

Planning Committee

Minutes

20 January 2021

Present:

Chair: Ghazanfar Ali (Vice-Chair in the Chair)

Councillors: Marilyn Ashton Keith Ferry
Christopher Baxter Anjana Patel
Simon Brown Christine Robson

In attendance (Councillors): Stephen Greek For Minute 488
Ameet Jogia For Minute 488
James Lee For Minute 488
Amir Moshenson For Minute 491

478. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Member:

Ordinary Member

Councillor Sachin Shah

Reserve Member

Councillor Christine Robson

479. 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

Ameet Jogia

Planning Application

1/01, Canons Park Station Car Park,
(P/0858/20)

James Lee	1/01, Canons Park Station Car Park, (P/0858/20)
Amir Moshenson	1/01, Canons Park Station Car Park, (P/0858/20)
Stephen Greek	2/02, Bankfield Cottages, Ass House Lane (P/3983/20)

480. Declarations of Interest

RESOLVED: To note that the Declarations of Interests published in advance of the meeting on the Council's website were taken as read.

481. Minutes

RESOLVED: That the minutes of the meeting held on 9 December 2020 be taken as read and signed as a correct record.

482. Public Questions

RESOLVED: To note that one public question (with a supplemental question) was received and responded to, and the recording had been placed on the website.

The questioner was not satisfied with the response to the supplemental question.

The Vice-Chair (In the Chair) advised that a more appropriate response would be provided in writing.

(The video recording of this meeting can be found at the following link:
<http://www.harrow.gov.uk/virtualmeeting>)

483. Petitions

RESOLVED: To note that there were none.

484. Deputations

RESOLVED: To note that there were no deputations notified.

485. References from Council and other Committees/Panels

RESOLVED: To note that there were none.

486. Addendum 20 January 2021

RESOLVED: To accept the Addendum and Supplemental Addendum.

Resolved Items

487. Representations on Planning Applications

RESOLVED: That in accordance with the provisions of Committee Procedure Rule 29 (Part 4B of the Constitution), representations be received in respect of items 1/01, 2/01 and 2/02.

488. 1/01 Canons Park Station Car Park, Donnefield Avenue, P/0858/20

PROPOSAL: redevelopment of existing car park to provide new residential accommodation (Use Class C3) and Sui Generis unit at ground floor and public car park along with associated works (as amended by the Addendum and Supplemental Addendum).

The Committee received representations from Shirley Sackwild (objector), Mike Turner (objector), Steve Skuse (agent for the applicant), and David Wakeford (applicant). The objectors, agent for the applicant, and the applicant outlined their reasons for seeking refusal, and approval, of the application, respectively.

The Committee also received representation from Ward Councillors Ameet Jogia, Amir Moshenson, and James Lee who all spoke against granting the application.

Councillor Marilyn Ashton proposed deferral. The proposal was seconded by Councillor Anjana Patel, put to the vote and lost.

Councillors Ali, Brown, Ferry and Robson voted against deferral.

Councillors Ashton, Baxter and Patel voted for deferral.

A member proposed having virtual site visits instead of physical visits for the duration of when restrictions on physical gatherings would be in force due to the coronavirus (Covid-19) epidemic. The proposal was seconded, put to the vote and agreed.

Councillors Ali, Brown, Ferry and Robson voted for virtual site visits.

Councillors Ashton, Baxter and Patel voted against virtual site visits.

Members raised concerns on how new changes to the London Plan Policy D9 would affect the application. Officers were requested to provide an explanation of the changes and explain their consequences.

Councillor Marilyn Ashton proposed refusal for the following reasons:

1. the development, by reason of height, mass and scale would be out of character, would be visually obtrusive and would give rise to a loss of residential amenity within the locality, contrary to policies CS1 and CS8 of the Core Strategy (2012), DM1 Harrow Development Management

Policy, D1, D2, D9 the publication London Plan (2020), 7.4, 7.5, 7.6 London Plan (2016) and H17 of Harrow's Site Allocation (2013); and

2. the proposal would be detrimental to the setting of the Canons Park Grade II Listed Historic Park and Garden, designated MOL and would not preserve or enhance the character and appearance and views from the Canons Park Estate Conservation Area, contrary to policies CS1, CS1D Core Strategy (2012), 7.8, 7.17 London Plan (2016), HC1, HC3 the publication London Plan (2020), Stanmore and Edgware Conservation Area Supplementary Planning Document (2013).

The proposal was seconded by Councillor Anjana Patel, put to the vote and agreed.

Councillors Ashton, Baxter, Brown and Patel voted to refuse officer recommendations

Councillor Ferry voted to approve officer recommendations.

Councillors Ali and Robson abstained from voting.

The Committee resolved to refuse officer recommendations.

RECOMMENDATION A

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) 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 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. The Section 106 Agreement Heads of Terms would cover the following matters:

Affordable Housing and Wheelchair Homes

- The following affordable housing to be provided on site:

Affordable Rent

- 2 x 2 bed, 3 person units (provided as wheelchair adapted units)
- 9 x 2 bed, 4 person units
- 11 x 3 bed, 5 person units

Shared Ownership

- 48 x 1 bed, 2 person units
- 44 x 2 bed, 4 person units
- 4 x 3 bed, 5 person units

- Cascade mechanism to ensure each Shared Ownership Unit shall be marketed for first sale exclusively to Harrow residents for no less than 3 months and an income cap for eligible purchasers.

Transport and Highways

- A contribution for further parking surveys to be carried out prior to occupation and post occupation of the 100th flat and a commitment to funding the study and implementation of CPZ measures should specific interventions be identified. The financial contribution shall be capped at £50,000.
- The development to be 'resident permit restricted' and the developer to ensure that: (i) all marketing/advertising material makes reference to the fact that; and (ii) all sales and lettings agreements contain a covenant to the effect that; future owners, occupiers and tenants (other than those that are registered disabled) will not be entitled to apply for a residents parking permit or a visitor parking permit.
- A commitment that the developer will investigate to the Council's satisfaction and if appropriate, make reasonable endeavours to implement a car club scheme at the site throughout the life of the development
- A Station Travel Plan to be submitted to the Council prior to commencement of development. The developer to ensure the effective implementation, monitoring and management of the travel plan for the site.
- A revised Residential Travel Plan to be submitted to the Council prior to the first occupation of the building. A travel plan bond (to be agreed with the Council) will be required to secure the implementation of all measures specified in the revised Travel Plan. The developer to ensure the effective implementation, monitoring and management of the travel plan for the site.
- A financial contribution of £25,000 for improvements to the Jubilee Cycle Network.
- The developer to enter into a Section 278 agreement to facilitate alterations to Donnefield Avenue. A £5,000 contribution is required for order-making Children and Young People's Play space.

- A financial contribution (to be agreed with the Council) to fund off-site provision (including enhancements to existing provision where appropriate) of play space and equipment.

Heritage

- A financial contribution of £10,000 for the repair of the 18th Century Grade II Listed Memorial Garden Walls within Canons Park Biodiversity Enhancement and Management.
- The developer shall submit a Biodiversity Enhancement and Management Plan (BEMP) and any monetary contributions for offsite works dependent on the impact, mitigation and net gains required as set out in the BEMP.

Carbon Offset

- A financial contribution prior to commencement of the development for the shortfall in on-site carbon reductions required to achieve net zero carbon in line with the GLA rates (to be determined based on a revised energy strategy that reflects a more detailed assessment). Verification of post-completion or final onsite emissions will inform any further offset contribution that may be required.

Design Review and Design Code

- An undertaking by the developer to the retain the existing architect (or one of equivalent standard) until the development is completed; or, the submission of a Design Code for approval by the Council that details the quality of the external materials of the finished development and other design parameters.

Employment and Training

- A financial contribution to be paid by the developer to fund local employment and training programmes and the submission of a Training and Recruitment Plan.
- The developer to use all reasonable endeavours to secure the use of local suppliers and apprentices during the construction of the development.

Legal costs, administration and monitoring

- A financial contribution (to be agreed) to be paid by the developer to the Council to reimburse the Council's legal costs associated with the preparation of the planning obligation and a further to be paid to reimburse the Council's administrative costs associated with monitoring compliance with the obligation terms in accordance with the adopted fees and charges schedule.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 31 March 2021 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 Divisional Director of Planning to REFUSE planning permission for the appropriate 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, 6.3, 6.13 and 8.2 of the London Plan (2016), Policies D4, H4, S4, SI2, T4, T6, T6.1 and DF1 of the Publication London Plan (2020), Policy CS1 of the Harrow Core Strategy (2012) and Policies DM12, DM28, DM42, DM43, DM50, of the Harrow Development Management Policies Local Plan (2013), harrow planning obligations SPD.

DECISION: REFUSE

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

Councillors Ashton, Baxter, Brown and Patel voted to refuse the application.

Councillor Ferry voted to grant the application.

Councillors Ali and Robson abstained from voting.

489. 1/02, Units 1, 1a and 2 Northolt Road Retail Park, P/2052/20

PROPOSAL: redevelopment of the site to provide new residential accommodation (Use Class C3) along with associated works (as amended by the Addendum and Supplemental Addendum).

Councillor Marilyn Ashton proposed deferral. The proposal was seconded by Councillor Anjana Patel, put to the vote and lost.

Councillors Ashton, Baxter and Patel voted for deferral.

Councillors Ali, Brown, Ferry and Robson voted against deferral.

The Committee resolved to accept officer recommendations.

RECOMMENDATION A

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in the report, and
- 2) refer this application to the Mayor of London (the GLA) as a Stage 2 referral; and

- 3) 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 conditions as deemed fit and appropriate to the development or the amendments to the legal agreement as required. The Section 106 Agreement Heads of Terms would cover the following matters:

1. Affordable Housing

- Provision of 39 affordable homes: 13 shared ownership (inclusive of discount market sales units) and 26 affordable rent
- 10% of affordable rent accommodation to be constructed and ready for occupation as wheelchair standard homes
- Early stage review
- Late stage review

2. Carbon Offset

- Payment of a total financial contribution of £237,559 towards carbon offset. Payable upon commencement of each phase on a pro rata basis.
- Provision of certification of actual/ as-built carbon emission achieved on site and payment of any shortfall in carbon reductions calculated at a rate of £60 per tonne of carbon to be offset per year, over a 30 year period.
- Provision of commitment the development will be designed to enable post construction monitoring and that the information set out in the 'be seen guidance is submitted to the GLA's portal at the appropriate reporting stages.

3. Energy Centre

- Provision of a safeguarding route to a connection to any future wider District Heat Network.

4. Highways and Parking

- A revised Residential Travel Plan to be submitted to the Council prior to the first occupation of the building. A travel plan bond (to be agreed with the Council) will be required to secure the implementation of all measures specified in the revised Travel Plan. The developer to ensure the effective implementation, monitoring and management of the travel plan for the site. Appointment of Travel Plan Coordinator. Travel Plan monitoring fee of £5,000.
- A contribution for further parking surveys (£10,000) to be carried out prior to occupation and post occupation of the 100th flat and a commitment to funding the study and implementation of CPZ measures should specific interventions be identified. The financial contribution shall be capped at £50,000.
- Provision of a car club space.
- The developer to enter into a Section 278 agreement to facilitate alterations to the service road on the southern access of the development site, improved lighting to the footway link to Stanley Road and implementation of traffic calming measures including speed cushions.

5. Employment and Training Plan

- Payment of local Employment Contribution to the Council (amount TBC) upon commencement of development and to be used towards
- employment and training initiatives within the Council's administrative area.
- Submission of an employment, training and recruitment plan to the Council for its approval
- S106 agreement will include penalty clauses for non-compliance with the above. Non-compliance is failure to deliver the obligations in the section 106 Agreement, irrespective of whether 1) the Agreement states that it will discharge the obligation; and 2) the Developer has paid the council (Xcite) to employ a training and employment co-ordinator and beneficiary funds to discharge the obligations, but the developer's contractors fail to work with Xcite to provide skill, apprenticeship and employment opportunities. HB Law has been working on relevant clauses.
- A minimum of 15% of spend during the construction of the development is with suppliers in the council's administrative area.

6. Legal Costs and Monitoring Fee

- Payment of section 106 monitoring fee upon completion of section 106 Agreement.
- Payment of all reasonable legal fees upon completion of section 106 Agreement.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 20 March 2021 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 Interim 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 and policies DM1, DM2 DM42, DM43 and DM50 of the Harrow Development Management Policies 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 unanimous.

490. 2/01, Land Adjacent to Anmer Lodge, (Car Park Rear of Buckingham Parade), P/3109/20

PROPOSAL: redevelopment to provide a six storey building comprising of office floor space on the first floor (use class E) and 9 flats (2 x 3 bed, 5 x 2 bed and 2 x 1 bed) on second, third, fourth and fifth floors; parking; bin and cycle stores (as amended by the Supplemental Addendum).

The Committee received representations from Theo Demolder (objector) and Lotte Hirst (agent for the applicant). Both objector and agent outlined their reasons for seeking refusal, and approval, of the application, respectively.

Councillor Marilyn Ashton proposed refusal on the following grounds:

1. the proposed development, by reason of its location and the unsuitable shared surface pedestrian access to the site, would fail to provide a high standard of design and layout and would not create a safe, secure, and appropriately accessible environment to the detriment of the living conditions of the future occupiers of the proposed residential units, contrary to the design aspirations of the National Planning Policy Framework (2019), policy 3.5 of the London Plan (2016), CS1 of

Harrow Core Strategy (2012), D7 of the publication London Plan (2020).

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

Councillors Ali, Brown, Ferry and Robson voted against the proposal.

Councillors Ashton, Baxter and Patel voted for the proposal.

The Committee resolved to approve officer recommendations.

RECOMMENDATION

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) 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 Ali, Brown, Ferry and Robson voted for the application.

Councillors Ashton, Baxter and Patel against the application.

491. 2/02, Bankfield Cottages, Ass House Lane, P/3983/20

PROPOSAL: Development To Provide A Pair Of Two Storey Semi-Detached Dwellings (2 X 3 Beds); Access; Parking; Landscaping And Bin Store (Demolition Of Bankfield Cottages) (as amended by the Supplemental Addendum).

The Committee received representation from Councillor Stephen Greek who outlined reasons for seeking refusal of the application.

Councillor Marilyn Ashton proposed refusal for the following reasons:

1. the proposal, by reason of its close proximity to a golf course, would place in harm's way the future occupiers and visitors to the site and cause a distraction to golfers and there has been no information offered by the applicant to demonstrate that measures are in place to mitigate the potential safety concerns, contrary to CS1 of Core Strategy (2012) and D13 of publication London Plan.

The proposal was seconded, put to the vote and agreed. The decision to refuse the application was by a majority of votes.

Councillors Ashton, Baxter, Brown, Robson and Patel voted to refuse officer recommendations.

Councillor Ferry voted to approve officer recommendations.

Councillor Ali abstained from voting.

The Committee resolved to refuse officer recommendations.

RECOMMENDATION A

The Planning Committee was asked to:

1. 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 this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

Heads of Terms for the Legal Agreement

- To only implement either planning permission P/3026/05/CFU or planning permission P/3983/20.
- To notify the Council the date of the construction of the development authorised by either planning permission P/3026/05/CFU or planning permission P/3983/20 together with a statement confirming which of the two planning permissions is being implemented.
- In the event that planning permission P/3026/05/CFU is implemented not to implement or cause permit or allow the implementation of any part of planning permission P/3983/20.
- Legal fees and administration/monitoring: Payment of Harrow Council's reasonable costs in the preparation of the Legal agreement and administration costs/monitoring costs in accordance with the adopted fees and charges schedule.

RECOMMENDATION B

That if, by 20 April 2021 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 Interim Chief Planning Officer to REFUSE planning permission for the following reason: the proposed development, in the absence of a legal agreement, would enable both planning permission P/3026/05/CFU and P/3983/20 to be implemented on site which would constitute inappropriate development in the Green Belt, to the detriment of the character and appearance and openness of the Green Belt, contrary to the National Planning Policy Framework (2019), policy 7.16B of The London Plan (2016), policy G2 of the Publication London Plan (2020), Core policy CS1 F of the Harrow Core Strategy (2012) and policy DM 16 of

the Harrow Development Management Policies Local Plan. (2013) and no very special circumstances have been demonstrated by the applicant whereby the harm by reason of inappropriateness is outweighed by other considerations.

DECISION: REFUSE

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

Councillors Ashton, Baxter, Brown, Robson and Patel voted to refuse the application.

Councillor Ferry voted to grant the application.

Councillor Ali abstained from voting.

492. 2/03, Carnegie House, 21 Peterborough Road, P/2799/20

PROPOSAL: variation of condition 2 attached to planning permission P/5102/17 dated 15/01/2018 (as varied by P/2885/19 dated 24.12.2019) to allow relocation of substation, refuse area and one parking space.

The Committee resolved to accept officer recommendations.

RECOMMENDATION

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in this report, and
- 2) grant planning permission subject to 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.

493. 2/04, 10 Christchurch Avenue, P/2631/20

PROPOSAL: conversion of dwelling (Use Class C3) into children's care home (Use Class C2); conversion of garage into habitable room; external alterations (as amended by the Supplemental Addendum).

The Committee resolved to accept officer recommendations, subject to a management plan being brought back for approval.

RECOMMENDATION

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in this report, and
- 2) grant planning permission subject to the conditions set out in Appendix 1 of this report.

DECISION: GRANT

The Committee wished it to be recorded that the decision to grant the application, subject to a management plan being brought back for approval, was by a majority of votes.

Councillors Ali, Brown, Ferry and Robson voted for the application.

Councillors Ashton, Baxter and Patel abstained from voting.

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

<https://www.harrow.gov.uk/virtualmeeting> .

(Note: The meeting, having commenced at 6.30 pm, closed at 10.13 pm).

(Signed) Councillor Ghazanfar Ali
Vice-Chair (in-the-Chair)