

# PLANNING COMMITTEE

## MINUTES

### 22 JANUARY 2020

**Chair:** \* Councillor Keith Ferry

**Councillors:** \* Ghazanfar Ali \* Kiran Ramchandani (1)  
\* Stephen Greek \* Sachin Shah  
\* Anjana Patel \* Bharat Thakker

**In attendance:** Dan Anderson Minute 296  
**(Councillors)** Philip Benjamin Minute 296, 303

\* Denotes Member present  
(1) Denotes category of Reserve Member

#### 286. Attendance by Reserve Members

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

Ordinary Member

Reserve Member

Councillor Simon Brown

Councillor Kiran Ramchandani

#### 287. 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

Dan Anderson 1/01 John Lyon School Middle Road HA2  
0HN P/1813/19

Philip Benjamin 1/01 John Lyon School Middle Road HA2  
0HN P/1813/19

2/03 Stanmore Hill – P/0310/19

**288. Declarations of Interest**

**RESOLVED:** To note that no interests were declared.

**289. Minutes**

**RESOLVED:** That the minutes of the meeting held on 20 November 2019 be taken as read and signed as a correct record.

**290. Public Questions**

**RESOLVED:** That one public question be received from Mr Ashley Vickers. The question was read out on and responded to by the Chair.

**291. Petitions**

**RESOLVED:** To note the receipt of a petition from local residents in relation to item 1/01 John Lyon School Middle Road HA2 0HN – P/1813/19, which was read by the Chair and its comments noted in the followed discussion.

**292. Deputations**

**RESOLVED:** That there were no deputations notified.

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

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

**294. Addendum**

**RESOLVED:** To approve the addendum and supplemental addendum.

**295. 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 the following items on the list of planning applications: 1/01, 1/04, 1/05 and 2/03.

**Change to order of the agenda**

It was agreed that the order of the agenda be varied as follows:

- 1 – 1/01 John Lyon School Middle Road HA2 0HN – P/1813/19
- 2 – 2/03 65 Stanmore Hill – P/0310/19
- 3 – 1/04 Safari Cinema, Station Road – P/3043/19
- 4 – 1/05 Plots D1, D2, D4, D5 and D6 of Harrow View East Masterplan Site, Harrow View East (Former Kodak Factory Site) Headstone Drive – P/3944/19
- 5 – 1/02 Bessborough road – P/0308/19
- 6 – 1/03 Queens House, 3 Kymberley Road – P/4455/18
- 7 – 2/01 Former Civil Defence Building, Roger Bannister Sports Centre – P/3823/19
- 8 – 2/02 1-20 Canons Park Close, Donnefield Avenue – P/3837/19

## RESOLVED ITEMS

### 296. 1/01 John Lyon School Middle Road HA2 0HN - P/1813/19

#### PROPOSAL:

Redevelopment to provide four storey teaching block with basement; hard and soft landscaping; parking (demolition of existing building).

Following questions and comments from members, a Planning Officer confirmed that:

- Issues with footprint of the building had been addressed following discussions with the applicant. As a result the proposals had been amended to decrease the height and bulk of the building.
- The petition presented before the Committee related to a variation of Section 106 to replace the existing Oldfield House, which did not form part of the current discussion. Instead, the intention was to test whether proposals were acceptable in principal, with a separate application to vary Section 106 to be presented at a future meeting of the Planning Committee.
- No increase in pupil numbers or in the overall footprint of the building was being recommended as part of the application, which was instead intended to meet modern curriculum needs.

The Committee received representations from Mr Ashley Vickers (objector), Mr Nick Pryor (agent to the applicant) as well as from Councillor Dan Anderson and Councillor Philip Benjamin (on behalf of Councillor Marilyn Ashton). The speakers were each given an opportunity to outline their arguments for seeking refusal/ approval of the application respectively.

A member proposed refusal of the application on the following grounds:

- The proposal, by reason of excessive scale and inappropriate siting, would harm local character, amenity, and the character of the Harrow on the Hill Conservation Area, contrary to policies DM1, DM7 and

DM46 of the Local Plan, CS1.B, CS1.D and CS3.A of the Core Strategy, and 7.4, 7.6 and 7.8 of the London Plan.

The motion was seconded but was subsequently withdrawn by the proposer.

The Chair reminded the Committee that the application was at risk of non-determination as of 31 October 2019, with a refusal at this stage of the process likely to lead to a successful appeal from the applicants.

The Chair proposed a motion to DEFER the application to allow the Planning Team to undertake further negotiations with the applicant and local residents on matters relating to the footprint of the proposals.

The motion was seconded, put to the vote and approved unanimously.

**Recommendation A:**

Grant planning permission subject to authority being delegated to the Interim Chief Planning Officer in consultation with the Director of Legal and Governance Services for the modification of the Section 106 legal agreement (subject to planning application P/2504/19) 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 report as varied by the addendum) or the legal agreement.

**Recommendation B:**

That if, by 30 April 2020 or such extended period as may be agreed in writing by the Chief Planning Officer, the Section 106 Planning Obligation modification is not completed, then delegate the decision to the Chief Planning Officer to **REFUSE** planning permission for the following reason:

The proposed development, in the absence of a modification to Section 106 planning obligation relating to planning permission WEST/695/94/FUL dated 23<sup>rd</sup> June 1995 (principal agreement), the development would be constructed on land outside of the development envelope in breach of the Section 106 and the development could give impacts to the character, appearance and openness of the conservation area in terms of site coverage.

**RESOLVED:** That the application be DEFERRED and re-considered at a future Planning Committee meeting to allow for further negotiations with the applicant.

**297. 1/02 Bessborough Road - P/0308/19**

**PROPOSAL:**

Redevelopment to provide part 5/part 6 storey building comprising of 40 flats (15 X 1 bed, 19 X 2 bed and 6 X 3 bed); cycle and bin stores; parking (demolition of Synagogue).

In response to questions from the Committee, the Planning Officers confirmed that:

- Should the applicant fail to provide on-site play spaces as part of the proposals, a financial contribution would need to be secured to ensure that a suitable provision be made elsewhere in the borough.
- In noting the Committee's comments on the need to ensure an appropriate "trade off" between viability of new developments and sufficient number of affordable housing provision, officers confirmed that the agreed housing offer as set out in the current proposals included only six shared ownership units.

The Committee resolved to approve the officer's recommendations.

#### **Recommendation A:**

Grant planning permission subject to authority being delegated to the Interim Chief Planning Officer 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 report as varied in the Addendum) or the legal agreement.

#### **Recommendation B:**

That if, by 4th February 2020 or such extended period as may be agreed in writing by the Chief Planning Officer, the Section 106 Planning Obligation is not completed, then delegate the decision to the Chief Planning Officer to **REFUSE** planning permission for the following reason.

The proposed development, in the absence of a Legal Agreement 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 National Planning Policy Framework (2019), policies 3.6, 3.11, 5.2, 5.3 and 6.11 of The London Plan (2016), Core Strategy (2012) policy CS1 and policies DM1, DM13, DM14, DM19, DM43 and DM50 of the Harrow Development Management Policies Local Plan and the Supplementary Planning Document: Planning Obligations & Affordable Housing (2013).

#### **Recommendation C:**

That, in the event of a refusal of the proposed scheme at 65 Stanmore Hill (P/0308/19), the Planning Committee is asked to **REFUSE** planning permission for the following reason:

The proposed development would lead to the loss of D1 floor space and it has not been demonstrated that there is no longer a need for the facility or that there is adequate equivalent provision, contrary to the National Planning Policy Framework (2019) and policy DM47 of the Harrow Development Management Policies Local Plan (2013).

#### **DECISION: GRANT**

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

**298. 1/03 Queens House, 3 Kymberley Road - P/4455/18**

**PROPOSAL:**

Two additional floors to the existing building to provide 16 flats; provision of 2 parking spaces; associated cycle and refuse stores.

The Committee resolved to approve in principle the officer's recommendations.

**Recommendation A:**

Grant planning permission subject to authority being delegated to the Interim Chief Planning Officer 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 report) or the legal agreement.

**Recommendation B:**

That if the Section 106 Agreement is not completed by 22<sup>nd</sup> April 2019 or such extended period as may be agreed in writing by the Interim Chief Planning Officer, then the decision be delegated to the Divisional Director of Planning to **REFUSE** planning permission for the appropriate reason.

The proposed development, in the absence of a legal agreement to provide parking permit restrictions, carbon off-set contribution and an affordable housing contribution that directly relates to the development, would fail to ensure that the development in this location prioritises access by sustainable modes and does not place additional transport stress on the public highway, in accordance with the National Planning Policy Framework (2019), policies 3.11, 3.12, 5.2, 5.3 and 6.13 of the London Plan (2016), policies H5, H8, T6 and SI2 of the Draft London Plan (2019), policies CS1.J, CS1.R and CS1.T of the Core Strategy (2012) and policies DM1, DM12, DM14 and DM43 of the Harrow Development Management Policies Local Plan (2013).

**DECISION: GRANT** in principle, subject to Section 106 Agreement being brought back to the Committee for review.

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

**299. 1/04 Safari Cinema, Station Road - P/3043/19**

**PROPOSAL:**

Redevelopment to provide part 11/part 5 storey building with basement level comprising of 78 residential units; cinema (Use class D2) to ground floor and

ancillary cafe to first and second floors; parking; landscaping; bin and cycle stores.

In response to questions from the Committee, the Planning Officers confirmed that:

- The equalities impact assessment had been reviewed, following objections received from the Victory to Victory Church and re-circulated to the Committee through the supplemental addendum. In addition, the applicant had sought to address some of the concerns directly with the Church but discussions were yet to take place.
- Despite the applicant's original proposals for the inclusion of 9 affordable housing units, the general agreement was that the design of the building did not lend itself to onsite affordable housing provision and their low number was unlikely to be seen as an attractive investment to registered providers. Instead a financial contribution of £1.26 million had been agreed with the applicant.
- Changes to the existing use of the building would include the loss and relocation of the Church to new premises. Insufficient information had been received on the location spread of the Church's congregation and how it served the local community.
- The proposals, which were supported by the Greater London Authority, were expected to result in a "landmark" development for the borough.

The Committee received representations from Ms Elisha Sempa (objector, attending on behalf of Victory to Victory Community Church Ltd) and from Ms Emma White (agent to the applicant). Both speakers were given the opportunity to present their arguments for seeking refusal/ approval of the application respectively.

The Committee resolved to approve the officer's recommendations.

#### **Recommendation A:**

**GRANT** planning permission subject to a referral of the application to the Greater London Authority (GLA) as a Stage 2 referral and subject to the Mayor of London (or delegated authorised officer) advising that he is content to allow the Council to determine the case itself and does not wish to direct refusal, or to issue a direction under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application, delegate authority to the Interim Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling development and issue of the planning permission, subject to amendments to the conditions, including the insertion or deletion of condition as deemed fit and appropriate to the development or the amendments to the legal agreement as required.

#### **Recommendation B:**

That if, by 6<sup>th</sup> March 2020 or such extended period as may be agreed in writing by the Interim Chief Planning Officer, the Section 106 Planning Obligation is not completed, then delegate the decision to the Chief Planning Officer to **REFUSE** planning permission for the following reason:

The proposed development, in the absence of a Legal Agreement 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 National Planning Policy Framework (2019), policies 3.11, 3.12, 5.2, 5.3, 6.3, 6.9, 6.13, 7.4B, 7.5, 7.6B, 7.7, 7.8 of The London Plan (2016), policies H5, H8, D2, D11, HC1, SI2, SI3, S4, T3, T4, T5 and T6 of The Draft London Plan (2019), policy CS1 of the Core Strategy (2012), AAP4, AAP6, AAP13 of the Harrow and Wealdstone Area Action Plan (2013), policies DM1, DM7, DM12, DM13, DM14, DM27, DM28, DM42, DM43, DM44 and DM45 and DM50 of the Harrow Development Management Policies Local Plan and the Supplementary Planning Document: Planning Obligations & Affordable Housing (2013).

#### **DECISION: GRANT**

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

*Councillor Sachin Shah abstained from voting on the application.*

#### **300. 1/05 Plots D1, D2, D4, D5 and D6 (Development Zone D) of Harrow View East Masterplan Site, Harrow View East (Former Kodak Factory Site) Headstone Drive - P/3944/19**

#### **PROPOSAL:**

Full planning application for the development of Plots D1, D2, D4, D5 and D6 at Harrow View East (former Kodak Factory) for residential dwellings (use class C3 - including an Extra Care Facility), café/restaurant space (Use Class A3), flexible active uses (Uses Classes, A1, A2, B1(a) and D1); together with new roads and other means of access and circulation, associated car and cycle parking, open space, landscaping and ancillary development including all necessary infrastructure works.

Officers introduced the application setting out the proposals in the report, as varied in the addendum and supplemental addendum.

In response to questions from the Committee, the Planning Officers confirmed that:

- Impact on the surrounding infrastructure as a result of the high number of new units being proposed had been taken into account, with the Council securing funding for a number of highway improvements.



- The Council was aware of existing transport issues within the Harrow and Wealdstone area and was liaising with Transport for London.
- The development would provide a much needed level of affordable housing in the area and would make a valuable contribution towards meeting the Council's long term housing target.

The Committee received representations from Mr Amit Shah (objector) and Mr Martin Scholar (applicant). Both speakers were given the opportunity to outline their arguments for seeking refusal/ approval of the application respectively.

A member proposed refusal on the following grounds:

- The proposal is an overdevelopment with excessive height, scale and bulk, and insufficient parking provision, to the detriment of local character and amenity, contrary to policies DM1 of the Local Plan, AAP6 of the Harrow and Wealdstone Area Action Plan, CS1.B, CS1.D and CS1.S of the Core Strategy and 6.13, 7.4, 7.6 and 7.7 of the London Plan.

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

The Committee resolved to approve the officer's recommendations.

#### **Recommendation A:**

Refer this application to the Mayor of London (the GLA) as a Stage 2 referral; and Subject to the Mayor of London (or delegated authorised officer) advising that he is content to allow the Council to determine the case itself and does not wish to direct refusal, or to issue a direction under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application, delegate authority to the Interim Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of the Section 106 Legal Agreement and other enabling development and issue of the planning permission, subject to amendments to the conditions, including the insertion or deletion of condition as deemed fit and appropriate to the development or the amendments to the legal agreement as required.

#### **Recommendation B:**

That if the Section 106 Agreement is not completed by 28<sup>th</sup> February 2020 or as such extended period as may be agreed by the Interim Chief Planning Officer, then it is recommended to delegate the decision to REFUSE planning permission to the Chief Planning Officer on the grounds that:

The proposed development, in the absence of a Legal Agreement 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 National Planning Policy Framework (2019), policies 3.11, 3.13, 5.2, 6.3, 7.4, 7.5 and 7.6 of The London Plan (2016), Core Strategy (2012) policy CS1, policies AAP3, AAP13 and AAP19 of the Harrow and Wealdstone Area Action Plan(2013) and policies DM1, DM2 DM42, DM43 and DM50 of the Harrow Development Management Polices Local Plan and the Supplementary Planning Document: Planning Obligations (2013).

**DECISION: GRANT**

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

*Councillors Ferry, Ali, Ramchandani and Shah voted for the application.*

*Councillors Greek, Patel and Thakker voted against.*

**301. 2/01 Former Civil Defence Building, Roger Bannister Sports Centre - P/3823/19**

**PROPOSAL:**

Conversion of Former Civil Defence Building (Sui Generis) To Café with Incidental Function Room (Use Class A3); External Alterations; Cycle Parking

The Committee resolved to approve the officer's recommendations.

**Recommendation:** Grant planning permission subject to the conditions listed in Appendix 1 of the report.

**DECISION: GRANT**

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

**302. 2/02 1-20 Canons Park Close, Donnefield Avenue - P/3837/19**

**PROPOSAL:**

Creation of third floor to north and south wings comprising of 6 flats (6 X 1 Bed); Parking and cycle storage

A member of the Committee proposed refusal of the application on the following grounds:

- The proposal would harm local character and amenity, and cause additional parking stress in the locality, contrary to policies DM1 and DM42 of the Local Plan, CS1.B and CS1.S of the Core Strategy, and 6.13 and 7.4 of the London Plan.

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

The Committee resolved to approve the officer's recommendations.

**Recommendation:** Grant planning permission subject to the conditions listed in Appendix 1 of the report.

**DECISION: GRANT**

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

*Councillors Ferry, Ali, Ramchandani and Shah voted for the application.*

*Councillors Greek, Patel and Thakker voted against.*

**303. 2/03 65 Stanmore Hill - P/0310/19**

**PROPOSAL:**

Redevelopment to provide single, two and three storey building to create place of worship (Class D1) on ground floor and nine flats on first and second floors (3 x 1 bed, 6 x 2 bed); Landscaping; Parking; Refuse and Cycle storage; Front boundary treatment.

Following questions and comments from members, a Planning Officer confirmed that:

- The design of the proposals had been revised following intensive consultations, to address a number of conservation area concerns raised by local residents and improve the overall appearance of the site.
- A draft Event Management Plan had been submitted by the applicant, which was set out in the Addendum and Supplemental Addendum. The Plan included a cap on total number of religious events of up to 20 per year by way of managing numbers. Additional measures could also be requested from the applicant and notified to the Council as part of the overall management plan.
- Alternative parking arrangements had been secured by the applicant through the use of local restaurant car park on Saturdays for the main Synagogue service. In addition, a non-binding agreement had been reached with Stanmore Mosque a set out in the Addendum for the use of their parking on event days, with a shuttle service providing convenient transportation to visitors between the car park and the Synagogue.

The Committee received representations from Ms Thea Gudgeon (objector), Mr Laurence Chadwick (applicant) as well as from Councillor Philip Benjamin. All speakers were given the opportunity to outline their arguments for seeking refusal/ approval of the application respectively.

A member proposed refusal of the application on the following grounds:

- This proposal will harm local character and amenity, and have an adverse and unacceptable impact on highways and parking, contrary to policies DM1, DM42 and DM46 of the Local Plan, CS1.B and CS1.S of the Core Strategy, and 6.13 of the London Plan.

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

The Committee resolved to approve the officer recommendations.

#### **Recommendation A:**

Grant planning permission subject to authority being delegated to the Interim Chief Planning Officer 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 report) or the legal agreement.

#### **Recommendation B:**

That if, by 4th February 2020 or such extended period as may be agreed in writing by the Chief Planning Officer, the section 106 Planning Obligation is not completed, then delegate the decision to the Chief Planning Officer to **REFUSE** planning permission for the following reason.

The proposed development, in the absence of a Legal Agreement 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, transport and physical infrastructural improvements arising directly from the development, contrary to the National Planning Policy Framework (2019), policies 6.3, 6.9, 6.13 and 8.2 of The London Plan (2016), policy CS1 R of the Harrow CS (2012) and Policies DM1, DM 46 and DM50 of the Harrow Development Management Policies Local Plan (2013).

#### **DECISION: GRANT**

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

*Councillors Ferry, Ali, Ramchandani and Shah voted for the application.*

*Councillors Greek, Patel and Thakker voted against.*

#### **304. Any Other Urgent Business**

**RESOLVED:** That there was none.

**The audio recording of this meeting can be found at the following link:**

<https://www2.harrow.gov.uk/ieListDocuments.aspx?CId=1001&MId=64667&Ver=4>

(Note: The meeting, having commenced at 6.30 pm, closed at 8.56 pm).

(Signed) COUNCILLOR KEITH FERRY  
Chair