillor Graham Henson declared a non-pecuniary interest in that he was the Portfolio Holder for Environment, Crime and Community Safety with delegated responsibility for traffic and parking issues. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Applications Received (1/02)

Councillor Barry Kendler declared a non-pecuniary interest in that he lived in vicinity of the application site and knew the objector for this item. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Applications Received (1/02 )

Councillor Nitin Parekh declared a non-pecuniary interest in that he was a regular visitor to the temple associate with Avanti House Trust. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Applications Received (1/02)

Councillor Pritesh Patel declared a non-pecuniary interest in that his daughter attended Whitchurch Primary School. He would leave in the room whilst the matter was considered and voted upon.

### 241. Minutes

**RESOLVED:** That the minutes of the meeting held on 13 April 2016 be taken as read and signed as a correct record.

### 242. Public Questions, Petitions, Deputations and References

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

### **RESOLVED ITEMS**

### 243. 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, 1/02 (this item was deferred) 1/03, 1/05, 2/05 on the list of planning applications.

[Note: Planning application 2/02 & 2/03 were subsequently deferred, and so the representations were not received].

## **244. 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 Head of Planning to issue the decision notices in respect of the applications considered.

### **1/01 - CHURCHILL HALL, HAWTHORNE AVENUE, HARROW**

**REFERENCE:** P/5255/15

**DESCRIPTION:** Redevelopment To Provide Three To Five Storey Building To Create 37 Flats And Class D1/D2 Unit At Ground Floor; Amenity Areas; Landscaping And Associated Parking; Bin And Cycle Storage; Relocation Of Vehicle Access On Hawthorne Avenue

Following questions from Members, an officer advised that:

- National Planning Policy guidance stated that new developments of this type should be innovative and contemporary in design and should not simply replicate the style and design of surrounding buildings. The Council's Urban Design officer considered the proposed design to be appropriate for a landmark building such as this. The fact that the building would be 5 storeys on the corner of Hawthorne Avenue and Kenton Road, would help to break up the façade;
- the levels of available parking at the development were in keeping with the findings of a robust transport survey which had been undertaken by the applicant;
- it was difficult to predict any future use for the two D1 & D2 commercial units at the site, or whether their users would require parking. However, there were a number of other commercial use premises in the vicinity of the proposed development, which did not have dedicated parking. In planning terms, It was not possible to consider or control any likely impact that other local developments might have on parking and traffic in the area;

- if, in the future one of the commercial units were to be sub-divided, then there was a potential access point to the side of the proposed development which could be used.

The Committee received representations from, Mr Ian Fernandez, a resident and from Mr Richard Henley, the applicant's agent.

A Member stated that, he had a number of unresolved concerns regarding the development with regard to its proposed bulk, scale and design as well as its likely impact on traffic flow and parking in the area. In his view, the objection raised by the London Borough of Brent was a valid one.

A Member proposed refusal on the following grounds:

The proposal, by reason of excessive height, scale, bulk, inappropriate design and insufficient off-street parking, would have an unacceptable impact on local character, amenity, parking capacity and highway safety, contrary to policies DM1 and DM43 of the Local Plan, CS1 of the Core Strategy and 7.4 and 7.6 of the London Plan.

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

#### **DECISION: REFUSED**

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

#### **1/02 - WHITCHURCH PLAYING FIELDS, WEMBOROUGH ROAD, STANMORE**

**REFERENCE:** P/4910/15

**DESCRIPTION:** The Erection Of A Three Storey Building For Use As A School With Detached Sports Hall/Community Changing Block, Hard And Soft Landscaping, Sports Pitches And Multi-Use Games Areas (MUGA), Hard And Soft Play Areas, Parking, Bin Storage And Boundary Treatment .

*Councillor Pritesh Patel left the room during consideration of this item.*

The Chair emphasised that the Committee had unanimously agreed to grant the application at its meeting of 17 February 2016 subject to the completion of a section 106 Planning Obligation, the School Travel Plan (STP) and the Community Use Agreement being referred back to the Committee for further consideration.

Following questions from Members, an officer advised that:

- the coaches to be used by the school had a 50 seat capacity and it was anticipated that the coaches would transport 150 pupils both in the morning and in the afternoon, with each journey likely to be charged at £7.50. The existing service was over-subscribed and a waiting list was

in operation. However, the planned increase in pupil numbers would likely lead to economies of scale which would bring down costs;

- the Council's travel planners and Highways officers were working closely with Avanti House School to ensure that the provisions contained in the STP would be met and it was important to note that the school had a good past record with in relation to implementing its STP. Nevertheless, the Council could not impose any penalties if the STP provisions were not met, but it would be in the interests of the school to ensure this was the case.

Members made the following additional comments:

- it was important to ensure that the STP measures were achievable and that local public transport provision would be able to cope with the likely increase in demand following the school's expansion;
- the school was located in an accessible location and he was in favour of the application in principle. However, in his view, the STP and any mitigating measures would require further specialist consideration and he proposed a motion to defer the application and for a Reference to be sent from the Planning Committee to the Traffic and Road Safety Advisory Panel (TARSAP) to further discuss and scrutinise the application and report back to the next meeting of the Planning Committee;
- the Chair added that there were a number of complex traffic management issues to be resolved with regard to the application, namely:
  - whether the S106 mitigation measures were adequate;
  - whether the plans for the roundabout to the West of the school required further discussions with TfL;
  - the possible implementation of staggered start and finish times by the three schools located in close proximity, namely, Stanburn, Whitchurch and Avanti House.

He added that TARSAP was best placed to provide comments on the above matters. He proposed sending a Reference to TARSAP, requesting that a Special meeting of the Panel be convened to consider the application and that TARSAP's findings be reported to the 29 June 2016 meeting of the Planning Committee.

**DECISION: DEFERRED**, pending further consideration at a special meeting of the Traffic and Road Safety Advisory Panel to take place before the end of June 2016.

## **1/03 - THE FORMER MATRIX PUBLIC HOUSE, 219 ALEXANDRA AVENUE, HARROW**

**REFERENCE:** P/0640/16

**DESCRIPTION:** Redevelopment To Provide A Part Two, Three And Four Storey Building For 60 Flats And One Dwelling House; Basement Parking; Cycle And Bin Store; Hard And Soft Landscaping

Following questions from Members, an officer advised that:

- according to the vitality assessment, 2-bedroom, 3-person occupancy flats were planned at an estimated value of between £320-£420k, however, he did not have to hand the figures for the 50% affordable units because different housing associations (as yet unidentified for this scheme) would use different models to value the properties;
- with regard to the right hand turn for vehicles when exiting from the development, the Highways Authority had looked at the plans and had not expressed any concerns regarding them. It would, however, be possible to insert an Informative with regards to the egress strategy;
- allocated parking at the proposed development was on an almost 1:1 ratio, which was at the upper threshold and the applicant had committed to a S.106 Travel Plan;
- it would not be possible to attach HMO (House of Multiple Occupancy) restrictions on units of this scale as the development had Permitted Development rights attached to it. Nevertheless, it would be possible to attach further conditions with regard to class 4 use, though these would require robust reasons for being added;
- the transport assessment had evaluated parking requirements at the site and the levels of parking and traffic generated by similar developments. On the whole, the rates of car ownership among flat dwellers tended to be lower than those living in dwelling houses. Providing higher levels of parking at the site would contravene the Local Plan;
- the occupants of the house at the site would have access to the underground car park;
- it would be possible to introduce an additional condition with regard to the cycle path, however, it would not be possible to impose a condition banning right hand turns when exiting the site as this was not an enforceable condition.

The Legal Adviser confirmed that it would not be possible to impose HMO restrictions on the development as this was not an enforceable condition.

A Member proposed refusal on the following grounds:

'The proposed development will have an unacceptable impact on local amenity, parking overspill and highway safety, whilst making insufficient provision to mitigate its transport impacts, contrary to policies DM1 and DM43 of the Local Plan, CS1 of the Core Strategy, and 6.13, 7.4 and 7.6 of the London Plan.

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

A Member proposed that the following additional conditions be attached to the application:

- the Section 106 Agreement require the applicant to enter into a S.278 agreement for highway works;
- a condition preventing the implementation of HMOs;
- that building works should be mindful of school drop-off and pick up times;
- the Affordable Housing quota should be increased and this figure to be agreed following further discussion between the Chair of Planning and the Director of Planning and Regeneration.

The Chair stated that introducing a condition with regard to HMOs could set a precedent, require a change in policy that would need to be consistently implemented for all future similar applications and that any such change in planning policy, would have enforcement implications and would require further detailed consideration and debate before it could be implemented.

He proposed removal of the condition relating to HMOs and inclusion of the following conditions, in addition to the ones above proposed by the other Member:

- that a further strategy relating the access and egress from the proposed development be investigated by the planning team, the highways authority and the applicant;
- the S.106 to include a condition for the applicant to be liable for the costs of carrying out any potential Parking Review and the costs of implementing any Parking Controls in mitigation in the vicinity of the development.

The Motion was seconded, put to the vote and won.

The Committee received representations from, Mr Bill Ridgeway, a resident and Ms Emma White, the applicant's agent and Councillor Graham Henson.

**DECISION: GRANTED**

## **RECOMMENDATION A**

Granted permission subject to authority being delegated to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and issue of the planning permission and subject to minor amendments to the conditions or the legal agreement and as amended by the Addendum, and additional condition relating to hazard signage.

The Section 106 Agreement Heads of Terms would cover the following matters:

- i) Affordable Housing: Provision of twelve shared ownership flats.
- ii) Highways: Travel Plan
- iii) Maintenance of London Plan tree adjacent to the site on Alexandra Avenue
- iv) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- v) Planning Administration Fee: Payment of £1,500 administration fee for the monitoring of and compliance with this agreement;
- vi) Parking Review - costs of carrying out any potential Parking Review and the costs of implementing any Parking Controls in mitigation in the vicinity of the development;

## **REASON**

The proposed development of the site would provide a high quality development comprising of a satisfactory level of residential accommodation, which would bring forward an allocated site for housing development thereby contributing to the Borough's housing stock. The housing development would be appropriate within the urban environment in terms of material presence, attractive streetscape and access and would make a positive contribution to the local area, in terms of quality and character.

## **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 25th August 2016, or as such extended period as may be agreed by the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Chair of the Planning Committee, then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning.

*The Committee wished it to be recorded that the decision to grant the application was by a majority of votes.*



*Councillors Keith Ferry, Barry Kendler and Nitin Parekh voted for the application. The Chair used his casting vote.*

*Councillors June Baxter, Stephen Greek and Pritesh Patel voted against the application.*

*Councillor Barry Kendler abstained from voting.*

#### **1/04 - CEDARS MANOR SCHOOL, WHITTLESEA ROAD, HARROW**

**REFERENCE:** P/2032/16

**DESCRIPTION:** Variation Of Condition 2 (Approved Plans), 6 (Sewage Disposal), 7 Surface Water Disposal) And 8 (Surface Water Attenuation/Storage) Attached To Planning Permission P/0170/16 Dated 01/04/2016 To Add Plan No.100 'Drainage Phasing' To Plans List Of Condition 2, Variation To Wording Of Conditions 6 And 7 To Allow The Submission Of Details Prior To Occupation And Variation To Wording Of Condition 8 To Allow The Submission Of Details Within 4 Months Of Occupation

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

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

#### **1/05 - SONIA COURT, GAYTON ROAD CAR PARK, FORMER LIBRARY SITE, GAYTON ROAD, HARROW**

**REFERENCE:** P/0291/16

**DESCRIPTION:** Redevelopment Comprising The Demolition Of The Existing Buildings On Site And The Erection Of 355 Flats Between Five Buildings In Configurations Of 5, 6, 8, 9 And 11 Storeys With 477sq. Metres Commercial And Community Use Spaces At Ground Floor (Flexible Uses Comprising Classes A2, A3, B1 And D1 Use Classes); Basement And Surface Servicing And Parking (Total Spaces 171); Principal Vehicle Access From Gayton Road To The East Of The Site With Secondary Site Access, Emergency Access And Minor Access To The West Of The Main Site Access; New Public Open Space, Landscaping And Associated Works

Following questions from Members, an officer advised that:

- when considered within the parameters of the Town Centre Parking Strategy, the loss of 281 parking spaces due to the loss of the car park, was deemed acceptable by the Highways Authority, as 2,067 parking spaces still remained within the Town Centre complex;

- officers considered that the views from the development, the quality of the outdoor spaces, landscaping, and air quality improvement contribution to be good;
- the applicant would submit a sustainability statement, whereby carbon emissions would be assessed in accordance with guidelines set out in the London Plan. A wind report had not been carried out as this was not a requirement;
- there was a good landscaping strategy, but this could be further reviewed with a request for increased soft landscaped areas;
- the applicant had agreed to locate the electricity sub-station to the southern end of the development.

The Chair stated that the current application was better value all round than the previous application which had been submitted and granted in 2008. He added that the proposed design and architecture was of a high quality, however, the end result would depend on the quality and colour of the brickwork likely to be used and that Planning officers overseeing the development should be mindful of this.

The Committee received representations from Ms Irene Wears, representing the Campaign for a Better Harrow and the applicant's agent, Mr Matt Parsons.

A Member proposed refusal on the following grounds:

The proposal is an overdevelopment that will harm local character, amenity, parking capacity and economic vitality of the town centre, by reason of excessive and overbearing height, scale, mass, bulk, density and loss of parking facilities, contrary to policies DM1, DM43, AAP1, AAP4 and AAP6 of the Local Plan, CS1 and CS2 of the Core Strategy and 7.4, 7.6 and 7.7 of the London Plan.

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

## **DECISION: GRANTED**

### **RECOMMENDATION A**

planning permission for the development described in the application and submitted plans, and as amended by the Addendum, and an additional condition relating to the re-location of the sub-station, subject to:

- Conditions set out at the end of this report;
- Referral to the GLA under Stage 2 of The Town and Country Planning (Mayor of London) Order 2008; and
- The completion of a Section 106 agreement with the heads of terms set out below by 30th September 2016 (or such extended period as may be agreed in writing by the Divisional Director of Planning).

Delegated Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 agreement and to agree any minor amendments to the conditions or the legal agreement.

## **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 30th September 2016, or as such extended period as may be agreed by the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Chair of the Planning Committee, then it is recommended to delegate the decision to **REFUSE** Planning permission to the Divisional Director of Planning.

*The Committee wished it to be recorded that the decision to grant the application was by a majority of votes.*

*Councillors Ghazanfar Ali, Keith Ferry, Barry Kendler and Nitin Parekh voted for the application.*

*Councillors June Baxter, Stephen Greek and Pritesh Patel voted against the application.*

### **2/01 - 92-108 GREENFORD ROAD, HARROW**

**REFERENCE:** P/1141/16

**DESCRIPTION:** Replacement Outbuilding (Demolition Of Outbuilding)

**DECISION:** **GRANTED** planning permission for the development described in the application and submitted plans, subject to condition(s).

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

### **2/02 - JOHN LYON SCHOOL, MIDDLE ROAD, HARROW**

**REFERENCE:** P/1020/16

**DESCRIPTION:** Modification To Section 106 Planning Obligation Relating To Planning Permission West/695/94/FUL Dated 23rd June 1995 (Principal Agreement) To Increase The Number Of Pupils On Roll From 525 To 710 (Previously Modified By Deed Of Variation Dated 24.09.2007)

An officer advised that a number of representations had been received in relation to this application and new information regarding the application had been recently published on the Council's website. In the interests of procedural fairness, and in order to allow residents and Councillors sufficient time to consider the new information, he requested that this item be deferred.

**DECISION: DEFERRED**

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

**2/03 - JOHN LYON SCHOOL, MIDDLE ROAD, HARROW**

**REFERENCE:** P/1014/16

**DESCRIPTION:** Modification To Section 106 Planning Obligation Relating To Planning Permission West/695/94/FUL Dated 23rd June 1995 (Principal Agreement) To Increase The Number Of Pupils On Roll From 525 To 660 (Previously Modified By Deed Of Variation Dated 24.09.2007)

An officer advised that a number of representations had been received in relation to this item and new information about the application had been recently published on the Council's website. He requested that this item be deferred, in the interests of procedural fairness, and in order to allow residents and Councillors sufficient time to consider the new information.

**DECISION: DEFERRED**

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

**2/04 - 88-98 COLLEGE ROAD, HARROW**

**REFERENCE:** P/0312/16

**DESCRIPTION:** Addition Of Fourth Floor To Provide Eight Flats; External Alterations To Existing Building

Following questions from Members, an officer advised that:

- the Affordable Housing contribution did not apply to a development of this size and was only applicable for developments with 10 or more units;
- affordable Housing contributions should not be sought for developments with prior approvals in accordance with the National Planning Practice Guidance, and as the additional number of flats being proposed was less than 10 units the Local Planning Authority was unable to require an Affordable Housing contribution. It is not possible to add all of the number of units together in order to require an Affordable Housing contribution as these were not 2 different planning permissions for one site, but rather was planning permission for 8 flats coupled with a prior approval (permitted development) for the remainder of the development.

## **DECISION: GRANTED**

### **RECOMMENDATION A**

Permission subject to authority being delegated to the Divisional Director of Regeneration and Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and issue of the planning permission and subject to minor amendments to the conditions or the legal agreement.

The Section 106 Agreement Heads of Terms would cover the following matters:

- i) The development hereby approved shall be carried out simultaneously with prior approval P/4480/15, granted 28 October 2015.
- ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

### **REASON**

The proposed scheme seeks to provide 8 residential units within a single storey extension to the existing property. The proposed residential units would contribute to a strategically important part of the housing stock of the borough, in accordance with paragraph 3.55 of the London Plan (2015). Furthermore, the proposed development would have a satisfactory impact on the character of the area, the amenities of existing neighbouring occupiers and future occupiers of the development.

### **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 25th June 2016 or as such extended period as may be agreed by the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Chair of the Planning Committee, then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Regeneration, Enterprise and Planning.

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

## **2/05 - 20 ELMWOOD AVENUE, HARROW**

**REFERENCE:** P/0347/16

**DESCRIPTION:** Conversion Of Existing Care Home (Use Class C2) To Residential (Use Class C3) Comprising Three Flats; Part Single / Part Two Storey Side Extension; Single Storey Rear Extension; New Vehicle Crossover And Associated Car Parking And Landscaping.

Following questions from Members, an officer advised that:

- the property had been purchased from the NHS in August 2014;
- the Council's Adult Social Care officer had indicated that she had no objection to the loss of the former Care Home;
- the guidelines relating to the vertical 45 degree code did not apply in this case as the relevant windows were not habitable room windows. The Supplementary Planning Document had been designed to be a guidance document and was not a statement of policy;
- proposed parking provision at the development was in keeping with guidelines in the London Plan. It may be possible to include an additional parking space and an informative requesting this would be added;
- it was common practice for the Council to take enforcement action if conditions relating to parking and storage of refuse bins were not complied with.

The Committee received representations from Mr Jon Spain, a resident. The applicant was not present.

A Member proposed a motion to defer the application. The Motion was put to the vote and lost.

**DECISION: GRANTED** permission for the development described in the application and submitted plans, an additional informative requesting an additional parking space be provided and subject to conditions.

*The Committee wished it to be recorded that the decision to grant the application was by a majority of votes.*

*Councillors Ghazanfar Ali, Keith Ferry, Barry Kendler and Nitin Parekh voted for the application.*

*Councillors June Baxter, Stephen Greek and Pritesh Patel abstained from voting.*

## **2/06 - 87 SANDRINGHAM CRESCENT, HARROW**

**REFERENCE:** P/0865/16

**DESCRIPTION:** Conversion Of Single Dwelling To Two Flats With New Access; Parking, Separate Amenity Space, Bin / Cycle Storage

Following a question from a Member regarding the ceiling height, an officer advised that although the ceiling heights would not meet the 2.5m standard

set out in the Mayor's housing SPG for part of this unit, the remaining space would do so. It was also necessary to acknowledge that the existing building could not meet these standards unless the roof was raised as standards were principally applied to new build developments rather than to conversions

The Committee received a representation and a request to defer the item subject to a site visit from Councillor Graham Henson.

**DECISION: DEFERRED**, subject to a site visit.

**245. Member Site Visits**

**RESOLVED:** To note that a site visit to be undertaken for item 2/06 – 87 Sandringham Crescent, Harrow.

(Note: The meeting, having commenced at 6.33 pm, closed at 9.57 pm).

(Signed) COUNCILLOR KEITH FERRY  
Chair