

# PLANNING COMMITTEE

## MINUTES

### 16 NOVEMBER 2016

**Chair:** \* Councillor Keith Ferry

**Councillors:** \* June Baxter \* Barry Kendler  
\* Simon Brown (4) \* Pritesh Patel  
\* Stephen Greek \* Mrs Christine Robson

**In attendance:** Ameet Jogia Items 1/04, 2/03  
**(Councillors)** Barry Macleod-Cullinane Items 1/03, 1/05  
David Perry Item 1/05

\* Denotes Member present  
(4) Denotes category of Reserve Members

#### 311. Attendance by Reserve Members

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

Ordinary Member

Reserve Member

Councillor Anne Whitehead

Councillor Simon Brown

#### 312. 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>
Ameet Jogia	1/04, 2/03
Barry Macleod-Cullinane	1/03, 1/05
David Perry	1/05

### 313. **Declarations of Interest**

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

Agenda Item 10 – Planning Applications Received: items 1/02 & 1/02

Councillor Simon Brown declared a non-pecuniary interest in that he lived in the vicinity of the application site and he was a Local Ward Councillor there. He would remain in the room whilst the matter was considered and voted upon.

### 314. **Minutes**

**RESOLVED:** That the minutes of the meeting held on 19 October 2016 be taken as read and signed as a correct record.

### 315. **Public Questions & Deputations**

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

### 316. **Petitions**

**RESOLVED:** To note the receipt of the following petition, containing 1,480 signatures, which was referred to the Corporate Director of Community for consideration.

‘Quality open Metropolitan Lan (MOL) will be lost if the Harrow School replacement Sports Hall is relocated, and enlarged to include a conference suite, as proposed. Residents and visitors access to appreciate the current wonderful views is restricted to footpaths and London’s Capital Ring walking route and they will be blocked or blighted by the proposed positioning. This includes the views of our only Grade II Listed Park which was set out by Capability Brown in 1768.

The solution is to redevelop the existing brown field site, use more subterranean construction and a green roof/walls. Also to use a temporary sports ‘Bubble’ and the nearby John Lyon swimming pool, during construction.

The conditions for developing on MOL have not been met and the public have not been consulted on the MOL aspects. If we can’t protect a site which is MOL, in a Conservation Area, an Area of Special Character and alongside a Grade II listed Park then what can we protect?’

### 317. References from Council and other Committees/Panels

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

### RESOLVED ITEMS

### 318. 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 items 1/03, 1/04, 1/05 and 2/03 on the list of planning applications.

### 319. 1/01 & 1/02: St Georges Church Field, Pinner View, Harrow - P/3673/16 & P/3882/16

#### PROPOSAL:

**P/3673/16:** Minor Material Amendment to Vary Condition 1 (Approved Plans) of Planning Permission P/0479/15 dated 04/09/2015 to Allow Alterations to 8 of the residential units to Provide 3 Bedroom Units in place of the Approved 4 Bedroom Units; Alteration to Siting and Scale of the Turning Area For Refuse and Emergency Vehicles; Minor Changes to the Porches on 14 units.

**P/3882/16:** Modification to Section 106 Agreement relating to Planning Permission P/2336/11 dated 10/02/2012 to allow amendment of 8 of the residential units from 4 bed houses to 3 bed houses with 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.

An officer advised that item 1/02 - P/3882/16 had been withdrawn as under law, planning applications to modify Section 106 agreements may not be determined until five years after they have been originally signed, which was the case in this instance. The Council could, however, modify a planning obligation by agreement at any time and a new recommendation (as below) was proposed.

An officer advised that committee approval would be sought to allow delegated authority to the Director of Planning and Regeneration to allow a deed of variation to the section 106 should such a proposal be submitted in the future.

Following a question from a Member, an officer advised that the increase in the size of the turning space for refuse and emergency vehicles was minimal, 0.3%.

#### DECISION:

**P/3673/16: GRANTED**, planning permissions subject to the conditions listed in appendix 1 of the officer report, and as amended by the Addendum.

**P/3882/16: WITHDRAWN.** It was agreed that delegated authority would be granted to the Director of Planning and Regeneration to agree any future Deed of Variation to the S106.

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

*Councillors Simon Brown, Keith Ferry, Barry Kendler and Christine Robson voted to grant the application.*

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

**320. 1/03: Harrow School Sports And Science Buildings, Off Football Lane, Harrow - P/1940/16**

**PROPOSAL:** Demolition Of Existing Buildings: Existing Sports Building, Peel House, Museum Cottage, Gardeners Compound, Boyer Webb Pavilion, Pavilion Next To The Athletics Track; Construction Of New Sports Building Over 3 Levels (7307 Sqm); New Science Building Over 3 Levels (3675 Sqm); New Landscaping Core From Existing Chapel Terrace To The Athletics Track At The Base Of Hill; New Visitors Car Parking On Football Lane Adjacent To Maths And Physics School Buildings; Re-Routing And Re-Grading Of Private Access Road; Alterations To Landscaping And Servicing For Dining Hall; Relocation Of Multi Use Games Area For Moretons Boarding House To South West Of Dining Hall

Following questions from Members, an officer advised that:

- the current site could not accommodate the additional sports facilities required by the school. In planning terms, officers and the committee were obliged to assess the application before them rather than look at possible alternative siting for the proposed buildings. A Sequential Test would not apply in this case;
- due to the school's specific requirements with regard to the proposed new sporting facilities, the school had indicated that it would not be able to use sporting facilities outside the school location;
- the Community Use Agreement (CAS) would be finalised in January 2017. It would be valid for a period of 10 years, the details of which would be agreed on an annual basis and the CAS could be further extended after the initial 10-year period had lapsed;
- GLA considered the CAS to be compliant with policy 3.19 of the London Plan. The CAS had been assessed by the Greater London Authority (GLA), which was the body that administered the London Plan. Under the CAS, 1300 hours of free access to the school's sporting facilities would be made available to local schools. This would be managed by senior officers from the Council's education department, who would decide how the 1300 hours were allocated;

- the science building would be located 112m away from Vaughan Library and there would be clear space between the heritage buildings. The proposed new buildings would be camouflaged and the new landscape would replicate the current one;
- materials to be used on external surfaces would be finalised following consultation with Heritage England and the Council's Conservation Officer;
- the school had submitted an SPD (supplementary planning document). The proposal successfully met the tests of the MOL (Metropolitan Open Land) swap as set out in the SPD, namely, there was no net loss of MOL. The SPD had been undertaken in consultation with the GLA, which was the gatekeeper of the MOL. The GLA had agreed that the MOL swap could be done, and the decision to allow this was therefore legally sound;
- a detailed construction timetable had yet to be received. This could be further discussed with the applicant.

A letter received by the Planning Authority from Gareth Thomas, MP, objecting to the application was read out to the Committee.

A Member proposed refusal on the following grounds:

1. The proposal would cause unacceptable harm to local character, visual amenity and heritage assets, including conservation areas in Harrow on the Hill and surrounding areas, the Harrow on the Hill area of special character, and strategic views of St Mary's Church, contrary to policies DM1, DM3, DM6 and DM7 of the Local Plan, CS1 and CS3 of the Core Strategy, and 7.4, 7.6 and 7.8 of the London Plan.
2. The proposal would constitute an inappropriate and unacceptable use of Metropolitan Open Land, contrary to policies DM1, DM7 and DM17 of the Local Plan, CS1 and CS3 of the Core Strategy and 7.17 of the London Plan.

The motion was seconded, put to the vote and lost. The Chair used his casting vote.

A Member stated that he had concerns regarding the architecture and finish of the buildings. The proposed building were intrusive and not of a sufficiently high quality and he proposed deferring the application on the following grounds:

1. To allow the applicant and the Council additional time to flesh out the details of the Community Use Agreement;
2. To allow the applicant to improve the appearance of the buildings in terms of scale, design, architecture and materiality to ensure that the

proposed buildings were of a high quality and compliant with NPPF (National Planning Policy Framework) paragraph 126 and DM1 (Development Management);

3. To allow the applicant to reconsider the re-siting of the proposed building outside of MOL.

The Chair advised that the CAS would be part of the Section 106 agreement, which would be legally binding and therefore enforceable. The Council would have the power to decide how the 1300 hours were allocated to local schools. Referral to the GLA's Strategic Planning Department would ensure that the application was fully compliant with the London Plan. Materials to be used, which had yet to be agreed, could be referred back to the Planning Committee for agreement at a later date.

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

The Committee received representations from an objector, Mr Catherall, treasurer of Harrow on the Hill Trust and from, Mr Jim Hawkins, the headmaster of Harrow School, and Councillor Barry Macleod-Cullinane.

#### **DECISION: DEFERRED**

#### **321. 1/04: Jubilee House, Merrion Avenue, Stanmore - P/1320/16**

**PROPOSAL:** Demolition of existing office building and two pairs of (four) semi-detached houses and comprehensive redevelopment of the site to provide a mixed use development of 102 residential assisted/independent living units (Class C2) within a building of five to eight storeys and 70 residential units (Class C3) within a building of three to six storeys; with associated landscaping, basement and surface level parking; new vehicle access from Merrion Avenue

Following questions from Members, an officer advised that:

- The lift at Stanmore Tube station would require an additional contribution from the Council in order to be built as there remained a significant funding gap;
- the Council's stated priority to ensure that lifts were introduced at Harrow on the Hill station was not a planning matter and could not be taken into consideration when judging the merits of the application;
- the proposed development would be visible from the Conservation area. However, this would be mitigated by the high quality of the architecture for the proposed development and in view of the low quality and dated design of the current buildings on the application site;
- TfL had indicated support for the installation of the lift at Stanmore tube Station on the proviso that delivery of the lift was reliant on funding being made available from the development and/or other Council

contributions and this was subject to TfL's approval of the design and contractors involved, and having an overseeing role during the construction.

A Member proposed refusal on the following grounds:

1. The proposed application is an overdevelopment, with excessive height, scale, bulk and insufficient parking. It would therefore cause harm to local character and amenity, including the nearby Kerry Avenue Conservation Area, contrary to policies DM1, DM7 and DM42 of the Local Plan, CS1 and CS7 of the Core Strategy, and 7.4, 7.6 and 7.8 of the London Plan.
2. The proposal would constitute an unacceptable loss of garden land, contrary to policies CS1 of the Core Strategy and 3.5 of the London Plan.

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

The Chairman advised that the application site was subject to prior approval which meant that the applicant could convert the site from office to residential use without submitting formal plans to the Local Planning Authority. In such cases, the Planning Authority would have no say or control over such a development.

A Member proposed deferring the application on the following grounds:

1. There is an issue regarding the topography of the site and that the developer has not taken into account that the site slopes down resulting in a flaw in the development's design, which makes it more intrusive to neighbouring occupiers. The applicant is requested to re-consider the development's design to overcome this; and
2. There are local highway traffic and parking problems due to the occupancy of Wembley Stadium by Tottenham Hotspurs football team. The applicant should carry out a car parking review in conjunction with Council's highways officers and consider parking and traffic conditions on match days in respect of the development.

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

The Committee received representations from two objectors, Craig Kent and Janice Pereira, and from, Gavin Stein, a representative of the applicant, and Councillor Ameet Jogia.

#### **DECISION: DEFERRED**

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

*Councillors June Baxter, Stephen Greek, Barry Kendler and Pritesh Patel voted to defer the application.*

*Councillors Simon Brown, Keith Ferry and Christine Robson voted against deferral.*

**322. 1/05: 5-11 & 37-41 Palmerston Road & 27-33 Masons Avenue And Land Adjacent To 47 Masons Avenue, Harrow - P/1619/16**

**PROPOSAL:** Redevelopment of the site to provide 186 residential units (Use Class C3); 1165sqm office floorspace (Use Class B1) and 695sqm flexible commercial and community floorspace (Use Classes A1, B1, D1, D2) in buildings between 1 and 17 storeys in height; Basement to provide carparking and cycle parking spaces; One vehicle access from Palmerston Road and one vehicle access from Masons Avenue; Refuse storage; Entrance gates; Public realm and landscaping; Photo-voltaic panels; Demolition of existing buildings.

Following questions from Members, an officer advised that:

- the proposal had been assessed against the tall buildings policy. Although it was over the 6 storeys advised by the policy, the increase in the number of floors was mitigated by the high quality of the architecture under AAP4, paragraph 6c and paragraph 7.7 of the London Plan, and the fact that the development would bring into use redundant space on either side of the flyover;
- officers considered that the proposed development, its design and layout would respond well to the site context. Any changes to the highway network in the future would have to take into consideration the development;
- the proposal had been fully assessed in relation to planning policy. However, Planning policy did not have a say over whether the units could be 'buy to let' properties and there was no way of predicting or controlling this under planning legislation;
- a Transport Assessment, a Travel Plan and a Delivery and Servicing Plan (DSP) had been submitted in support of the application. It was considered that 3 loading bays were sufficient for a scheme of this size. Parking enforcement would apply in the inset bays and the bays would allow the continued free flow of traffic on Masons Avenue and Palmerston Avenue;
- each commercial unit would have its own bin and appropriate refuse storage solution on site;
- 74 of the 186 units would be designated affordable housing. Of these, 46 units would be shared ownership and 28 units would have affordable rents;
- the application had been fully assessed by the Design Review Panel and;



- 31 of the 69 proposed car-parking spaces would be in the form of 'stackers';
- there would be a right turn ban on the car park exit and additional traffic calming measures could be imposed in the area in the future, if required. The Highways authority had requested a raised table crossing point at Palmerston Road;
- Thames Water had agreed to an additional condition requiring a drainage strategy to be submitted;
- the Section 106 agreement would ensure access for the Highways Authority to the flyover for inspections and maintenance;
- the planning conditions and the S.106 Planning obligation would address any concerns regarding the integrity of the highways infrastructure and the development would have to comply with building regulations regarding fire safety, etc.

A Member proposed refusal on the following grounds:

1. The proposal would be an overdevelopment, with excessive and overbearing height, bulk, mass, scale and intensity, to the detriment of local character and amenity, contrary to policies DM1 of the Local Plan, AA1, AAP3, AAP4, and AAP6 of the Harrow and Wealdstone Area Action Plan, CS1 and CS2 of the Core Strategy, and 7.4, 7.6 and 7.7 of the London Plan.
2. The proposal fails to provide sufficient design quality or community benefit to justify the proposed tall buildings on this site, whilst failing to mitigate overshadowing and other amenity impacts, contrary to policies AAP6 of the Harrow and Wealdstone Area Action Plan and 7.7 of the London Plan.
3. The proposal is not in conformity with the designated use, scale, height and intensity of this site, contrary to policy AAP5 in the Harrow and Wealdstone Area Action Plan.
4. The proposal would harm the settings of local strategic views, contrary to policy DM3 of the Local Plan.
5. The proposal fails to provide sufficient parking or to mitigate local traffic impacts, contrary to policies DM1 and DM42 of the Local Plan, CS1 of the Core Strategy and 6.12 of the London Plan.
6. The proposal would provide unacceptable overshadowing to the local area, to the detriment of local amenity, contrary to policies DM1 of the Local Plan, CS1 of the Core Strategy, and 7.6 and 7.8 of the London Plan.

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

The Committee received representations from an objector, Mr Khadim, and from Mr Baxter, a representative of the applicant, and Councillor David Perry and Councillor Barry Macleod-Cullinane.

The Chair advised that Origin Housing had put in a successful bid to the GLA. If the application was refused, then the GLA in all likelihood would withdraw the funding.

**DECISION: REFUSED**, subject to the stage 2 referral to the GLA and any decision by the Secretary of State to determine this application himself, the committee resolved to refuse the application.

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

*Councillors June Baxter, Simon Brown, Stephen Greek, Barry Kendler and Pritesh Patel voted to refuse the application.*

*Councillors Keith Ferry and Christine Robson voted against refusal.*

**323. 2/01: Cowmans Cottage, Old Church Lane, Stanmore - P/4779/16**

**PROPOSAL:** Single storey side extension; replacement windows to side elevation; installation of 1.8M high railings and fence to side and rear boundary; lowering courtyard and new retaining walls; external alterations (demolition of cowshed)

**DECISION: GRANTED**, planning permission subject to the Conditions listed in Appendix 1 of the officer report, and as amended by the Addendum.

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

**324. 2/02: Cowmans Cottage, Old Church Lane, Stanmore - P/4793/16**

**PROPOSAL:** Internal and external alterations including: removal of existing cowsheds and replacement single storey side extension including an increase in height; extension and alteration to the scullery to become the link; alteration to north lobby of the cottage to remove windows and door to be set aside for reuse and removal of brick and plaster infill; installation of 1.8m high railings and fence to side and rear boundary; lowering courtyard and new retaining walls; repairs to the existing garden wall

**DECISION: GRANTED**, Listed Building Consent subject to the Conditions listed in Appendix 1 of the officer report, subject to receipt of confirmation from Historic England that they do not object and receipt of confirmation from the Secretary of State that they do not wish the application to be referred to them, and as amended by the Addendum.

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

**325. 2-03: 1 Canons Close - P4221/16**

**PROPOSAL:** First floor rear extension; external alterations (addition of window in first floor side elevation)

The Chair advised that the application was located in a Conservation Area and had been called in by a Member.

A Member proposed refusal on the following grounds:

‘The proposed first floor rear extension by reason of excessive depth, width and lack of setback from the side elevation would give rise to a bulky, obtrusive and prominent form of development, and would fail to preserve or enhance the character or appearance of this part of the Canons Park Conservation Area contrary to The National Planning Policy Framework (2012), Policies 7.4B, 7.6B, 7.8 C and 7.8D of The London Plan (2016), Core Policies CS1.B and CS1.D of the Harrow Core Strategy (2012), Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013), the guidance contained in the adopted Supplementary Planning Document: Residential Design Guide (2010) and the Canons Park Conservation Area Appraisal and Management Strategy (2013).’

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

The Committee received representations from Councillor Ameet Jogia.

**DECISION: GRANTED**, planning permission subject to the Conditions listed in Appendix 1 of the officer report.

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

*Councillors Simon Brown, Barry Kendler, Keith Ferry and Christine Robson voted for the application.*

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

**326. 2/04: Public Conveniences, Greenhill Way - P/4221/16**

**PROPOSAL:** An extension to the deadline for the completion of the s. 106 Planning Obligation.

An officer advised that the deadline for signing the S.106 planning obligation had been listed as 20 December 2016 in error. The Committee agreed that this date should be amended to read 15 January 2017.

**DECISION: APPROVED**, an extension to the deadline for the completion of the s.106 Planning Obligation to 15 January 2017, or such extended period as

may be agreed in writing by the Divisional Director of Regeneration, Enterprise and Planning.

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

**327. 2/05: Land Rear Of 209 Harrow View, Harrow - P/2516/16**

**PROPOSAL:** Redevelopment to provide seven two storey dwellings with habitable roofspace parking bin / cycle storage and landscaping

Following a question from a Member, an officer advised that the refuse storage area would be sited adjacent to the car park.

**DECISION: GRANTED**, planning permission subject to the Conditions listed in Appendix 1 of the officer report.

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

**328. Member Site Visits**

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

**329. Termination of Meeting**

In accordance with the provisions of Committee Procedure Rule 14.2 (Part 4B) of the Constitution:

**RESOLVED:** At 9.59 pm to continue until 10.30 pm.

(Note: The meeting, having commenced at 6.30 pm, closed at 10.28 pm).

(Signed) COUNCILLOR KEITH FERRY  
Chair