

# Planning Committee

## Minutes

### 24 May 2023

**Present:**

**Chair:** Councillor Marilyn Ashton

**Councillors:** Ghazanfar Ali Rashmi Kalu  
Christopher Baxter Nitin Parekh  
Salim Chowdhury Zak Wagman

**In attendance (Councillors):** Jerry Miles For Minute 15

**Apologies received:** Peymana Assad  
Samir Sumaria

**187. Appointment of Vice-Chair**

**RESOLVED:** To note that Councillor Christopher Baxter was appointed Vice-Chairman of the Planning Committee for the 2023-2024 Municipal Year.

**188. Attendance by Reserve Members**

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

Ordinary Member

Councillor Samir Sumaria  
Councillor Peymana Assad

Reserve Member

Councillor Salim Chowdhury  
Councillor Rashmi Kalu

**189. 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

Planning Application

Jerry Miles

1/02, 143-145 Eastcote Lane & 172  
Alexandra Avenue.

**190. Declarations of Interest**

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

Agenda Item 1/03 Harrow Council Civic Car Park

Councillor Marilyn Ashton declared a non-pecuniary interest in that she was the Portfolio Holder for Planning and Regeneration, and was involved in the planning process for the application. She would leave the meeting whilst the matter was considered and voted upon.

**191. Minutes**

**RESOLVED:** That the minutes of the meeting held on 19 April 2023 be taken as read and signed as a correct record.

**192. Public Questions**

**RESOLVED:** To note that no public questions were received.

**193. Petitions**

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

**194. Deputations**

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

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

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

**196. Addendum**

**RESOLVED:** To note that the Addendum and Supplemental Addendum be received.

**197. 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 item 2/02 on the list of planning applications.

## Resolved Items

### 198. Stanmore Article 4 Directions

The Committee received a report on Proposed Article 4 Directions –Stanmore Hill, Kerry Avenue, Old Church Lane and Little Common Conservation Areas.

The report fed back to the Planning Committee representations received on all the non-immediate Article 4 Directions agreed by the Committee at its meeting on 11 March 2020 and introduced thereafter on 19 May 2022 for public consultation. The directions covered properties within the following Stanmore conservation areas: Stanmore Hill, Little Common, Old Church Lane and Kerry Avenue.

The report then accordingly recommended confirmation of all but one of these Directions 12 months after their introduction, the exception being that originally proposed for 1 Tudor Well Close and 7 Cherry Tree Way, Friars Mead on Old Church Lane in the Old Church Lane Conservation Area.

**RESOLVED:** To agree the following recommendations:

- a) Consider the representations received during the statutory consultation period and subsequent letters sent to each property affected by the Directions in April 2023;
- b) Having considered the representations agree to the Interim Chief Planning Officer's recommendation to confirm the Article 4 Direction of the Town and Country Planning (General Permitted Development) (England) Order 2015 to require planning permission for the works listed above under Schedule 2 of the GPDO. The proposed Article 4 Directions are to apply only to residential properties within the Conservation Area ("CA") where facing a highway, waterway or open space;
- c) Delegate authority to the Interim Chief Planning Officer to undertake the necessary statutory processes to confirm the proposed Article 4 Directions; and
- d) Agree to the Interim Chief Planning Officers' recommendation not to introduce an Article 4 direction for 1 Tudor Well Close and 7 Cherry Tree Way, Friars Mead on Old Church Lane.

### 199. Tree Protection Order 969 East End Way No.2 Pinner

The Committee received the report on the Tree Planning Order (TPO) No.969 East End Way (No.2) Pinner.

The Council made provisional Tree Preservation Order (TPO) No. 969 on 12 December 2022. The TPO protects an Oak tree ('T1') as indicated on the attached plan (Appendix A) and covers the property at Maribar, East End Way, Pinner. Before confirming the order, the Council must consider any objections and representations duly made in respect of the provisional order. An objection had been received against this TPO in respect to the tree T1 Oak.

The report considered the objection and concluded the grounds of objection did not warrant allowing the TPO to lapse without confirmation. It therefore recommends that the Committee confirms the order. The matter is being reported to the Committee as where there is an objection to a provisional TPO, the TPO cannot be confirmed under delegated authority and must be reported to the Planning Committee.

**RESOLVED:** To agree the following recommendations:

- (1) confirm TPO No.969 East End Lane (No.2) Pinner; and
- (2) delegate authority to the Chief Planning Officer to undertake the necessary processes required to confirm the TPO.

**200. 1/01, 2-4 Hindes Road, HA1 1SG, P/3833/22**

**PROPOSAL:** demolition and redevelopment to provide a three, four and five storey building comprising a commercial unit at ground floor (Class E); eighteen flats; Four x three storey terraced houses; Landscaping; Play area and courtyard; Plant room in basement; Refuse and cycle storage. (Details: Eighteen flats comprising 13 x 1 Bed and 5 x 2 Bed flats; 4 x 3 Bed terraced houses) (as amended by the Addendum and Supplemental Addendum).

The Committee voted and resolved to accept officer recommendations.

**RECOMMENDATION A**

1. agree the reasons for approval as set out in the report; and
2. grant planning permission subject to authority being delegated to the Chief Planning Officer in consultation with the Director of Legal and Governance Services for the following:
  - a) Full resolution of all outstanding drainage matters relating to this site; and
  - b) Completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:
    - i Affordable Housing – early and late-stage review of the development as per the Mayor’s SPG.
    - ii Parking Permit Restrictions – The development to be “resident permit restricted” in accordance with section 16 of the GLC (Gen Powers) Act 1974 and the developer to ensure that 1) all marketing/advertising material makes reference to this fact and 2) all agreements contain a covenant to the effect that future occupiers and tenants (other than those who are registered disabled) will not be entitled to apply for a residents parking permit or a visitor permit.
    - iii A contribution in accordance with the adopted fees and charges is required to amend the Traffic Management Order.
    - iv Employment and Training –

1. The developer to submit to the Council for approval, prior to commencement of the development, a Training and Recruitment Plan.

The developer to implement the agreed Plan. The training and Employment plan will include:

- a) employment initiatives opportunities relating to the construction of the Development and details of sector delivery;
- b) the provision of appropriate training with the objectives of ensuring effective transition into work and sustainable job outcomes;
- c) the timings and arrangements for implementation of such initiatives; and,
- d) suitable mechanisms for the monitoring of the effectiveness of such initiatives

2. A financial contribution towards the management and delivery of the construction training programme based on the construction value of the development. This is usually calculated using the formula: £2500 per £1m build cost.

3. The developer to use all reasonable endeavours to secure the use of local suppliers and apprentices during the construction of the development.

- v A provision of carbon reduction on-site and payment of any offset if zero carbon reduction is not achieved on-site, as determined by the final carbon reduction achieved on site as per Condition 24 of this permission. Based on the submitted Energy and Sustainability Statement – this is currently estimated at a financial contribution of £15,390.00 towards carbon offsetting measures.
- vi Legal Agreement Monitoring fee (£2000)
- vii Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

## **RECOMMENDATION B**

That if the outstanding drainage matters are not addressed to the satisfaction of the Local Planning Authority and the Section 106 Agreement is not completed by 24th September 2023, or as such extended period as may be agreed by the Chief Planning Officer, then it is recommended to delegate the decision to REFUSE planning permission to the Chief Planning Officer on the grounds that:

1. In the absence of an adequate flood risk assessment and associated details fails to appropriately address the potential flood risk of the development, contrary to the National Planning Policy Framework (2021), policies SI12 and SI13 of The London Plan (2021), Core Strategy (2012) policy CS1, and policies DM9 and DM10 of the Harrow Development Management Policies Local Plan; and/or
2. 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 physical infrastructural improvements arising directly from the development, contrary to the National Planning Policy Framework (2021), policies T3 and DF1 of The London Plan (2021), Core Strategy (2012) policy CS1, Harrow & Wealdstone Area Action Plan Policies AAP2, AAP4, AAP10, AAP13, AAP19 and AAP20, and policies DM1, DM43 and DM 50 of the Harrow Development Management Policies Local Plan and the Supplementary Planning Document: Planning Obligations & Affordable Housing (2013).

## **DECISION: GRANT**

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

### **201. 1-02, 143-145 Eastcote Lane & 172 Alexandra Avenue, P/2844/22**

**PROPOSAL:** demolition of existing buildings and redevelopment to provide 1 detached building comprising self-contained flats (use class C3), parking; landscaping; bin and cycle stores (amended plans) Details: Height 3 storeys, with eighteen self-contained flats (2 x 3 bed; 10 x 2 bed and 6 x 1 bed) (as amended by the Addendum and Supplemental Addendum).

Councillor Jerry Miles addressed the Committee and urged them to refuse the application.

Councillor Marilyn Ashton observed that this was the third time the application was being considered, with the first two having been refused. Although the current application was better than the previous ones, in the context of the area, and other neighbouring properties, it would be overly dominant.

Councillor Marilyn Ashton proposed refusal for the following reasons:

- 1) The proposal, by virtue of its scale, width and positioning, would add an unacceptable level of bulk and mass across the site, representing an over-intensification of residential development on the site and would therefore fail to represent a high quality of design to the detriment of the character of the surrounding street scene and would do harm to the existing spacious context of the site, contrary to policies CS1B Harrow Core Strategy (2012), DM1 Harrow Development Management Policy (2013) and D3 London Plan (2021).

This was seconded by Councillor Zak Wagman, put to the vote and agreed.

The Committee voted and resolved to refuse officer recommendations.

## **RECOMMENDATION A**

The Committee was asked to:

- a) to agree the reasons for approval as set out in the report; and

- b) grant planning permission subject to authority being delegated to the 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 and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:
- a) Early and Late Stage Review Mechanism.
  - b) Construction Employment Opportunities through (a) a training and employment plan that will be agreed between the Council and the developer prior to start on site; and (b) (ii) a financial contribution towards the management and delivery of the construction training programme based on the construction value of the development. This is usually calculated using the formula: £2,500 per £1,000,000 build cost.
  - c) Highways agreement for the undertaking of alterations to the existing vehicle crossings, with details of the proposals to be submitted prior to commencement of work on-site
  - d) A carbon-offset contribution of (TBC) shall be paid to the relevant department of the Council within one month of approval of the Revised Energy Strategy to offset 5.55 tonnes of carbon at a rate of £2,850 tonnes (£95 / tonne / year over 30 years).
  - e) Requirement for final “as-built” Part L calculations of the Building Regulations through energy efficiency measures to ensure at least a 10% reduction is achieved. This is to be submitted within one month of practical completion of the development, confirming the actual carbon emissions to be offset, with any shortfall to be paid through a further offset.
  - f) Financial Contribution (TBC) towards off-site tree planting (and maintenance for 30 years) along the existing grass verges on Alexandra Avenue and directly opposite the site frontage on Eastcote Lane (as shown in Drawing: PL06).
  - g) Legal Fees: Payment of Harrow Council’s reasonable costs in the preparation of the legal agreement; and
  - h) Planning Administration Fee: Payment of [TBC] for the agreement administration fee for the monitoring of and compliance with this agreement.

## **RECOMMENDATION B**

That if, by 29th November 2023 or such extended period as may be agreed in writing by the Chief Planning Officer, the section 106 Planning Obligation is not completed, then delegate the decision to the Chief Planning Officer to REFUSE planning permission for the following 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 (2021), policies D7, H5, G6, E10, SI2, SI3, and DF1 of The London Plan (2021), policy CS1 of the Core Strategy (2012), policies DM1, DM13, DM20, DM21, DM24, and DM50 of the

**DECISION: REFUSE**

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

**202. 1/03, Harrow Council Civic Car Park, P/0345/23**

Having declared a non-pecuniary interest, the Chair, Councillor Marilyn Ashton left the meeting, and the Vice-Chair, Councillor Christopher Baxter, chaired the meeting for this application.

**PROPOSAL:** Variation of Condition 2 (Approved Plans) and Condition 7 (Fire Safety) attached to planning permission P/4477/21 dated 30/03/2022 to allow reduction of building height by one storey (resulting in loss of 3 residential units; revised fire strategy to reflect height reduction). Details: Apartment building with height ranging from 4 - 6 storeys comprising 26 residential units (19 x 1 bed, 7 x 2 bed) and 10 x 3 storey townhouses (6 x 3 bed and 4 x 4 bed).

The Committee voted and resolved to accept officer recommendations.

**RECOMMENDATION A**

The 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 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 development and issue of the planning permission, subject to amendments to the conditions, including the insertion or deletion of conditions as deemed fit and appropriate to the development or the amendments to the legal agreement as required.

**AFFORDABLE HOUSING**

(a) To be provided as per the submitted details and retained in perpetuity.

(b) In securing the Shared Ownership tenure of the affordable housing offer, a cascade mechanism is required to offer these units to Harrow residents at Harrow income levels. Following this, it can be released to the West London Alliance boroughs, and then out to London wide (in line with The Mayor of London's income cap).

**REPLACEMENT TREES**

(a) 26 x replacement trees & maintenance – TBC

**PLAY SPACE CONTRIBUTION**

(a) Children's Play Space – £6,365.

**HIGHWAYS**



- (a) Parking Permit Restrictions - £1,780
- (b) Alteration to the existing loading restriction - £3,000
- (c) 2 x cycle racks on the public highway - £2,000.

#### CARBON OFFSET

- (a) £93,912 carbon offset payment prior to the commencement of development (circa 27 tonnes offset per annum)
- (b) Provisions safeguarding the potential for connection to any future heat network capable of serving the development
- (c) Submission of final 'As Built' carbon emissions calculations and payment of any additional carbon offset contribution upon completion (in order to ensure development achieves zero carbon)
- (d) Compliance with requirements of the Mayor's 'Be Seen' energy monitoring guidance

#### DEED OF VARIATION

- (a) Deed of Variation would be required to ensure the obligations relating to the approved scheme and introduce a clause to ensure the s.73 scheme is built instead of the approval under planning ref: P/4477/21.

### **RECOMMENDATION B**

That if, by 30th July 2023 or such extended period as may be agreed in writing by the Chief Planning Officer, the section 106 Planning Obligation is not completed, then delegate the decision to the Chief Planning Officer to REFUSE planning permission for the following reason:

1. 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 (2021), policies H4, H5, H6, G5, G7, D2, SI2, S4, T3, T4 and T6 of The London Plan (2021), policy CS1 of the Core Strategy (2012), AAP4, AAP5, AAP11 and AAP13 of the Harrow and Wealdstone Area Action Plan (2013), policies DM1, DM7, DM12, DM13, DM14, DM27, DM28, DM42, DM43, DM44 and DM45 and DM50 of the Harrow Development Management Policies Local Plan and the Supplementary Planning Document: Planning Obligations & Affordable Housing (2013).

### **DECISION: GRANT**

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

**203. 2/01, Grimsdyke School, Sylvia Avenue, Pinner, Harrow, HA5 4QE, P/0814/23**

**PROPOSAL:** two storey infill extension.

The Committee voted and resolved to accept officer recommendations.

## **RECOMMENDATION**

The Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) grant planning permission 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 unanimous.

### **204. 2/02, 2 Snaresbrook Drive, Stanmore, HA7 4QW, P/0805/ 23**

**PROPOSAL:** single storey front extension; single and two storey side extension; single and two storey rear extension; alterations to roof; rear dormer; rooflights in front, side and rear roof slopes; external alterations (demolition of side extension).

Jack Silverstone (objector) addressed the Committee and urged Members to refuse the application. The agent for the applicant elected not to appear before the Committee.

Councillor Marilyn Ashton noted that the proposed development may comply with the Supplementary Planning Document (SPD) guidelines, however, it would still be out of keeping with the area. Therefore, other considerations had to be taken into account, such as, its overdevelopment. It was the first house on the right side of the street and would be visibly noticeable on the street scene, as every part of the house was being proposed for extension.

Councillor Marilyn Ashton proposed refusal for the following reasons:

- 1) The proposal represents an overdevelopment of the site, the cumulative effect of which will cause unacceptable harm to the character and appearance of the street scene and surrounding area, resulting in the loss of residential amenity within the locality, contrary to policy CS1B Harrow Core Strategy (2012), DM1 Harrow Development Management Policy (2013) and D3 London Plan (2021).

This was seconded by Councillor Salim Chowdhury, put to the vote and agreed.

The Committee voted and resolved to refuse officer recommendations.

## **RECOMMENDATION**

The Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and

- 2) grant planning permission subject to the conditions 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 majority of votes.

Councillors Ashton, Baxter, Chowdhury and Wagman voted to refuse the application.

Councillors Kalu, and Parekh voted against refusing the application.

Councillor Ali abstained from voting.

### **205. 2/03, Baldwin House, 2 Gayton Road, Harrow, HA1 2XU, P/3644/22**

**PROPOSAL:** creation of fifth floor comprising of four flats (2 x 1 bed and 2 x 2 bed); bin and cycle stores (as amended by the Supplemental Addendum).

The Committee voted and resolved to accept officer recommendations.

### **RECOMMENDATION A**

The 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 Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of a legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Legal Agreement Heads of Terms would cover the following matters:
  - i. Parking Permit Restrictions – The development to be “resident permit restricted” in accordance with section 16 of the GLC (Gen Powers) Act 1974 and the developer to ensure that 1) all marketing/advertising material makes reference to this fact and 2) all agreements contain a covenant to the effect that future occupiers and tenants (other than those who are registered disabled) will not be entitled to apply for residents parking permit or a visitor permit. A contribution in accordance with the adopted fees and charges is required to amend the Traffic Management Order
  - ii. Legal Fees: Payment of Harrow Council’s reasonable costs in the preparation of the legal agreement.
  - iii. Legal Agreement Monitoring fee of £500

### **RECOMMENDATION B**

That if the Legal Agreement is not completed by 30th June 2023, or as such extended period as may be agreed by the Chief Planning Officer in consultation with the Chair of the Planning Committee, then it is

recommended to delegate the decision to REFUSE planning permission to the Interim Chief Planning Officer on the grounds that: The proposed development, in the absence of a legal agreement to provide appropriate provision for restriction of resident parking permits would fail to comply with the requirements of policy T6 of The London Plan (2021), policy CS1 of the Harrow Core Strategy (2012), AAP19 of the Harrow & Wealdstone Area Action Plan (2013), and Policies DM42, DM43 and DM50 of the Harrow Development Management Policies Local Plan 2013 and would therefore be unacceptable.

**DECISION: GRANT**

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

Councillors Ali, Kalu and Parekh voted to grant the application.

Councillors Ashton, Baxter, Chowdhury and Wagman abstained from voting.

**The video/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 8.10 pm).

(Signed) Councillor Marilyn Ashton  
Chair