

Committee:	Planning Committee.
Date:	14 October 2009
Subject:	INFORMATION REPORT – Urgent Non-Executive Decision: 14 Waxwell Lane, Pinner
Responsible Officer:	Hugh Peart – Director of Legal and Governance Services
Portfolio Holder:	Councillor Marilyn Ashton – Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	None

Section 1 – Summary

The Urgent Non-Executive Decision procedure, set out in Part 3 of the Council's Constitution, requires all decisions taken under the procedure to be reported to the appropriate Committee. The Committee is requested to note the action taken under the Urgent Non-Executive Decision procedure, as outlined in Section 2 below.

FOR INFORMATION

Section 2 – Report

CIRCUMSTANCES

2.1 On 25 February 2009, the Development Management Committee considered a planning application (reference P/3219/08) relating to the erection of a detached outbuilding at the rear of the premises. Officers had recommended that planning permission be granted subject to conditions and the prior completion of a legal agreement within 6 months (or such period as the Council may determine) of the date of the Committee decision on this application regarding maintenance of the adjacent Lime trees at the expense of the applicant.

2.2 In the event, the Committee disagreed with the Officers' recommendation and resolved to refuse planning permission for the following reason:

The proposal would be likely to prejudice the survival of the protected mature Lime trees of special amenity value, which are adjacent to the rear of the subject site, and which contribute to the amenity and landscape value of the area and consequently would fail to preserve or enhance the character or appearance of the Waxwell Lane Conservation Area, contrary to Policies D4, D10, D15 and EP25 of the Harrow Unitary Development Plan (2004).

2.3 The applicant had now appealed against the Council's decision (PINS Reference: APP/M5450/A/09/2103237/WF). The start date for the appeal was 26 May 2009 and the case was being dealt with under the written representations procedure.

2.4 As part of the appeal process, the Council had been asked to enter into an agreement with the landowners to deal with the issue of the future maintenance of the Lime trees. Ordinarily with planning appeals, matters requiring a planning obligation were dealt with on a unilateral basis by the appellant. However, in this instance it would not be possible because the Council would be undertaking the maintenance of the Lime trees which it owned and which were on council owned land and the owner would be undertaking to reimburse the council in respect of those works.

2.5 Agreeing to the applicant's request did not mean that the Council would not present the most robust case possible in support of the refusal of planning permission; indeed it was an accepted part of the appeal process that conditions and / or planning obligations were agreed so far as possible for the Inspector's consideration should he be minded to grant the appeal.

ACTION SOUGHT

To authorise the Council to enter into a s106 Town and Country Planning Act 1990 agreement with the owners of 14 Waxwell Lane, Pinner and any other parties with an interest in the land to ensure the future maintenance at no expense to the Council of the Lime trees adjacent to the site.

Date of Request for Action: 25 September 2009

Reason for urgency

As the request had been made in connection with a planning appeal it was not possible to delay a decision until the next meeting of the Planning Committee on 14 October 2009; indeed it would be against the Council's interests to delay the decision. Planning appeals are conducted in accordance with strict timetables requirements and negotiations would need to take place with the owners of 14 Waxwell Lane on the precise content of the agreement.

Decision: Officer recommendation agreed.

Section 3 – Further Information

None

Section 4 – Financial Implications

Name: Narinder Heer	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 25 September 2009		

Section 5 - Contact Details and Background Papers

Contact: Miriam Wearing, Senior Democratic Services Officer, 020
8424 1542

Background Papers: Individual Urgent Non-Executive Decision Form, as reported.