

PLANNING COMMITTEE

MINUTES

18 DECEMBER 2013

Chairman: * Councillor William Stoodley

Councillors: * Mrinal Choudhury * Bill Phillips
* Keith Ferry * Simon Williams
* Stephen Greek * Stephen Wright

* Denotes Member present

479. Attendance by Reserve Members

RESOLVED: To note that there were no Reserve Members in attendance at this meeting.

480. 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

Bill Stephenson

2/04, 5 The Quadrant, Headstone
Gardens, Harrow

481. Declarations of Interest

RESOLVED: To note that the following interest was declared:

Agenda Item 10 – Planning Application 2/07 Whitmore High School, Porlock Avenue, Harrow

Councillor Bill Phillips declared a non-pecuniary interest in that he was a Governor of Whitmore High School. He would remain in the room whilst the matter was considered and voted upon.

482. Minutes

RESOLVED: That the minutes of the meeting held on 20 November 2013 be taken as read and signed as a correct record.

483. Public Questions, Petitions and Deputations

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

484. References from Council and other Committees/Panels

RESOLVED: To note that there were none.

485. Representations on Planning Applications

RESOLVED: That

- 1) in accordance with the provisions of Committee Procedure Rule 30 (Part 4B of the Constitution), representations be received in respect of items 2/04, and 2/06 on the list of planning applications;
- 2) in accordance with the provisions of Committee Procedural Rule 30.5 two objectors be allowed to address the meeting in respect of items 2/05 and 3/01;
- 3) in accordance with the provisions of Committee Procedural Rule 25.1, Committee Procedural Rule 30.8 be suspended to enable objectors and the applicant to speak on application 3/01 although it was recommended for refusal by the officers;
- 4) in accordance with the provisions of Committee Procedural Rule 25.1, Committee Procedural Rule 30.3 be suspended to enable objectors who had not registered in accordance with the deadline to speak on 2/05 and 3/01 on the list of planning applications.

RESOLVED ITEMS

486. 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.

LAND REAR OF 47-51 GAYTON ROAD, HARROW

Reference: P/2804/13 (Mr Sean O'Brien). Redevelopment To Construct A Two And Three Storey Building To Provide 8 Flats With Associated Landscape And Parking, Refuse And Cycle Storage.

In response to a question, it was noted that the ground floor flats were built in accordance with Lifetime Homes Standards.

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

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

KODAK, HEADSTONE DRIVE, WEALDSTONE

Reference: P/3277/13 (LS Harrow Properties Ltd). Application for Modification of Section 37 Agreement dated 17/07/1969 Relating to Land at Harrow View Harrow to Release the Owner of the Obligations Contained Within that Agreement.

DECISION: GRANTED permission for the modification of the section 37 agreement as set out in the report, subject to the applicant entering into a Deed of Release with the Council and the payment of the Council's reasonable costs, as amended by the addendum and subject to informatives.

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

SAINT ANSELMS RC PRIMARY SCHOOL, ROXBOROUGH PARK, HARROW

Reference: P/2654/13 (The Governing Body). Re-Configuration and Refurbishment of Existing Playground to Include Netball Court, Ramp and Soft Play Area; Re-Building of Existing Retaining Boundary Wall and Replacement Entrance Gates.

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

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

5 THE QUADRANT, HEADSTONE GARDENS, HARROW

Reference: P/2874/13 (Mr Neelam Ali). Change of Use of Ground Floor from Retail (Class A1) to Office (Class B1); Single Storey Rear Extension; External Alterations to Front Elevation.

The Committee was informed that the application was for the change of use of ground floor retail use to office only whereas the previous application sought to change the use of the whole of the site, including the flat above the shop, to a B1 use.

In response to questions it was noted that:

- the use of the premises as a minicab business would be *sue generis* and would require planning permission;
- Condition 5 required the premises to be used only for the purpose specified in the application and for no other purpose;
- any residential use would be a breach of control and could be subject to investigation;
- the property specified in the application was self-contained and did not have access to the first floor;
- the Council was unable to ensure compliance with building regulations when Approved inspectors were used;
- no additional transport problems were envisaged at the nearby junction or in neighbouring roads due to the previous active A1 use at the premises ;
- the property had been empty for a number of years

In view of the concerns expressed by the Committee, it was agreed to add an informative that the ground floor only and that the other floors could not change

The Committee received representations from an objector, Kamal Shah.

DECISION: GRANTED permission for the development described in the application and submitted plans, subject to conditions and informatives, together with an additional informative that:

The applicant is advised that this permission relates to the ground floor of the premises only.

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

17 GLANLEAM ROAD, STANMORE

Reference: P/3175/13 (Mr J Halai). Three Storey Detached Dwellinghouse with Single Storey Rear Projection and Basement (Retrospective Application) Proposed Alterations Including Removal of Front Atrium and Reduction to Second Floor.

An officer introduced the report, noting that a site visit had taken place. The Committee was informed that the scheme addressed the major concerns of the Planning Inspector and following the previous refusal of planning permission, the following amendments had been made

- removal of the front atrium and its replacement with glazed front doors;
- set in of the second floor front elevation by an additional 1m;
- provision of privacy screens to first floor balconies on the east and west elevations.

In response to questions, it was noted that:

- the inspector's report stated that the impact on the amenity of neighbours was acceptable;
- the approved drawings had not been accurate. Building regulations had been approved by an Approved Inspector resulting in the Council being unable to check compliance;
- the implementation of the enforcement notice would enable the applicant to subsequently rebuild;
- the drainage proposals were acceptable to the drainage engineers;
- the outbuilding had been referred to the enforcement officers;
- CCTV facilities did not require planning permission;
- the original planning permission was at a lower site level than the adjoining properties;
- whilst acknowledging that the footprint was slightly larger, the Inspector considered it insignificant.

It was proposed and seconded that discussions be entered into to ascertain whether any modifications could be agreed or any betterment achieved.

The Committee received representations from objectors, Maurice Leaman and Paul Gani, and on behalf of the applicant, Malcolm Pawley.

DECISION: DEFERRED to enable further discussion in consultation with neighbouring properties.

The Committee wished it to be recorded that the decision to defer was as follows:

Councillors Stephen Greek, William Stoodley, Simon Williams and Stephen Wright voted to defer the application.

Councillors Mrinal Choudhury, Keith Ferry and Bill Phillips voted against deferral.

5 CANONS CORNER, EDGWARE

Reference: P/1614/13 (Mr Muhammad Shami). Change of Use Retail to Restaurant and Take - Away (Use Class A1 to Use Class A3/A5); Installation of Ventilation Ducts at Rear.

The Committee was informed that the application was retrospective as the change of use had been implemented without complying with condition 9 which required details of fume extraction to be submitted and approved in writing by the local planning authority prior to the implementation of the change of use. It was noted that details of fume extraction had been provided with the current application.

Members were informed that the internal layout was different to the application previously submitted. However, the amendment did not require planning permission.

In response to questions, it was noted that:

- the officers had taken the proximity of the school to the take-away into account as a material consideration and had considered the weight to be given to it. The ruling in the Copland judgment had been considered and the report clearly referred to this and reflected that the proximity of the school was a material planning consideration;
- as there was no set floorspace for either use, the applicant had the flexibility to divide the A3/A5 split as desired. The officers were of the view that either hot food take-away or restaurant use was acceptable in policy terms;
- it was not possible to condition that the fans be shut off once the premises were closed to customers. Condition 5 was to ensure that the development did not give rise to noise and odour/fume nuisance to neighbouring residents. Should any complaints arise, the Environmental Health Officer would be able to measure the emissions;
- the definition of a restaurant in planning terms did not provide a minimum or maximum seating capacity. It was noted that the floor layout observed at the site visit did not correspond to the plans;

- no changes in planning policies with regard to healthy eating and take-aways had been made since the previous permission in 2012. Planning policies had greater weight than suggestions or documents from outside bodies.
- The Committee received representations from an objector, Godfrey Dyane, and the applicant, Mr Shami.

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

The Committee wished it to be recorded that the decision to grant the application was as follows:

Councillors Mrinal Choudhury, Keith Ferry, Bill Phillips, William Stoodley, Simon Williams and Stephen Wright voted for grant.

Councillor Stephen Greek abstained.

WHITMORE HIGH SCHOOL, PORLOCK AVENUE, HARROW

Reference: P/3088/13 (Ms S Hammond). Construction of Two Storey Classroom 6th Form Block within Courtyard

DECISION: GRANTED permission, under Regulation 3 of the Town and Country Planning General Regulations, for the development described in the application and submitted plans, as amended by the addendum, subject to conditions and informatives.

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

43 - 55 WEST STREET, HARROW

Reference: P/3259/12 (Mr Graham Harwood). Demolition of Existing Former Printworks Buildings at 43-49 West Street and Refurbishment of 51 West Street to Create New Mixed Use Development for Print Works and Print Museum, with Ancillary Coffee Shop and Offices (Sui Generis Use) with First Floor Link to No.51 West Street; Part Demolition & Rebuild at 53-55 West Street to Provide 2 X Dwellinghouses and 1 Detached Dwellinghouse to the Rear of 43-55 West Street with Two-Storey Building to Provide Car Parking on Ground Floor & 3 X B1 Use Class Studio Workshops Above; Associated Landscaping, Parking and Refuse Storage.

An officer presented the application and noted that a site visit had been made. The attention of the Committee was drawn to the retention of the front façade, the impact of blocks B and C and the marked site level difference at the back of the properties. Insufficient information had been submitted in order to enable a comprehensive assessment of the impact of the development on the designated Archaeological Priority Area, as required by the policy DM7 of the Development Management Policies Local Plan 2013.

In response to questions, it was noted that:

- it was a full application for the whole site. B1 use was acceptable due to the previous development of the site. A sub division was proposed to enable access to plot A;
- that the site was in a conservation area and was a brownfield site were both factors worthy of being material planning considerations. The Committee was required to balance the bringing of a derelict site into use with the potentially harmful affect on the Conservation Area;
- the issue of overlooking could be dealt with by redesign. However, this could not address the bulk and land level issues;
- the buffer proposed was minimal and was impeded by the location of properties;
- although there were some statutorily listed buildings in the proximity, the buildings on the site were locally listed;
- the Conservation officer had focused her advice on the Conservation element and not the scheme as a whole. The building behind the façade was important in how it addressed the amenity and character of the area and could be glimpsed through gaps in the properties;
- the relationship between properties nearby to plots B & C was back to back whereas with regard to plot A it was side to side which was acceptable;
- the proposal was for residential use for plots A, B and C and industrial use for the studios and museum. Any future proposals for use of the industrial element as residential or development in the courtyard would require permission for change of use;
- there were some site constraints regarding Lifetime Homes Standards but departures from the guidance were justified in such circumstances, provided that the internal layout strove towards meeting the other Lifetime Homes standards;
- it was acknowledged that natural surveillance could secure by design at night, therefore increased activity in the area would result in betterment;
- a potential solution to the reasons for refusal could be negotiated and would be sought provided that the deterioration in the condition of the site had become too great.

It was proposed, seconded and put to the vote that a third reason for refusal be included. This was put to the vote and carried.

The Committee received representations from two objectors, Jane Yardley and James Bartlett, and on behalf of the applicant, Graham Harwood and Ransford Stewart.

DECISION: REFUSED for the reasons given in the report plus an additional reason as follows:

That the proposed new dwelling on plot A would harm the character of the area and the amenity of neighbouring properties and be contrary to Secure by Design principles contrary to policy 7.6 of the London Plan (2011), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Residential Design Guide (2010).

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

43 - 49 WEST STREET, HARROW

Reference P/0182/13 (Mr Graham Harwood). Partial Demolition of Former Printworks Buildings at 43-49 West Street and 53-55 West Street (Street Frontages to be Retained); Demolition of Brick and Timber Sheds to the Rear of Nos 43-55 West Street.

DECISION: REFUSED Conservation Area Consent for the reasons given in the report.

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

23 JESMOND WAY, STANMORE

Reference P/2616/13 (Mr Irving Caplan). Single Storey Rear Two Storey Side and First Floor Other Side Extensions; Conversion of Garage to Room; Rear Dormer; Raising of Ground Level to Create Ramp at Front; Proposed Raised Decking at Rear ; External Alterations.

It was noted that the application had been deferred at the Committee meeting on 20 November 2013 to enable officers to undertake further consultation with neighbouring residents following the indication by the Committee of being minded to approve the application.

An officer presented the report, stating that the officer recommendation was to refuse, primarily due to the first floor extension element.

DECISION: GRANTED permission for the development described in the application and submitted plans with the following informative:

The decision to grant planning permission was with regard to the extenuating mitigating circumstances of the applicant and should not be seen as setting a precedent.

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

487. Member Site Visits

RESOLVED: To note that there were no site visits to be arranged arising from the meeting.

488. Any Other Business

The Committee expressed its gratitude to Stephen Kelly, Divisional Director of Planning, for the work that he had undertaken on behalf of the Committee and the Council and wished him well in his new job.

489. Extension of Meeting

RESOLVED: That, in accordance with the provisions of Committee Procedure Rule 14, a proposal to extend the length of the meeting until 10.30 pm, if necessary, be agreed.

(Note: The meeting, having commenced at 6.35 pm, closed at 10.20 pm).

(Signed) COUNCILLOR WILLIAM STOODLEY
Chairman