

Planning Committee

Minutes

17 February 2021

Present:

Chair: Ghazanfar Ali (Vice-Chair in the Chair)

Councillors: Marilyn Ashton
Christopher Baxter
Simon Brown
Ajay Maru
Anjana Patel
Christine Robson

In attendance (Councillors): John Hinkley
Jean Lammiman
For Minute 505 and 506
For Minute 505 and 506

Apologies received: Keith Ferry

494. Attendance by Reserve Members

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

Ordinary Member

Councillor Keith Ferry
Vacant

Reserve Member

Councillor Ajay Maru
Councillor Christine Robson

495. Right of Members to Speak

RESOLVED: That, in accordance with Committee Procedure Rule 4.1, the following Councillors, who were not Members of the Committee, be allowed to speak on the agenda item indicated:

Councillor

John Hinkley

Planning Applications

Agenda Item 2/01, Cornwall Court,

Cornwall Road, Pinner, HA5 4LR,
P/4252/20/Prior; and Agenda Item 2/02,
Oakleigh House, P/0050/21/Prior.

Jean Lammiman

Agenda Item 2/01, Cornwall Court,
Cornwall Road, Pinner, HA5 4LR,
P/4252/20/Prior; and Agenda Item 2/02,
Oakleigh House, P/0050/21/Prior.

496. Declarations of Interest

RESOLVED: To note that the Declarations of Interests published in advance of the meeting on the Council's website were taken as read.

497. Minutes

RESOLVED: That the minutes of the meeting held on 20 January 2021 be taken as read and signed as a correct record.

498. Public Questions

RESOLVED: To note that two public questions were received (with supplemental questions), and responded to.

(The video recording of this meeting can be found at the following link:
<http://www.harlow.gov.uk/virtualmeeting>).

499. Petitions

RESOLVED: To note that there were none.

500. Deputations

RESOLVED: To note that there were none.

501. References from Council and other Committees/Panels

RESOLVED: To note that there were none.

502. Addendum

RESOLVED: To accept the Addendum and Supplemental Addendum.

Resolved Items

503. Representations on Planning Applications

RESOLVED: That in accordance with the provisions of Committee Procedure Rule 29 (Part 4B of the Constitution), representations be received in respect of items 2/01 and 2/02 on the list of planning applications.

504. 1/01, Premier House, P/2766/20

PROPOSAL: change of use of the Banqueting Suite (Sui Generis) and educational floor space (Use Class D1) in addition to extensions to provide new residential accommodation (Use Class C3) together with a flexible commercial workspace use (Use Class B1).

Following a question from a Member on cladding, it was advised that Condition 9 on materials would ensure that appropriate facing materials were used.

The Committee resolved to accept officer recommendations.

RECOMMENDATION A

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in the report, and
- 2) grant planning permission subject to authority being delegated to the Interim Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission, subject to amendments to the conditions, including the insertion or deletion of condition as deemed fit and appropriate to the development or the amendments to the legal agreement as required.

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

Affordable Housing

The provision of six discounted market rent units to be secured in perpetuity at:

- 80% of open market rents;
- Affordable Housing Statement; and
- Early and late stage viability reviews.

Build to Rent

- a restrictive covenant and clawback mechanism to ensure the development of Premier House remains a Build to Rent scheme; and
- Build to Rent Management Plan

Transport and Highways

the development to be 'resident permit restricted' and the developer to ensure that: (i) all marketing/advertising material makes reference to the fact that; and (ii) all sales and lettings agreements contain a

covenant to the effect that; future owners, occupiers and tenants (other than those that are registered disabled) will not be entitled to apply for a residents parking permit or a visitor parking permit.

Children and Young People's Play space

- a financial contribution of £2,280 to fund off-site provision (including enhancements to existing provision where appropriate) of play space and equipment.

Carbon Offset

- a financial contribution prior to commencement of the development for the shortfall in on-site carbon reductions required to achieve net zero carbon in line with the GLA rates (to be determined based on a revised energy strategy that reflects a more detailed assessment). Verification of post-completion or final onsite emissions will inform any further offset contribution that may be required.

Decentralised Energy Network

- sufficient space and a safeguarded route to allow connection to any future district decentralised energy network.

Design Review and Design Code

- an undertaking by the developer to the existing architect (or one of equivalent standard) until the development is completed; or, the submission of a Design Code for approval by the Council that details the quality of the external materials of the finished development and other design parameters.

Employment and Training

- a financial contribution to be paid by the developer to fund local employment and training programmes and the submission of a Training and Recruitment Plan;
- the developer to use all reasonable endeavours to secure the use of local suppliers and apprentices during the construction of the development; and
- submission of an Employment Management Plan.

Legal Costs, Administration and Monitoring

- a financial contribution (to be agreed) to be paid by the developer to the Council; and
- to reimburse the Council's legal costs associated with the preparation of the planning obligation and a further contribution (to be agreed) to be paid to reimburse the Council's administrative

costs associated with monitoring compliance with the obligation terms.

RECOMMENDATION B

That if the Section 106 Agreement was not completed by 31 May 2021 or such extended period as may be agreed in writing by the Interim Chief Planning Officer, the section 106 Planning Obligation is not completed, then delegate the decision to the Divisional Director of Planning to REFUSE planning permission for the appropriate reason.

The proposed development, in the absence of a Legal Agreement to provide appropriate improvements, benefits and monitoring that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social, environmental and physical infrastructural improvements arising directly from the development, contrary to the National Planning Policy Framework (2019), Policies 3.6, 3.11, 5.2, 6.3, 6.13 and 8.2 of the London Plan (2016), Policies D4, H11, S4, SI2, T4, T6, T6.1 and DF1 of the Publication London Plan (2020), Policy CS1 of the Harrow Core Strategy (2012) and Policies DM12, DM28, DM42, DM43, DM50, of the Harrow Development Management Policies Local Plan (2013) and the Harrow Planning Obligations SPD (2013).

DECISION: GRANT

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

Councillors Ali, Brown, Maru and Robson voted for the application.

Councillors Ashton, Baxter and Patel abstained from voting on the application.

505. 2/01, Cornwall Court, Cornwall Road, Pinner, HA5 4LR, P/4252/20/PRIOR

PROPOSAL: the development proposed the prior approval for an additional one storey (height 2.9 m) of development containing 4 flats on an existing detached block of flats. Prior approval was sought for transport and highways impact; air traffic and defence asset impacts; contamination risks; folding risks; the external appearance of the building; the provision of adequate natural light in all habitable rooms of the new dwelling houses; impact on the amenity of the existing building and neighbouring premises and the impact on a protected view.

The Committee received representations from Councillor John Hinkley and Councillor Jean Lammiman, who both outlined reasons for seeking refusal of the application.

The Committee resolved to accept officer recommendations.

RECOMMENDATION

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) grant the prior approval subject to the conditions listed in Appendix 1 of the report.

DECISION: GRANT

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

Councillors Ali, Brown, Maru and Robson voted for the application.

Councillors Ashton, Baxter and Patel abstained from voting on the application.

506. 2/02, Oakleigh House, P/0050/21/PRIOR

PROPOSAL: change of use of from nursing home (Class C2) to a registered nursery (Class D1) (prior approval of transport and highways impacts of the development, contamination and flooding risks on the site and impacts of noise from commercial premises on the intended occupiers of the development).

The Committee received representations from David Glassman (objector), and Sati Panesar (agent for the applicant). The objector and the agent for the applicant outlined their reasons for seeking refusal, and approval, of the application, respectively.

The Committee also received representations from Councillor John Hinkley and Councillor Jean Lammiman, who both outlined reasons for seeking refusal of the application.

Members expressed misgivings on the credibility of the Noise Impact Assessment, and were concerned about its accuracy on the proportion of parents undertaking journeys to the nursery by walking, private car or other means.

Councillor Marilyn Ashton proposed refusal for the following reason:

- 1) the submitted Noise Impact Assessment was lacking in credibility and therefore it fails to realistically assess the general disturbance and noise associated with this use of the site and from the comings and goings to the site by visitors and users of the site and along the street and potential impact thereon upon the quality of life for neighbouring residents. The proposal is therefore not in compliance with provision T.2. (b) (ii) of Class T, Part 32, Schedule 2 of the Town and Country Planning General Permitted Development (England) Order 2015, as amended. In the absence of realistic and believable information, the proposal has the potential to have a detrimental impact upon the residential amenities of neighbouring residents, contrary to National Planning Policy Framework (2019), Policy 7.15B of The London Plan

(2016), Policy D14 Publication London Plan (2020) and Policy DM1 of Harrow's Development Management Policies Local Plan (2013).

The proposal was seconded, put to the vote and agreed.

The Committee resolved to refuse officer recommendations, and delegated authority to the Interim Chief Planning Officer to finalise the wording for the refusal in consultation with the Director of Legal and Governance Services.

RECOMMENDATION

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) grant prior approval subject to the subject to authority being delegated to the Interim Chief Planning Officer to issue the planning permission after the expiry of the site notice publication, being the 19 February 2021 and taking into full consideration any further new material planning consideration, other than that has already been addressed in this report and reported to the Planning Committee by the addendum or supplemental addendum and subject to amendments to the conditions (if required) listed in Appendix 1 of the report.

DECISION: REFUSE

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

Councillors Ali, Ashton, Baxter, Brown, Maru and Patel voted to refuse the application.

Councillor Robson abstained from voting.

507. Any Other Urgent Business

Councillor Marilyn Ashton requested that physical site visits be undertaken as soon as practical. The Vice-Chair advised that a discussion, and decision, on the matter would be done in due course.

The audio recording of this meeting can be found at the following link:

<https://www.harrow.gov.uk/virtualmeeting>

(Note: The meeting, having commenced at 6.30 pm, closed at 8.16 pm).

(Signed) Councillor Ghazanfar Ali
Vice-Chair in the Chair