

# PLANNING COMMITTEE

## MINUTES

### 16 JANUARY 2013

**Chairman:** \* Councillor Keith Ferry

**Councillors:** \* Mrinal Choudhury \* Joyce Nickolay  
\* Stephen Greek \* Bill Phillips  
\* Ajay Maru (2) \* Stephen Wright

\* Denotes Member present

#### 348. Attendance by Reserve Members

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

Ordinary Member

Councillor William Stoodley

Reserve Member

Councillor Ajay Maru

#### 349. 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

James Bond

Planning Application

2/05 – 62 Imperial Drive, North Harrow

**350. Declarations of Interest**

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

Agenda Item 10 – Planning Application 2/01 - Bentley Priory, The Common, Stanmore

Councillor Keith Ferry declared a non-pecuniary interest in that he was Chairman of the Bentley Priory Mansion House Operational Investment Trust. He would remain in the room whilst the matter was considered and voted upon.

**351. Minutes**

**RESOLVED:** That the minutes of the meeting held on 12 December 2012 be taken as read and signed as a correct record.

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

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

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

**RESOLVED:** To note that there were no references from Council or other Committees or Panels to be received at the meeting.

**354. Representations on Planning Applications**

**RESOLVED:** To note that no representations had been received.

**RESOLVED ITEMS**

**355. 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. Members were advised that application 2/07 was deferred to the next meeting and not 2/03 as stated on the addendum.

**RESOLVED:** That authority be given to the Head of Planning to issue the decision notices in respect of the applications considered.

**(APPLICATION 1/01) KINGSGATE HOUSE, 29-39 THE BROADWAY, STANMORE**

Reference: P/3016/12 (Jasper Homes Ltd). Change of Use of First, Second and Third Floors from Office Use to 19 Self Contained Flats (Class B1 to C3); Extension at Third Floor; External Alterations including Installation of

Windows, Rooflights and Solar Panels; New Entrance; Refuse and Cycle Storage at Ground Floor; Minor Alterations to External Parking and Landscaping; Additional Offsite Parking Area (12 Spaces) at the Rear of 14-30 (Even) The Broadway, Stanmore (Retrospective Application).

An officer reported that sixteen of the flats were fully compliant with Lifetime Homes Standards. Although the additional three flats on the third floor were not fully accessible as there was not a lift, there was no requirement for a lift.

In response to queries raised by Members, responses were provided as follows:

- the pre-application discussion had taken place subsequent to the initial application to develop the roof terrace to the third floor;
- the Head of Terms relating to affordable housing was based on the additional flats and had been calculated using the viability appraisal;
- an amendment would be made to the table on page 10 regarding the number of each size of property;
- the consultation had included any properties which could potentially be overlooked and no responses had been received. The top floor of the development would not be visible from these properties;
- the Highways officers considered the location of the car parking acceptable. It was advised that the use of the car parking spaces was not a material planning consideration. As the car parking provision was in situ from the previous development it was considered acceptable although in excess of the London Plan (2011).

#### **DECISION:**

- (1) **GRANTED** permission for the development described in the application and submitted plans, subject to conditions and informatives reported and the completion of a Section 106 Agreement by 17 February 2013;
- (2) the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, be authorised to seal the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement;
- (3) that if the Section 106 Agreement was not completed by 17 February 2013 the Divisional Director of Planning be delegated to **REFUSE** planning permission on the grounds laid out in the report.

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

**(APPLICATION 1/02) THE ROYAL NATIONAL ORTHOPAEDIC HOSPITAL,  
BROCKLEY HILL, STANMORE**

Reference: P/3213/12 (The Royal National Orthopaedic Hospital NHS Trust).  
The Laying of a Services Duct and Associated Excavation Works and The  
Approval For Tree Removal.

The Chairman advised that a separate application for a new hospital had been submitted, a presentation on which had been made to the Major Developments Panel. It was important to note that the granting of the application before the Committee would not indicate the Committee's stance on the main hospital application. A Unilateral Undertaking was proposed to ensure the delivery of appropriate replacement trees by the Applicant should the main planning application be subsequently refused.

An officer reported that the delegation to the Divisional Director of Planning was proposed to ensure that the work, if approved, could be undertaken outside the bird nesting season. Should any adverse comments be received prior to the end of the consultation period the application would be submitted to the February Planning Committee. The statutory consultation period had been extended to 30 days to allow additional time due to the Christmas period.

In response to a question it was noted that the replacement of trees would take into account the varying grade of trees.

It was noted that the layout of the proposed works indicated a main entrance to the hospital from Wood Lane and not the present access. Officers advised that the application before the Committee did not involve creation of a new access to the hospital, and did not relate to the relocation of the main hospital access. These matters are included within the main hybrid planning application which would be considered at a later Committee meeting.

**DECISION:** That the Divisional Director of Planning be delegated to grant the planning application, as amended by the addendum, subject to the conditions and informatives reported and the completion of an Unilateral Undertaking, following the end of the consultation period on 18 January 2013, subject to no additional adverse comments being received.

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

**(APPLICATION 2/01) BENTLEY PRIORY, THE COMMON, STANMORE**

Reference: P/2707/12 (Mr James Tavernor). Listed Building Consent:  
Replacement Windows (Retrospective).

**DECISION: GRANTED** listed building consent for the development described in the application and submitted plans, subject to conditions and informatives reported.

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

**(APPLICATION 2/02) 324-326 STATION ROAD, HARROW**

Reference: P/2854/12 (LCP Real Estate Limited). Creation of New Third Floor to Provide Four Self Contained Flats; External Alterations.

An officer reported that the resident permit restricted wording had been removed due to planning inspector advice.

In response to questions it was noted that it was anticipated that the existing access would continue to be used with the rear access for emergency use. The public realm improvements in the Heads of Terms included lighting improvements to the alleyway to Lyon Road which was adopted highway.

**DECISION:**

- (1) **GRANTED** permission for the development described in the application and submitted plans, as amended by the addendum, subject to conditions and informatives reported and the completion of a Section 106 Agreement by 15 April 2013;
- (2) the Divisional Director of Planning, in consultation with the Director of Legal and Governance Services, be authorized to seal the Section 106 Agreement and to agree any minor amendments to the conditions or the legal agreement;
- (3) that, if the Section 106 Agreement was not completed by 15 April 2013, the Divisional Director of Planning be delegated to **REFUSE** planning permission on the grounds laid out in the report.

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

**(APPLICATION 2/03) EASTCROFT HOUSE, 100 NORTHOLT ROAD, HARROW**

Reference: P/2972/12 (Bellway Homes Ltd). Change of Use of Existing Ground Floor Commercial Unit into Three Self-Contained Flats (Use Class C3); External Alterations.

The officer advised that the application was reported to committee as the proposal constituted a material departure from the development plan and therefore was outside the scheme of delegation.

The Committee was informed that the application was in accordance with the planning inspector view that unsuccessful marketing of commercial space for 2 years was a reasonable indication of the market. Further evidence had been submitted to indicate that the residential nature of the remainder of the ground floor had been a factor.

In response to queries raised by Members, it was noted that the development was just outside the fringe of the South Harrow Controlled Parking Zone (CPZ). The Council was currently reviewing resident parking permits.

It was noted that, as the development would result in inappropriate stacking arrangements with the units on the first floor, there was a condition relating to sound insulation. The concrete ceilings/floors provided good levels of sound insulation.

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

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

**(APPLICATION 2/04) DUNWOODY HOUSE, 396 KENTON ROAD, HARROW**

Reference: P/2594/12 (Mr K Popat). Proposed Use of Ground Floor for Alternative Use as Either Class B1 (Office) or Non-Residential Institution for the Provision of Education (Class D1), and Installation of a Platform Lift to Front Entrance.

In response to a question, it was noted that the permission would allow both B1 and D1 use but if one use occurred continuously for a period of 10 years it could not change again.

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

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

**(APPLICATION 2/05) 62 IMPERIAL DRIVE, NORTH HARROW, HARROW,**

Reference: P/2439/12 (Mrs Berta Lilley). Certificate of Lawful Existing Use: Continued Use of a Dwellinghouse as 7 Self-Contained Flats and 1 Non Self-Contained Flat.

An officer reported that the application was deferred from the Planning Committee meeting on 12 December 2012 to allow further consideration of the submitted information by Members and officers. Subsequent to the meeting, a number of Members had been in to see the evidence. Environmental Health had confirmed by letter that in 2007 the property had been divided into self contained flats with kitchens and bathrooms.

The Committee noted that it was not a planning application to be assessed in accordance with planning policies but a Section 191 application in accordance with the Town and Country Planning Act which was evidence based. The officer read out extracts from the 10/97 circular annex 8 which detailed how

the application should be tested. In summary, this provided for the resubmission with further evidence of a previously refused application; a need to consider the balance of probability that the development had been in existence for the last 4 years and not beyond reasonable doubt; the Applicant's evidence did not have to be collaborated; and it was purely a legal test. The officers were not advising that policy standards had been met but that no evidence had been provided against the claim that the development had been in existence for the last 4 years.

A Member expressed the view that the lack of evidence of individual utility bills suggested a HMO rather than individual flats. A further Member stated that he had not seen any evidence of utility bills, invoices for fitting out or for furniture or bathrooms. The only invoices submitted were for maintenance. He would have expected bills to be retained for VAT purposes.

The officer responded that the definition of a HMO under the 2004 Housing Act would allow for the division of a property into flats. This was different to the definition in the Planning legislation.

In response to queries raised by Members, responses were provided as follows:

- the tenancy agreements indicated that the landlord was responsible for gas, electricity, water, and Council Tax Bills;
- it had been confirmed that Environmental Health had not visited the property prior to the issue of the licence for a House in Multiple Occupation (HMO).

In determining the application, Members expressed the view that:

- the stance of the Local Development Framework Panel towards HMOs should be taken into account. The Chairman stated that a Supplementary Planning Document (SPD) had since been adopted for HMOs but the application under consideration was not for a HMO;
- concern was expressed that the names on the tenancy agreements were not registered in the electoral roll. Whilst noting the legal advice that inclusion on the electoral roll was not required, the inclusion in the tenancy agreements submitted of the names that were listed in the register would be expected;
- the tenancy agreements did not include eight concurrent agreements. Therefore the number of flats in existence could not be proved to be 8;
- a reputable landlord would have registered for the appropriate Council tax payments;
- Environmental Health Officers had not visited the property so could not confirm the arrangements.

A Member of the Committee proposed refusal on the same grounds on which the application had been previously refused. This was seconded and put to the vote and carried.

**DECISION: REFUSED** Certificate of Lawful Existing Development for the development described in the submitted plans and application for the following reason:

The Local Planning Authority is not satisfied that sufficient evidence has been provided to demonstrate that, on the balance of probabilities, the single-family dwellinghouse at 62 Imperial Drive, North Harrow, Middlesex, HA2 7LJ has been in use as 7 self-contained flats and 1 non-self-contained flat for a continuous period of at least 4 years prior to the date of this application. The existing development is therefore considered to be unlawful and as such the Local Planning Authority refuse to issue a Certificate of Lawful Existing Development.

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

#### **(APPLICATION 2/06) 271 NORTHOLT ROAD, HARROW**

Reference: P/2721/12 (B Patel). Change of Use of Ground Floor from Shop (Class A1) to Dental Surgery (Class D1).

An officer advised that the application was reported to the Planning Committee because the proposal represented a departure from the Development Plan and therefore was outside the scheme of delegation.

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

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

#### **(APPLICATION 2/07) GLASFRYN COURT, BRICKFIELDS, HARROW**

Reference: P/2959/12 (Glasfryn Court Management Co Ltd). 1.9m High Gate Fronting Roxeth Hill.

**DECISION: DEFERRED** consideration of the report to the next meeting of the Committee.

### **356. Overview of Planning Appeal Decisions and Enforcement Statistics**

**RESOLVED:** To note that the report would be submitted to the next meeting.



**357. Member Site Visits**

**RESOLVED:** That a site visit be arranged to Glasfryn Court, Brickfields, Harrow.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.12 pm).

(Signed) COUNCILLOR KEITH FERRY  
Chairman