

# PLANNING COMMITTEE

## MINUTES

### 17 APRIL 2013

**Chairman:** \* Councillor Keith Ferry

**Councillors:** \* Mrinal Choudhury \* Joyce Nickolay  
\* Stephen Greek \* Sachin Shah (3)  
\* Jerry Miles (4) \* Stephen Wright

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

#### 385. Attendance by Reserve Members

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

Ordinary Member

Councillor Bill Phillips  
Councillor Sachin Shah

Reserve Member

Councillor Jerry Miles  
Councillor William Stoodley

#### 386. 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 items indicated:

Councillor

Susan Hall

Planning Application

1/02 Vaughan Primary School, Vaughan Road,  
Harrow and  
2/02 Cornerways, South View Road, Pinner Hill

**387. Declarations of Interest**

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

Agenda Item 10 – Planning application 1/02 – Vaughan Primary School,  
Vaughan Road, Harrow

Councillor Christine Robson declared a non-pecuniary interest in that the application had been raised as an issue during her by election campaign. She would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning application 1/03 – 246-248 Headstone Lane,  
Harrow

Councillor Stephen Greek declared a disclosable pecuniary interest in that he was a Director of a property company which owned property across the road from the site. He would leave the room whilst the matter was considered and voted upon.

Councillor Keith Ferry declared a non-pecuniary interest in that he lived approximately 300 metres from the application site. He would remain in the room whilst the matter was considered and voted upon.

**388. Minutes**

**RESOLVED:** That the minutes of the meeting held on 13 March 2013 and the Special meeting held on 21 March 2013 be taken as read and signed as a correct record.

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

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

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

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

**391. 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 1/02 and 2/02 on the list of planning applications.

## RESOLVED ITEMS

### 392. 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 Divisional Director of Planning to issue the decision notices in respect of the applications considered.

#### **FORMER GOVERNMENT OFFICES SITE (STANMORE PLACE) AND LAND ADJACENT TO EDGWARE BROOK (STANMORE MARSH), HONEYPOT LANE, STANMORE (APPLICATION 1/01)**

Reference: P/0506/13 (Berkeley Homes). Modify S.106 Agreement to Planning Permission P/2450/11 dated 19/03/2012 to Remove the Requirement to Provide the Footpath Between the Development and Whitchurch Lane/Honeypot Lane Junction, with 2.1 Metre High Railings to be Provided Along the Boundary of the Site with Stanmore Marsh/Edgware Brook.

#### **DECISION:**

- (1) **GRANTED** permission for modification of the Section 106 Agreement dated 15 March 2012 as described in the application and submitted plans, subject to the applicant entering into a deed of variation with the Heads of Terms as detailed in the report;
- (2) the delegation to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services to complete the S106 Agreement and to agree any minor amendments to the conditions or the Heads of Terms of the legal agreement be agreed.

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

#### **VAUGHAN PRIMARY SCHOOL, VAUGHAN ROAD, HARROW (APPLICATION 1/02)**

Reference: P/2515/12 (Harrow Council). Re-Development of School Site over a Series of Construction Phases; Involving Construction of a New Two-Storey Building; Remodelling of Existing Single Storey Building; Demolition of Existing Structures; Associated Landscaping to include Hard and Soft Play Areas; Boundary Treatment; Alteration to Car Parking Layout; Provision of Cycle Storage and Refuse Store (To Expand Existing 2 Form Entry Primary School and to Provide 3 Form Entry Primary School).

The Chairman reported that Members had been briefed on the application and had attended a site visit.

An officer introduced the report and outlined the key issues concerning the principle of development, open space, parking and residential amenity. Vaughan Primary School was one of a number of schools being developed due to the statutory requirement to provide sufficient school places. Attention was drawn to the addendum, particularly in respect of the receipt of additional representations and the responses thereto.

In response to questions, the Committee was advised that:

- whilst there was no right to a view under English law, there were exceptions for example where such a right is protected by a restrictive covenant in the title of individual properties or where damage to the visual amenity of a locality as a whole will result from a proposed development. Representations had been taken into account;
- Condition 5 required the lower sections of the windows to be of obscured glass. The projectory would be such that that only sky would be visible from the upper part of the windows. The windows were large to gain maximum daylight;
- the Landscape Architect and Tree Officer considered the site suitable for tree planting. The Landscape Architect would discuss appropriate tree planting with the neighbouring residents to agree what would be acceptable to the Council, acknowledging that tree cover would be seasonable;
- the Environment Agency and Council Drainage Officer supported the proposals for flooding mitigation and concurred that an improvement on the area as a whole would result;
- the proposed layout would enable continuity of education during building works;
- the newly created open space would be of a better configuration for school sports comprising a multi purpose games area and specific space for the Infant and Junior Schools;
- consideration had been given to the use of temporary classrooms on site which would require further flood mitigation;
- cross sections through the site indicated scale of actual height 8.9m, including the plinth, was of appropriate spacing and in keeping with design and character of the area which was a mixture of residential and industrial buildings and railway buildings. The judgement of officers was that the design was appropriate;
- there would be a net increase of seven classrooms;

- a Condition regarding construction management had been included to ensure the safety of children from vehicle movements as there was no capacity to expand the access road;
- the financial viability of the application or alternative schemes was not a consideration for the Planning Committee.

In response to concerns regarding parking, it was noted that the provision for the storage of an additional 20 cycles would be strong encouragement for cycle use. Only a few pupils cycled to the school but there were indications that 120 pupils would like to cycle. Given that 80% of pupils currently walked to school, an additional 40 or so additional vehicle movements could be expected. There were ongoing programmes throughout the Borough for the provision of cycle paths and there was no reason not to promote cycle paths on roads and around the site.

A Member of the Committee proposed refusal on the following grounds:

1. the severe amenity loss to neighbouring residents in nearby roads, particularly Blenheim Road and Dorchester Avenue, contrary to saved Policies C7 and D4 in Harrow's Unitary Development Plan and Policy 3.18D of The London Plan;
2. a loss of open space in the northern area of the site and in addition the applicant has failed to justify why the development should not be built on previously developed land on the site, contrary to Policy 7.18 in the London Plan and saved Policy EP47 in the Harrow Unitary Development Plan;
3. the building will be out of character in the area contrary to Policy 7.4 in The London Plan.

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

It was moved, seconded and put to the vote that the application be deferred to enable officers to liaise with the applicants to explore whether there were any alternative solutions to the school expansion other than that which was presented to the Committee. The motion was put to the vote and carried.

The Committee received representations from two objectors, Mike Neale and Hermando De Cruz, and two representatives of the Applicant, Andrew Griffin and Marcus Toombs.

**DECISION:** That consideration of the application be deferred.

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

### **246-248 HEADSTONE LANE, HARROW (APPLICATION 1/03)**

Reference:P/3263/12 (Mr E Gadsden). Redevelopment to Provide a Two Storey Detached Building with Accommodation in Roofspace and Front Side

and Rear Dormers Comprising 10 Flats with New Access from Fernleigh Court; Provision of 11 Car Parking Spaces; Landscaping Refuse and Cycle Storage.

The Chairman reported that a site visit had taken place.

In response to a question, it was noted that the car park would be hard surfaced. The principal windows to the rear would provide natural surveillance of the car parking area.

**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 16 October 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 16 October 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.*

**53 - 61 COLLEGE ROAD, HARROW (APPLICATION 2/01)**

Reference: P/0122/13 (The Hub Investments Ltd). Change of Use from Office Building (Use Class B1) to Retail Gym and Education (Use Class A1 D2 And Use Class D1).

It was reported that the Unilateral Undertaking had been received and was acceptable.

In response to a question, it was noted that alternative D2 or D1 uses would require planning permission. As the majority of parking spaces would not be required for the use applied for, a condition requiring a management strategy had been included. Use as a public car park would require planning permission. The applicant was not required to notify the planning authority of the number of students envisaged and the officers did not consider that a restriction in numbers was appropriate in that area as it would be limited by the building size.

Based on legal advice issued, officers recommended that planning condition 3 be amended to reflect that the approved uses would relate to specific floors of the building, not total areas, as set out in the original report. Members accepted this amendment.

**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 amendment to condition 3 as above, and the completion of a Unilateral Undertaking in the following terms:

1. payment of a contribution towards improvements on Harrow on the Hill station;
2. payment of the Council's legal costs.

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

### **CORNERWAYS, SOUTH VIEW ROAD, PINNER HILL (APPLICATION 2/02)**

Reference: P/2042/12 (Mr H Karim). Retrospective Application for Part Retention of Unauthorised Basement, Two-Storey Side and Rear Extension, External Alterations and Associated Works including Boundary Gates and Fencing, Detached Single Garage, Raised Patio Area with Retaining Walls and Removal of Air-Conditioning Units. Retrospective Engineering Works and Re-Grading of the Site including Drainage Works and Hard And Soft Landscaping.

The Chairman reported that a site visit had taken place.

An officer introduced the report, informing the Committee that the property was the subject of enforcement action. The application sought to remove the unauthorised elements and return the site to the previous levels. The Committee requested officers to regularly monitor the site to ensure compliance with the application.

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

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

### **THE BROADWAY, 1 AND 2 NORTHOLT ROAD, SOUTH HARROW (APPLICATION 2/03)**

Reference: P/0066/13 (Mr Parimal Devani). Conversion of Part Ground Floor and First and Second Floors Into Seven Flats; Single and Two Storey Rear Extensions; Single Storey Rear Extension to Existing Public House; Alterations to Roof to Create an Additional Floor; External Alterations.

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

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

**393. Member Site Visits**

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

**394. INFORMATION ITEM - The Awards of Costs on Planning Appeals**

The Committee received a report containing information and guidance concerning potential changes in legislation arising from the Growth and Infrastructure Bill.

Although the report was submitted in Part II as it contained information that was exempt from publication under paragraph 3 of Schedule 12 A to the Local Government Act 1972 (as amended), the item was considered in Part I.

**RESOLVED:** That the report be noted.

**395. Deed of Variation to S106 Agreement Pursuant to Planning Permissions P/1083/11 and P1018/11**

The Committee considered a variation to the section 106 agreements for the Rayners Hotel, 23 Village Way East, Rayners Lane. In accordance with the Local Government (Access to Information) Act 1985, this item was admitted late to the agenda to capitalise on recent interest to secure use of the building as a pub/restaurant by the early modification of the section 106 agreement.

**RESOLVED:** That the variation of the Section 106 Agreements for applications P/1083/11 and P/1018/11 be agreed on the terms set out in the report.

(Note: The meeting, having commenced at 6.30 pm, closed at 9.15 pm).

(Signed) COUNCILLOR KEITH FERRY  
Chairman