

# PLANNING COMMITTEE

## MINUTES

### 27 MAY 2015

|                       |                          |                     |
|-----------------------|--------------------------|---------------------|
| <b>Chair:</b>         | * Councillor Keith Ferry |                     |
| <b>Councillors:</b>   | * Ghazanfar Ali (1)      | * Barry Kendler (4) |
|                       | * June Baxter            | * Nitin Parekh      |
|                       | * Stephen Greek          | * Pritesh Patel     |
| <b>In attendance:</b> | Marilyn Ashton           | Minute 124          |
| <b>(Councillors)</b>  | Susan Hall               | Minute 124          |

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

#### 117. Attendance by Reserve Members

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

Ordinary Member

Councillor Graham Henson  
Councillor Anne Whitehead

Reserve Member

Councillor Ghazanfar Ali  
Councillor Barry Kendler

#### 118. 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:

| <u>Councillor</u> | <u>Planning Application</u> |
|-------------------|-----------------------------|
| Marilyn Ashton    | 1/03 & 2/07                 |
| Susan Hall        | 2/09                        |

#### **119. Declarations of Interest**

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

Agenda Item 10 – Planning Applications Received (1/03)

Councillor Marilyn Ashton declared a non-pecuniary interest in that she was resident within the consultation area relating to this application, though she did not live in close proximity to the application site and she was a member of the Harrow Weald Board of Conservators. She would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Applications Received (2/10)

Councillor June Baxter declared a pecuniary interest in that she was resident in the vicinity of Heathfield School. She would leave the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Applications Received (1/03)

Councillor Stephen Greek declared a non-pecuniary interest in that he lived in the vicinity of Alexandra Drive. He would remain in the room whilst the matter was considered and voted upon.

Agenda Item 10 – Planning Applications Received

Councillor Pritesh Patel declared a non-pecuniary interest in that he lived in the vicinity of Alexandra Drive. He would remain in the room whilst the matter was considered and voted upon.

#### **120. Minutes**

**RESOLVED:** That the minutes of the meeting held on 15 April 2015 be taken as read and signed as a correct record.

#### **121. Public Questions, Petitions & Deputations**

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

#### **122. References from Council and other Committees/Panels**

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

## RESOLVED ITEMS

### 123. 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 item numbers 1/01, 1/04, 2/06, 2/08 & 2/10 on the list of planning applications.

### 124. 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 Head of Planning to issue the decision notices in respect of the applications considered.

#### 1/01 - 1 SUDBURY HILL, HARROW

Following questions from Members, an officer advised that:

- objections raised by Brent Council in relation to the previous planning application for the site had related to concerns about safety and traffic congestion during peak periods. The current application had a transport statement and traffic surveys, which had followed standard assessment methodologies, had not identified any additional risks in relation to traffic issues;
- the independent assessment of the Financial Viability Assessment concluded that the proposed scheme would provide an affordable housing on site in excess of what the viability assessment suggested was viable and consequently there would be no additional financial contribution required;
- the Committee's concerns regarding the right hand turn would be forwarded to the applicant. An officer indicated that the transport assessment indicated a very low risk from right turning movements, however, in the interim officers would monitor the situation during the first three months after completion of the development and carry out a highway safety audit. The council may be able to consider right turn restrictions into the estate at a later date if these were considered necessary. Any issues would be reported to the Chair of the Planning Committee and the Portfolio Holder of Environment, Crime and Community Safety;

- the site allocation set minimum rather than maximum standards for the development. The design of the balconies were deemed to be of an appropriate design and were considered to be private amenity.

The Committee received representations from an objector, Mr Breen, and from a representative of the Applicant, Mr Lambert.

A Member proposed a motion for refusal on the following grounds:

1. The proposal would be an overdevelopment which, by reason of excessive height, scale and bulk and close proximity to neighbouring properties, would harm the character of the area and the amenity of neighbouring occupiers, contrary to policies 7.4 of the London Plan, CS1.B of the Core Strategy and DM1 of the Local Plan.
2. The proposal provides insufficient off-street car parking in order to mitigate the impact of the development on the amenity of neighbouring occupiers, contrary to policies CS1.S of the Core Strategy and DM42 of the Local Plan.
3. The proposal would provide an unacceptably low proportion of family homes, which would result in a poor housing mix, contrary to policies CS1.I of the Core Strategy and DM24 of the Local Plan.
4. The proposal would give rise to unacceptable traffic congestion without sufficient mitigation, contrary to CS1.Q of the Core Strategy.

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

**DECISION: RESOLUTION TO GRANT** Subject to a Legal Agreement.

(Recommendation A) permission subject to authority being delegated to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and issue of the planning permission and subject to minor amendments to the conditions or the legal agreement, as amended by the addendum. The Section 106 Agreement Heads of Terms would cover the following matters:

1. Provision of seven social rented flats, six shared ownership flats to be provided within Block 1 of the development.
2. Harrow Employment and Training Initiatives: Contribution of £28,000 towards local training and employment initiatives prior to commencement of development
3. The submission of a Training and Employment Plan
4. Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and

5. Planning Administration Fee: Payment of £1,500 administration fee for the monitoring of and compliance with this agreement.

(Recommendation B) That if the Section 106 Agreement is not completed 27<sup>th</sup> July 2015 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a legal agreement to provide appropriate level of affordable housing on site provision that directly relate to the development, would fail to comply with the requirements of policies 3.11 and 3.12 of The London Plan 2015 and policy CS1.J of the Harrow Core Strategy 2012, which seeks to maximise the provision of affordable housing delivery within the borough.

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

*Councillors Ghazanfar Ali, Keith Ferry, Barry Kendler and Nitin Parekh voted for the application.*

#### **1/02 - PREMIER INN, 435 BURNT OAK BROADWAY, EDGWARE**

**DECISION: GRANTED** planning permission subject to conditions, as amended by the addendum.

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

#### **1/03 - THE PRINCESS ALEXANDRA NURSING HOME, COMMON ROAD, STANMORE**

Following questions from Members, an officer stated that:

- granting this application would be a one-off occurrence and would not be setting a precedent for future applications on green belt sites to be approved. She added that in relation to a precedent for housing, Harrow's local plan demonstrates housing targets set by the GLA could be met without encroaching on green belt, so would not set a precedent; reducing the footprint of the scheme would mean that the scheme was no longer viable;
- one of the conditions related to ensuring that a landscape and woodland management strategy was in place.

**DECISION: RESOLUTION TO GRANT** Subject to S.106 and referral to GLA and the DCLG

(Recommendation A) Grant planning permission for the development described in the application, submitted plans, as amended by the addendum and subject to:

- Conditions set out at the end of this report;

- Referral to the GLA under Stage 2 of The Town and Country Planning (Mayor of London) Order 2008;
- Referral to the National Planning Casework Unit (DCLG) under the Town and Country Planning (Consultation) (England) Direction 2009; and
- The completion of a section 106 agreement with the heads of terms set out below (subject to further negotiation and agreement)

(Recommendation B) That if the Section 106 Agreement is not completed by 31<sup>st</sup> August 2015 then it is recommended to delegate the decision to **REFUSE** Planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a Legal Agreement to provide restrictions on occupation, and 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 NPPF (2012), policies 3.11, 3.13, 7.16, 6.3 and 7.19 of The London Plan (2015), Core Strategy (2012) policies CS1 and policies DM16, DM17, DM42, DM43 and DM 50 of the Harrow Development Management Polices Local Plan.

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

*Councillors Ghazanfar Ali, June Baxter, Keith Ferry, Stephen Greek, Barry Kendler and Pritesh Patel voted for the application.*

#### **1/04 - BUCHANAN COURT, SUDBURY HILL, HARROW**

Following queries and comments from Members, an officer advised that:

- comments had been received from the occupants of neighbouring properties, particularly those residing in Lanfranc Court, regarding the design and colouring of the proposed development, as well as possible loss of daylight. However, these issues had been assessed and the development was deemed to be appropriate and compliant;
- if the application was granted, then officers would enter into further discussions with the applicant regarding condition 3, which related to the materials to be used in the construction of external surfaces. An informative would be added to encourage the applicant to consider the use of lighter materials for the south elevation.

The Committee received representations from an objector, Mr Breen, and from a representative of the Applicant, Mr Madden.

**DECISION: RESOLUTION TO GRANT** Subject to a Section106 agreement

(Recommendation A) planning permission subject to Conditions and informatives and the completion of a Section 106 agreement, as amended by the addendum;

(Recommendation B) That if the Section 106 Agreement is not completed by 17<sup>th</sup> July 2015 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of a Legal Agreement to provide appropriate provision for offsetting the carbon deficit of the proposed scheme, would fail to provide a sustainable form of development within the development. It would fail to adequately mitigate the impact of the development on the wider area from impacts arising directly from the development, contrary to the NPPF (2012), policies, 5.1, 5.2, 5.3, 5.7, 5.12 of The London Plan (2015), Core Strategy (2012) policies CS1 and CS3, Development Management Policies Local Plan (2013) DM1, DM12, DM13 and DM14, DM50.

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

*Councillors Ghazanfar Ali, Keith Ferry, Barry Kendler and Nitin Parekh voted for the application.*

## **2/01 - BENTLEY PRIORY, THE COMMON, STANMORE**

It was noted that the agenda incorrectly listed Bentley Priory as being in Harrow on the Hill Ward, and should read Stanmore Park Ward.

**DECISION: GRANTED** Listed Building Consent for the development described in the application and submitted plans, subject to condition(s)

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

## **2/02 - 25 – 25A CORBINS LANE, HARROW**

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

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

## **2/03 - GARAGES REAR OF 43 MASEFIELD AVENUE, STANMORE**

Following a question from a Member, an officer advised that the garages and the orchard constituted communal areas and they would be included in the lease agreement which would stipulate continued payment. The access road would be maintained by the Council.

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

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

#### **2/04 - GARAGES REAR OF 59 BINYON CRESCENT STANMORE**

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

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

#### **2/05 - BIRCHDENE, 55 THE CHASE, PINNER**

**DECISION: GRANTED** planning permission for the development described in the application and submitted plans, subject to condition(s).

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

#### **2/06 - VAUGHAN PRIMARY SCHOOL, VAUGHAN ROAD, WEST HARROW**

Following questions and comments from Members, an officer advised that:

- the design of the school and the materials used in its construction was in keeping with other schools sited in residential areas, and, in her view, would not detract from the character of the area;
- although not a statutory requirement, two consultations and a number of public consultation meetings had been carried out regarding the proposed expansion and a number of amendments had been made to the plans in response to comments received;
- a flood risk assessment had been carried out on the original application and the proposed bund would help to mitigate against any flood risk. The Council's drainage engineers and the Environment Agency were satisfied that the scheme was acceptable;
- condition 5 would ensure that classroom windows would have obscured glazing to an appropriate height to prevent any perceived overlooking of neighbouring properties. If, in the future, the obscured glazing became damaged or was removed then this would need to be replaced. It was important to remember that the classes would comprise primary school aged children, who would be seated for most of the day;



- the application had received a low number of objections, and it was important to balance the need for privacy of neighbouring residents against the need for school places.

The Committee received representations from an objector, Mrs Neale, and from a representative of the Applicant, Mr Carruthers.

A Member proposed a motion for refusal on the following grounds:

1. The proposed external materials, ground surfacing and boundary treatment would fail to safeguard the appearance and character of the area, or to enhance the appearance of the development, contrary to policies 7.4 and 7.6 of the London Plan, CS1 of the Core Strategy and DM1 of the Local Plan.
2. Insufficient measures are proposed to prevent overlooking or perceived overlooking, contrary to policies 7.6 of the London Plan, CS1 of the Core Strategy and DM1 of the Local Plan.
3. The proposed screening and hoarding measures are inadequate to safeguard the residential amenities of neighbouring occupiers, contrary to policies 7.6 of the London Plan and DM22 of the Local Plan.
4. The proposed details of ground levels and flood mitigations are not sufficient to demonstrate that there would be suitable protection for neighbouring properties against the risk of surface water flooding, contrary to policies 5.3, 5.12 and 5.13 of the London Plan and policies DM9 and DM10 of the Local Plan.

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

Following a question from the objector regarding why the trees which would be planted along the site boundaries, could not be of the same height and type, a Member proposed the following proposal, which was put to the vote and agreed:

1. Condition 6, (hard and soft landscape works), be delegated to officers for further negotiation and agreement.

**DECISION: APPROVED** the details pursuant to condition 3, 4, 5, 9, 11, 14, 15 and 22 described in the application and submitted plans, under Regulation 3 of the Town and Country Planning General Regulations 1992, as amended by the addendum; re-negotiation of condition 6 to be delegated to officers.

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

*Councillors Ghazanfar Ali, Keith Ferry, Barry Kendler and Nitin Parekh voted for the application.*

## **2/07 - 6 AYLWARDS RISE, STANMORE**

It was noted that an incorrect site plan for this application had been included in the agenda and was replaced by the correct version in the addendum.

**DECISION: DEFERRED** for a site visit.

## **2/08 - WESTGATE CHAMBERS, 8A ELM PARK ROAD, PINNER**

It was noted that an incorrect site plan for this application had been included in the agenda and was replaced by the correct version in the addendum.

Following questions and comments from Members, an officer advised that:

- planning policy in relation to the conversion of office space to residential use had been relaxed. However this would require prior approval and this type of change of use would no longer be possible after 2016;
- there were no rear facing windows and officers were satisfied that there would be no loss of outlook for neighbouring properties.

The Committee received representations from an objector, Mrs Hill, and from the Applicant, Mr Leong.

A Member proposed a motion for refusal on the following grounds:

1. The proposed development would be of excessive scale and bulk with an over intensive use and would harm the character and appearance of the area and the amenities of the neighbouring properties, contrary to policy DM1 of the Harrow Development Management Policies Local Plan, Policy CS1B of the Harrow Core Strategy and Policy 7.4 of the London Plan.
2. The proposed development would harm the setting and character of the adjacent Waxwell Lane Conservation Area, contrary to policies DM7 of the Harrow Development Management Policies Plan, Policy CS1D of the Harrow Core Strategy and Policy 7.8 of The London Plan.

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

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

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

*Councillors Ghazanfar Ali, Keith Ferry, Barry Kendler and Nitin Parekh voted for the application.*

## **2/09 - 60 EVELYN DRIVE, PINNER**

Following questions from Members, an officer stated that:

- the 45° rule only applied to protected windows where 1<sup>st</sup> and two-storey rear extensions were proposed;
- the plan showed that the proposed extension was only slightly higher than the neighbouring property and would project by 2.3 m beyond the neighbouring property. This would mean some loss of sunlight during summer afternoons for one of the neighbouring properties;
- the rear building line of properties along this stretch of Evelyn Drive was consistent. No window openings were proposed in the flank elevations and the development would therefore not have an adverse impact upon the residential amenities of no 58 and 62 in relation to loss of privacy;
- the site was located in a critical drainage area but was not in a flood risk area and the issue would be addressed through an informative.

A Member proposed a motion for refusal on the following grounds:

The proposed development would harm the character of the Pinnerwood Park Estate Conservation Area and the amenity of neighbouring residential occupiers, contrary to policies 7.4, 7.6 and 7.8 of the London Plan, CS1B and CS1D of the Core Strategy and DM1 and DM7 of the Local Plan.

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

**DECISION: GRANTED** planning permission subject to conditions, as amended by the addendum.

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

*Councillors Ghazanfar Ali, Keith Ferry, Barry Kendler and Nitin Parekh voted for the application.*

## **2/10 - HEATHFIELD NORRIS SCHOOL, 31 BEAULIEU DRIVE, PINNER**

Following Questions from Members, officers advised that:

- the council would work closely with the school to develop and implement the school travel plan (STP) which would proactively reduce car reliance. However, the school would need to involve the whole school community to ensure the success of its STP. The council had access to an additional parking enforcement vehicle, which would carry out random checks and act as a deterrent to inconsiderate or illegal parking;

- the section 106 agreement did not permit to specify whether the school should have primary or secondary pupils.

The Committee received representations from an objector, Mr Chetty, and from a representative of the Applicant, Ms Wilkinson.

**DECISION: Part 1)** Delegated Authority be given to the Divisional Director of Planning to determine Planning permission following the end of the consultation period on 29<sup>th</sup> May 2015.

**Part 2) APPROVED** modification to the principal Section 106 Agreement dated 12<sup>th</sup> November 1998 relating to the limitations of students numbers subject to the completion of a Deed of Variation. Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Deed of variation and to agree any minor amendments to the conditions or the legal agreement, as amended by the addendum.

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

*Councillors Ghazanfar Ali, Keith Ferry, Barry Kendler and Nitin Parekh voted for the application.*

**2/11 - GLEBE PRIMARY SCHOOL, GLEBE AVENUE, KENTON, HARROW  
DECISION:**

**GRANTED** planning permission for the development described in the application and submitted plans, subject to condition(s).

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

**125. Member Site Visits**

**RESOLVED:** To note that a site visit would take place for 6 Aylwards Rise.

(Note: The meeting, having commenced at 6.30 pm, closed at 9.50 pm).

(Signed) COUNCILLOR KEITH FERRY  
Chair