

Planning Committee

Minutes

29 September 2021

Present:

Chair: Councillor Pamela
Fitzpatrick

Councillors: Marilyn Ashton
Christopher Baxter
Simon Brown
Maxine Henson
Nitin Parekh
Anjana Patel

**In attendance
(Councillors):** Dan Anderson
For Minute 395

378. Attendance by Reserve Members

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

379. Right of Members to Speak

RESOLVED: That, in accordance with Committee Procedure Rule 4.1, the following Councillor, who was not a Member of the Committee, be allowed to speak on the agenda item indicated:

Councillor

Dan Anderson

Planning Application

John Lyon School Middle Road, Harrow
HA2 0HN, P/2092/21

380. 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, and in addition the following statement was made:

Agenda Item 2/04 Avanti House Secondary School, Wemborough Road, Stanmore, HA7 2EQ P/2430/21

Councillor Nitin Parekh declared a non-pecuniary interest in that he occasionally visited the temple in Watford, which was attached to the Avanti House Secondary School.

381. Minutes

RESOLVED: That the minutes of the meeting held on 1 September 2021 be taken as read and signed as a correct record.

382. Public Questions

RESOLVED: To note that no public questions were put.

383. Petitions

RESOLVED: To note that no petitions were received.

384. Deputations

RESOLVED: To note that no deputations were received.

385. References from Council and other Committees/Panels

RESOLVED: To note that there were none.

386. Addendum

RESOLVED: To accept the Addendum, and Supplemental Addendums.

387. 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 2/03, 2/05, 2/07 and 3/01 on the list of planning applications.

Resolved Items

388. 2/01, Perwell Court, Alexandra Avenue, Harrow HA2 9ED

PROPOSAL: redevelopment to provide five, three storey terraced dwelling houses (5 x 3 bed) and a three storey building comprising of two flats (1 x 1 bed and 1 x 3 bed); landscaping; parking; bin and cycle stores (demolition of existing garages) (as amended by the Addendum).

Councillor Marilyn Ashton proposed refusal for the following reasons:

1. the proposed development, by reason of its proximity to the neighbouring building at Perwell Court, would result in an unacceptable level of narrowing between the proposed development and Perwell Court and would therefore result in a

loss of amenity to the occupiers of Perwell Court and be detrimental to the character of the area, contrary policy D1, D3(d) London Plan (2021), DM1 of Harrow Development Management Policies Local Plan (2013), and the Council's Residential design Guide SPD (2010);

2. the siting of the proposed buildings, by reason of their close proximity to the communal garden and the lack of workable and appropriate defensible space between and buildings and the garden, would be detrimental to the amenity of the future occupiers of the development and the use and enjoyment of the garden itself, contrary to D1, D3(d) London Plan (2021), DM1 Harrow development Management Policies Local Plan (2013) and the Supplementary Planning Document Residential Design Guide SPD (2010); and
3. the amenity space that had been provided was insufficient to adequately serve the future and existing occupiers of this development and Perwell Court, to the detriment of the residential amenity of the future and existing occupiers, contrary to policy DM1 of Harrow Development Management Policies Local Plan (2012) and the Supplementary Planning Document Residential design Guide SPD (2010).

The proposal was seconded by Councillor Christopher Baxter, put to the vote and lost.

The Committee resolved to accept 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 Chair's Casting Vote.

Councillors Brown, Fitzpatrick and Parekh voted to grant the application.

Councillor Henson abstained from voting on the application.

Councillors Ashton, Baxter and Patel voted against the application.

Councillor Fitzpatrick, as Chair, used her Casting Vote to grant the application.

389. 2/02, 211 Harrow View, Harrow, HA1 4SS P/2049/21

PROPOSAL: installation of 15-metre-high (5G) monopole; installation of wraparound equipment cabinet and 3 x additional cabinets (retrospective).

On a proposal by Councillor Simon Brown, and seconded by Councillor Nitin Parekh, the Committee resolved to delegate the decision to the Chief Planning Officer.

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 conditions listed in Appendix 1 of the report.

DECISION: DELEGATE TO CHIEF PLANNING OFFICER

The Committee wished it to be recorded that the decision to delegate the decision to the Chief Planning Officer was unanimous.

Councillors Ashton, Baxter, Brown, Fitzpatrick, Henson, Parekh and Patel abstained from voting on the application.

390. 2/03, 31-37 Rosslyn Crescent, Harrow HA1 2SA, P/2216/21/PRIOR

PROPOSAL: demolition of existing building and construction of a three storey building containing 14 flats (Prior approval of transport and highways impacts; contamination risks; flooding risks; the design of the new building; the external appearance of the new building; the provision of adequate natural light in all habitable rooms of each new dwelling house; the impact of the development on the amenity of the new building and of neighbouring premises; impacts of noise from any commercial premises on the intended occupiers of the new dwelling houses; the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place; the impact of the development on heritage and archaeology; the method of demolition of the old building; landscaping; air traffic and defence asset impacts, and impact on a protected vista)(as amended by the Addendum).

The Committee received representation from Rebecca Jones (objector), and Mark Sleigh (applicant), who urged the Committee to refuse and approve the application, respectively.

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) grant planning permission subject to authority being delegated to the Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of a 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. The Legal Agreement Heads of Terms would cover the following matters:
 - i. Parking Permit Restrictions – the development to be “resident permit restricted” in accordance with section 16 of the GLC (Gen Powers) Act 1974 and the developer to ensure that: 1) all marketing/advertising material makes reference to this fact, and 2) all agreements contain a covenant to the effect that future occupiers and tenants (other than those who are registered disabled) will not be entitled to apply for residents parking permit or a visitor permit. A contribution in accordance with the adopted fees and charges is required to amend the Traffic Management Order and appropriate Section 106 monitoring fee; and
 - ii. Legal Fees: Payment of Harrow Council’s reasonable costs in the preparation of the legal agreement.

RECOMMENDATION B

That if the Legal Agreement is not completed by 30 November 2021, or as such extended period as may be agreed by the Interim Chief Planning Officer in consultation with the Chair of the Planning Committee, 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 provision for restriction of resident parking permits would fail to comply with the requirements of policy T6 of The London Plan (2021), policy CS1 of the Harrow Core Strategy (2012), and Policies DM42 and DM43 of the Harrow Development Management Policies Local Plan 2013 and would therefore be unacceptable.

DECISION: GRANT

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

391. 2/04, Avanti House Secondary School, Wemborough Road, Stanmore, HA7 2EQ P/2430/21

PROPOSAL: single storey infill extension and installation of roof over courtyard to create internal worship space.

The Committee resolved to accept officer recommendations.

RECOMMENDATION

The Planning Committee was asked to:

- 1) agree the reason 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 unanimous.

392. 2/05, 168 Welbeck Road, South Harrow HA2 0RX, P/2550/21

PROPOSAL: single storey rear extension, external alterations (retrospective).

The Committee received representation from Sivasubramaniam Kunaseelan (objector) who urged the Committee to refuse the application. The applicant (or their agent) did not address the Committee.

The Committee resolved to accept 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 unanimous.

393. 2/06, 41 Glanleam Road, Stanmore, HA7 4NW, P/2718/21

PROPOSAL: single storey outbuilding in rear garden with basement level to accommodate swimming pool; and hard and soft landscaping.

The Committee resolved to accept 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 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 majority of votes.

Councillors Brown, Fitzpatrick, Henson and Parekh voted to grant the application.

Councillors Ashton, Baxter and Patel abstained from voting on the application.

394. 2/07, 15 Formby Avenue, Stanmore, HA7 2LA, P/2777/21

PROPOSAL: conversion of dwelling into two flats (2 x 2 bed); external alterations; separate amenity space; relocation of existing outbuilding; and bin and cycle stores (as amended by the Addendum).

The Committee received representation from Dipika Patel (objector), and Dan Zecevic (applicant), who urged the Committee to refuse and approve the application, respectively.

Councillor Marilyn Ashton proposed refusal for the following reason:

- 1) the re-location of the proposed outbuilding/garage would be out of character within the locality and would result in a loss of residential and visual amenity to the future occupiers and the neighbouring occupiers, contrary to policy CS1 Harrow Core Strategy (2012), D1 London Plan (2021), DM1 Harrow Development Management Policies Local Plan (2013).

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

The Committee resolved to refuse 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 set out in Appendix 1 of the report.

DECISION: REFUSE

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

395. 3/01, John Lyon School, Middle Road, Harrow HA2 0HN, P/2092/21

PROPOSAL: discharge of section 106 obligations attached to planning permission WEST/695/94/FUL dated 23 June 1995 (The Principal Agreement) as varied by deed of variation dated 24 September 2007 (First Amendment), application P/3420/06 dated 16 October 2007 (Second Amendment) and P/2160/10 dated 11 February 2011 (Third Amendment). The application proposes to fully discharge the obligations within the Section 106 which restricts future development to within a building envelope, pupils enrolled for the full time education to 525 (subsequently increased to 600 by variation to the original agreement), and not to permit use of any part of the development outside the normal school hours other than recreational use without prior written permission of the Local Planning Authority.

The Committee received representation from Councillor Dan Anderson (back bench) who urged the Committee to refuse the application.

The Committee resolved to accept officer recommendations.

RECOMMENDATION A

The Planning Committee was asked to:

- 1) agree the reasons for refusal as set out in the report - had the applicant not appealed the application would have been refused for the following reason: In the absence of an approved alternative mechanism to protect the Conservation Area by controlling development and to control pupil numbers there is no justification for the discharge of the Section 106 agreement (as amended) attached to planning permission WEST/695/94/FUL dated 23 June 1995 (The Principal Agreement) as varied by deed of variation dated 24 September 2007 (First Amendment), application P/3420/06 dated 16 October 2007 (Second Amendment) and P/2160/10 dated 11 February 2011 (Third Amendment). The section 106 continues to serve the purpose of restricting the building envelope, hours of use and pupil numbers which is considered necessary to protect the character of the Conservation Area and the residential amenities of neighbouring residents with regard to noise, disturbance and traffic movements. In the absence of any alternative mechanism the removal of these obligations would have the potential to give rise to circumstances prejudicial to the character and appearance of the Conservation Area, the residential amenities of nearby residents and highway safety, contrary to the National Planning Policy Framework (2021), policies D14, HC1 and T4 of The London Plan (2021) and policies DM1 and DM42 of the Harrow Development Management Policies Local Plan (2013). The proposed discharge of Section 106 obligations associated with Planning Permission Ref: WEST/695/04/FUL and subsequent variations is therefore considered to be unacceptable under the Town and Country Planning Act 1990 (Section 106A).

DECISION: REFUSE

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

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 8.00 pm).

(Signed) Councillor Pamela Fitzpatrick
Chair