

# PLANNING COMMITTEE

## MINUTES

### 25 JULY 2018

**Chair:** \* Ghazanfar Ali, Vice-Chair in the Chair

**Councillors:** \* Stephen Greek \* Anjana Patel  
\* Graham Henson \* Bharat Thakker  
\* Councillor Ajay Maru (2)

**In attendance:** Marilyn Ashton Minute 49, 54  
**(Councillors)** Honey Jamie Minute 54

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

#### 39. Attendance by Reserve Members

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

Ordinary Member

Councillor Keith Ferry  
Councillor Christine Robson

Reserve Member

Councillor Ajay Maru  
Councillor Sachin Shah

#### 40. 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:

Councillor

Planning Application

Marilyn Ashton 2/02, 2/04 & 2/07

Honey Jamie 2/04 & 2/07

**41. Declarations of Interest**

**RESOLVED:** To note that there were no declarations of interests made by Members.

**42. Minutes**

**RESOLVED:** That the minutes of the meeting held on 13 June 2018 be taken as read and signed as a correct record.

**43. Public Questions, Petitions & Deputations**

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

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

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

**RESOLVED ITEMS**

**45. 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 2/02, 2/04 & 2/07 on the list of planning applications.

**46. Addendum**

**RESOLVED:** To accept the Addendums.

**47. 1/01: Middlesex House, 29-45 High Street - P/0178/18**

**PROPOSAL:** Redevelopment to Provide Two And Three Storey Extensions; Recladding of Existing Building and External Alterations; Change Of Use Of Part Raised Ground Floor and Above From B1 Office to Residential Use Class C3; Creation of 111 Residential Units; Retention of 338.6 sq m of Existing B1 Office Accommodation on Part Raised Ground Floor; Creation of Internal Courtyard; Car and Cycle Parking; Landscaping; Refuse Storage.

**DECISION: GRANTED**

**RECOMMENDATION A**

Granted planning permission subject to authority being delegated to the Divisional Director of Regeneration, Enterprise and Planning 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 the officer report) or the legal agreement, and as amended by the Addendums.

## **RECOMMENDATION B**

That if, by 25<sup>th</sup> October 2018 or as such extended period as may be agreed by the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Chair of the Planning Committee, then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Regeneration, Enterprise and Planning.

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

### **48. 2/01: Harrow College, Lowlands Road - P/1375/18**

**PROPOSAL:** Partial demolition and single storey front to side extension to the Armstrong building to create an entrance foyer; external alterations including overcladding to the Armstrong building; single storey side extension and three storey aluminium framed lift core with glazed panels to Brunel building; metal railings to southern boundary (Lowlands Road); alterations to parking layout and landscaping (revised proposal)

**DECISION: GRANTED**, planning permission subject to the Conditions listed in Appendix 1 of the officer report.

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

### **49. 2/02: 'Glencara', Royston Grove - P/1110/18**

**PROPOSAL:** Redevelopment to provide a three storey building comprising three flats; Parking, Bin and Cycle stores.

A Member proposed refusal on the following grounds:

'The proposal is an overdevelopment and would harm local character, amenity and the setting of a scheduled ancient monument, contrary to policies DM1 and DM7 of the Local Plan, CS1 of the Core Strategy, and 7.4, 7.6 and 7.8 of the London Plan.'

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

The Committee received representations from an objector, Mr Cobb, from a representative of the applicant, Mr Tarzaey, and Councillor Marilyn Ashton.

**DECISION: GRANTED**, planning permission subject to the Conditions listed in Appendix 1 of the officer report, and as amended by the Addendums.

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

*Councillors Ghazanfar Ali, Graham Henson, Ajay Maru & Sachin Shah voted for the application.*

*Councillors Stephen Greek, Anjana Patel & Bharat Thakker voted against the application.*

**50. 2/03: 1 Wynlie Gardens, Pinner - P/2297/18**

**PROPOSAL:** Front porch; Single storey and first floor rear extensions; Side dormers; External alterations

Following questions and comments from Members, an officer advised that under permitted development, this householder planning application, could be changed from a C3 use to a C4 use without planning permission. However, there was no evidence suggesting that the house would be used as an HMO and as such officers considered it unreasonable at this stage to impose such a condition. Notwithstanding this, if the property were changed into a large HMO (over 6 persons) then this would require planning permission in its own right for a change of use.

A Member proposed refusal on the following grounds:

‘The proposal, by reason of excessive scale and bulk, would harm local character and amenity, contrary to policies DM1 of the Local Plan, CS1 of the Core Strategy, and 7.4 and 7.6 of the London Plan.’

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

**DECISION: GRANTED**, planning permission subject to the Conditions listed in Appendix 1 of the officer report, and as amended by the Addendums.

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

*Councillors Ghazanfar Ali, Graham Henson, Ajay Maru & Sachin Shah voted for the application.*

*Councillors Stephen Greek, Anjana Patel & Bharat Thakker voted against the application.*

**51. 2/04: The Powerhouse, 87 West Street, Harrow on the Hill - P/1604/18**

**PROPOSAL:** Creation of second floor to provide two flats (retrospective); changes to the fenestration comprising alterations to existing windows and doors, introduction of new windows and doors and part replacement of gabled roof to north east of the building (retrospective); Proposed Detached Single storey building to provide two cottages; external alterations; associated landscaping and parking; Refuse and cycle storage

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

- the condition relating to the use of the balcony for maintenance purposes only would be enforceable. Another officer added that if there was evidence to show that this condition had been breached, then an enforcement notice, (which would require any further use of the balcony to cease), could be issued. Enforcement notices were not designed to be punitive but rather, in accordance with good practice, were intended 'to remedy the harm' caused. A breach of planning conditions could lead to prosecution, a fine and possibly a criminal record. Officers considered that the changes proposed to the balcony, for example, the removal of access doors to them would be sufficient to deter residents from using them;
- from a planning perspective, the applicant was not obliged to provide a lift. However, from an accessibility point of view, having a lift would be useful. The parking spaces to the rear of the building were located at an angle to the building;
- there was no formally adopted Right of Way within the application site, although neighbouring residents had enjoyed informal access over time. An application for a Right of Way would take several months to complete. Nonetheless, this was under separate legislation and therefore outside the remit of the application. The residents of Nelson Way and West Street had been allowed access on an informal basis and tended to park in the same location and in the same manner as the proposed parking indicated along the rear boundary of Nelson Road properties. There were no changes planned to the current parking layout;
- the fact that the proposed north facing elevations of the cottages would only be sited some 4m away from the south facing windows of the Powerhouse, though not ideal, was deemed acceptable by officers, particularly since the ground floor flats were already overlooked as the cottages had dual aspect. The Harrow SPD (Supplementary Planning Document) was a guidance and not a policy document and officers had assessed all material site considerations and provided a balanced judgement of the application. Officers considered that the impact of the proposed cottages would be acceptable and would not have an undue detrimental impact on the Heritage assets;

A Member proposed refusal on the following grounds:

'The proposal is an overdevelopment, visually obtrusive, excessive in scale, bulk and height, and out of keeping with the surrounding Conservation Area, Area of Special Character, listed buildings, Metropolitan Open Land, protected views and other heritage assets, including the Old Pye House, Church Fields and St Mary's Church. It would therefore cause significant harm to local character, amenity, heritage assets, and access to open space, contrary to policies DM1, DM3, DM6, DM7, DM17 and DM20 of the Local Plan, CS1 and CS3 of the Core Strategy, and 7.4, 7.6, 7.8 and 7.19 of the London Plan.'

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

The Committee received representations from an objector, Mr Lamb, from a representative of the applicant, Mr Peirson, & Councillors Marilyn Ashton & Honey Jamie.

**DECISION: REFUSED**

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

**52. 2/05: Trinity House, 326 Station Road - P/1342/18**

**PROPOSAL:** Change of use of offices and non-residential institution use on the 1<sup>st</sup> floor (Use class B1/D1) to twenty room house of multiple occupancy with shared kitchen facilities and lounge (HMO) (Sui Generis)

Following questions and comments from Members, an officer advised that that the bin storage area would be located in the basement, as indicated in the approved plans.

**DECISION: GRANTED**

**RECOMMENDATION A**

grant planning permission subject to authority being delegated to the Divisional Director of Regeneration, Enterprise and Planning 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 the officer report), and as amended by the Addendums.

**RECOMMENDATION B**

That if, by 24th August 2018 or such extended period as may be agreed in writing by the Divisional Director of Planning, the section 106 Planning Obligation is not completed, then delegate the decision to the Divisional Director of Planning to **REFUSE** planning permission for the appropriate reason.

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

**53. 2/06: Garages Rear of 16 to 22 Buckingham Road - P/3657/17**

**PROPOSAL:** Redevelopment of 34 single storey lock up garages to create five three storey terraced dwellinghouses; amenity space and refuse storage to rear; cycle storage; detached garage block; landscaping; re-provision of surface level parking spaces to include 16 new dedicated spaces for Holly and Miles Lodge

Following questions and comments from Members, an officer advised that there was a condition requiring the proposal to achieve Secured by Design certification (silver or gold) from the MET Police, prior to the occupation of the development. Condition 14 dealt with the external lighting strategy and condition 10 required the submission of a landscape management strategy which could be extended to include the alleyway. This amendment to condition 10 to include the alleyway was agreed. The applicant would also be required to submit a construction management plan.

**DECISION: GRANTED**, planning permission subject to the conditions listed in Appendix 1 of the officer report, and as amended by the Addendums and as amended at Committee.

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

**54. 2/07: The Powerhouse, 87 West Street, Harrow on the Hill - P/1516/18**

**PROPOSAL:** A non-material amendment application for proposed amended layouts for 13 of the 14 flats on the ground and first floors of the main building (excluding the stand-alone structure referred to as the “Cottage”). Two of the amended flats are changed from studio to 1-bedroom flats.

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

- the changes which had been implemented at the site related to an earlier application and pre-dated the prior approval. Prior approval by its very nature disallowed external alternation and only allowed internal alterations to be made. Internal and external alterations could therefore take place independently of each other. Officers had had to consider whether there had been a breach of the prior approval and in their view there had not. Nevertheless, the Committee could take the view that the prior approval was not valid and a breach had taken place. She added that this was an evolving area of case law, and the Committee could choose to defer the application pending further legal advice being sought;
- the prior approval application for which a potential issue with a single building operation was captured within a larger reason for refusal, was a different application to the one for which amendments were being sought in this case, with different circumstances. Prior approval by its very nature disallowed external alternations and only allowed internal alterations to be made. Internal and external alterations could therefore potentially take place independently of each other, dependant on the specifics of the case. Examples had been provided in the addendum. Officers had had to consider whether there had been a breach of the prior approval and in their view there had not. Nevertheless, the Committee could take the view that the prior approval was not valid and a breach had taken place provided they had an adequate rationale for their position.

- regardless, this question was not part of the considerations for this application. Members were advised it would need to be pursued separately as an enforcement issue, and could not be dealt with as part of the non-material amendment application which was before the committee.

Members agreed unanimously to defer the item.

The Committee received representations from an objector, Mr Lamb, from a representative of the applicant, Mr Peirson, & Councillors Marilyn Ashton & Honey Jamie.

**DECISION: Deferred**, pending legal advice regarding the validity of the alterations made under 'prior approval'.

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

**55. 2/08: Garages Adjacent & Dwelling Rear of 4 Elm Park - P/2003/18**

**PROPOSAL:** Re-development to provide one two storey building for four flats; landscaping; separate and communal amenity space; bin / cycle storage

A Member proposed deferring the application subject to a site visit. This was agreed unanimously.

**DECISION: Deferred**, subject to a site visit.

**56. 2/09: 29 Marlborough Hill - P/1858/18**

**PROPOSAL:** Re-Development To Provide A Two Storey Building To Create Four Flats; Parking; Separate Amenity Space; Widening Of Vehicle Access; Landscaping; Bin / Cycle Storage

**DECISION: GRANTED**, planning permission subject to authority being delegated to the Divisional Director of Regeneration, Enterprise and Planning 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 the officer report) or the legal agreement, and as amended by the Addendums

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

**57. 2/10: 565 Rayners Lane - P/0789/18**



**PROPOSAL:** Single and two storey side extension; single storey rear extension; alterations to roof; rooflights in front and side roofslopes; external alterations (demolition of detached garage and rear extension)

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

- this was a typical extension to a 1930's dwelling house. Officers had assessed the site circumstances and found the proposed side extension acceptable. The first floor was set back and therefore the prevailing pattern of the houses the street would be maintained. Nevertheless, it could be argued that the proposed extension would do better to mirror the other properties on the street. The design of side extensions had been described in the SPD since 1992 and the application did not significantly vary from this. It should be noted that hipped roofs were not an original feature of properties on this street. Officers had requested the applicant to amend the plans so that the side extension would not be abutting a gable.

A Member proposed refusal on the following grounds:

'The proposal, by reason of excessive scale, height and bulk, would harm local character and amenity, contrary to policies DM1 of the Local Plan, CS1 of the Core Strategy, and 7.4 and 7.6 of the Local Plan.'

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

**DECISION: GRANTED**, Planning permission subject to the Conditions listed in Appendix 1 of the officer report.

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

*Councillors Ghazanfar Ali, Graham Henson, Ajay Maru & Sachin Shah voted for the application.*

*Councillors Stephen Greek, Anjana Patel & Bharat Thakker voted against the application.*

## **58. Any Other Urgent Business**

In accordance with the Local Government (Access to Information) Act 1985, the following item was included late on the agenda for the reasons set out below:

It was reported that the minutes of 30 May 2018 Planning Committee, which were agreed and signed as a correct record at the 13 June 2018 meeting of the Committee contained an error.

Application P/4427/17 - 1A Cunningham Park - voting on this item was incorrectly recorded in the Planning Committee minutes of 30 May 2018. The minutes should have stated that the application was refused by a majority of votes 4:3 (and not unanimously as stated in the minutes).

**RESOLVED:** That the additional amendment to the minutes of 30 May 2018, be noted.

(Note: The meeting, having commenced at 6.33 pm, closed at 9.25 pm).

(Signed) COUNCILLOR GHAZANFAR ALI  
Chair