



PLANNING COMMITTEE

WEDNESDAY 14 OCTOBER 2009

SUPPLEMENTAL COMMITTEE AGENDA

AGENDA - PART I

14. **INFORMATION REPORT - Urgent Non-Executive Decision: 14 Waxwell Lane, Pinner:** (Pages 1 - 4)
Report of the Director of Legal and Governance Services.
15. **INFORMATION REPORT - Urgent Non-Executive Decision: Former Ace Cinema. Alexandra Avenue, Harrow:** (Pages 5 - 8)
Report of the Director of Legal and Governance Services.

AGENDA - PART II - NIL

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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.

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Committee:	Planning Committee.
Date:	14 October 2009
Subject:	INFORMATION REPORT – Urgent Non-Executive Decision: Former Ace Cinema, Alexandra Avenue, Harrow
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 6 August 2002, the Council received an application from Zoroastrian Trust Funds of Europe for planning permission (ref: West/823/102/FUL) in respect of land at 440 Alexandra Avenue, Harrow (the former Ace Cinema). The application sought permission for the change of use of the cinema to a Zoroastrian Community Centre together with extensions at first floor and roof levels.
- 2.2 On 9 October 2002, the Development Management Committee resolved to grant planning permission to the applicant, subject to the prior completion of a Section 106 agreement within one year from the date of the Committee's decision. The purpose of the Section 106 agreement was to secure the adoption and implementation of a travel plan.
- 2.3 The travel management plan was not submitted and agreed within the given time and therefore the parties were not able to complete the Section 106 agreement. The agreement was drafted but it was not completed.
- 2.4 It had now come to light that the applicant mistakenly believed that they had been granted planning permission and had implemented their scheme in accordance with the application submitted.
- 2.5 To remedy the situation, authority was requested to complete the Section 106 agreement within a period of 3 months from the date hereof. The applicant had submitted the required travel plan and it was acceptable to the Council. The terms of the Section 106 agreement had likewise been agreed and it was ready to be completed.
- 2.6 In the period since the committee considered the application there had been changes at national, regional and local level, however the considerations generally remained the same as those that existed at the time when the applicant submitted the application.
- 2.7 The key policy changes from 2002 were as follows:
 - National Guidance:
 - PPS1 – Delivering Sustainable Development (31/1/05)
 - Town And Country Planning (Mayor of London) Order 2008
 - The Planning and Compulsory Purchase Act 2004
 - Regional Policy:
 - The London Plan Consolidated with Alterations since 2004 (February 2008)
 - Notably climate change policies 4A.1, 4A.7, and 4A.16
 - Design policies 4B.1, 4B.11, 4B.12 and 4B.13

Local Policy:

- Harrow Unitary Development Plan 2004 (policies subsequently saved and deleted on the 27th of September 2007 under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004).
- Notably saved design policies: D4, D7 and D11
- Access for All Supplementary Planning Document (April 2006)

2.8 Having regard to current policies and planning guidance it was concluded that:

- The application was not referable to the Mayor of London under the Mayor of London Order 2008;
- The development which had taken place including alterations to the building was to a high quality and was consistent with current design and listed building policy requirements;
- The building provided adequate accessibility arrangements for all users;
- Although at the time of the application, no energy audit of the building took place and no requirements for sustainable energy technologies were required, in this case, having regard to the quality of the implemented scheme and the benefits to the listed building of securing its re-use, refusal of the application on this basis would not realize the broader policy benefit associated with the buildings use.

2.9 It was therefore considered that notwithstanding subsequent developments in planning policy, it was expedient to allow the completion of the S.106 Agreement and to grant planning permission in line with the committee resolution of 2002.

ACTION SOUGHT

To authorise the completion of a s106 agreement within a period of three months from the date hereof in connection with the planning application for the redevelopment of the Former Ace Cinema in Alexandra Avenue, Harrow.

Date of Request for Action: 25 September 2009

Reason for urgency

The applicant had already implemented the change of use of the cinema to a Zoroastrian Community Centre; as planning permission had not been granted by the Council it was imperative that the breach of planning control was rectified as soon as practicable.

The next available meeting of the Planning Committee was not until 14 October 2009.

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
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