

PLANNING COMMITTEE (SPECIAL) MINUTES

16 APRIL 2014

Chairman: * Councillor William Stoodley

Councillors: * Mrinal Choudhury * Joyce Nickolay (3)
* Keith Ferry * Bill Phillips
* Stephen Greek * Stephen Wright

In attendance: Marilyn Ashton Minute 584
(Councillors) Nazim Ismail
Sachin Shah

* Denotes Member present
(3) Denotes category of Reserve Member

531. Attendance by Reserve Members

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

Ordinary Member

Reserve Member

Councillor Simon Williams

Councillor Joyce Nickolay

532. Declarations of Interest

RESOLVED: To note that the following interests were declared:

Agenda Item 4 – The Hive Football Centre (Formerly Prince Edward Playing Fields), Camrose Avenue, Edgware

Councillor Mrinal Choudhury declared a non-prejudicial interest in that he had visited The Hive and Barnet Football Club. He would remain in the room whilst the matter was considered and voted upon.

Councillor Keith Ferry declared a personal interest in that he regularly attended football matches at The Hive. He would remain in the room whilst the matter was considered and voted upon.

Councillor Thaya Idaikkadar declared a non-pecuniary interest in that he had a general interest in the application. He would remain in the room whilst the matter was considered and voted upon.

533. Deputations

RESOLVED: To note that no deputations were received at this meeting.

RESOLVED ITEMS

534. The HIVE Football Centre (Formerly Prince Edward Playing Fields), Camrose Avenue, Edgware

An officer introduced the report which set out the recommendation of officers, following the receipt of expert legal and planning advice, in relation to the Council's decision to refuse planning permission for planning application reference P/0665/13 for The Hive Football Centre. In accordance with the Local Government (Access to Information) Act 1985, the report was considered as urgent because the Council was required to issue its Statement of Case to the Planning Inspectorate in respect of the planning appeal in relation to The Hive Football Centre by 29 April 2014. It would therefore be too late to consider the matter at the Special Planning Committee scheduled for 30 April 2014.

The Committee was informed that the purpose of the meeting was to consider what evidence should be presented by the Council in relation to the current planning appeal against the refusal of planning application reference number P/0665/13. It was not to revisit the original application or subsequent decisions nor to vary or amend the decision notice. Attention was drawn to the fact that the enforcement notice seeking the removal of the west stand and floodlights had since been withdrawn following receipt of expert legal and planning advice.

In accordance with Procedural Rule 4.1, the Committee agreed that Councillors Marilyn Ashton, Nizam Ismail and Sachin Shah be allowed to speak at the meeting for a maximum of five minutes each.

The officer outlined the application for the variation of Condition 29 discussed by the Committee on 3 September 2013, following the original permission on 8 April 2008, indicating that the development and floodlights had not been built in accordance with the plans.

The three reasons for refusal on 3 September 2014 were as follows:

- 1) *'The application has failed to demonstrate that the impact of the floodlights would not result in significant harm to the amenities of neighbours y virtue of unacceptable lighting levels within and adjacent to residential properties surrounding or near to the site. The proposals are therefore contrary to policies DM 1C and DM 48C of the Development Management Policies Local Plan.'*
- 2) *"The height of the west stand would result in a loss of amenity to neighbouring properties, contrary to Policy DM1 of the Harrow Development Management (2013), Policy CS1-B of the Harrow Core Strategy (2012) and Policy 7.4 of the London Plan (2011).*
- 3) *'The west stand by reason of excessive height, bulk and proximity to the site boundary, would cause unacceptable harm to the amenity of neighbouring properties, contrary to policy DM1 of the Harrow Development Management Policies Local Plan (2-13) Policy CS1.B of the Harrow Core Strategy (2012) and Policy 7.4 of the London Plan (2011).*

The Committee noted aerial imagery showing the distance between the boundary of Phase 2 and the back of the nearest residential properties of some 79 metres at the top, 83 metres at mid point and 78 metres at the bottom. Given those distances, and the fact that the Jubilee Line was sited on a raised embankment between the properties and the stand, there was no reasonable evidence to argue that the development was harmful to the amenities of neighbouring properties. The officers were of the view that reason for refusal 1 regarding the floodlights should continue to be pursued at appeal.

Members noted that the agenda was a public document and considered, therefore, that the appellant would be aware that Independent planning advice had been obtained and that they would not be prepared to provide evidence to support the Council's case to defend the reasons for refusal 2 and 3.

A Member stated that previous refusals by Members against officer advice had been defended by officers at appeal. In his opinion, the defence would have been more robust had the character of the area been included as a reason for refusal.

In response to questions, the Committee was informed that:

- part of the assessment was to ascertain whether a planning consultant would represent the Council's case. The first question that would be asked would be whether, in their professional opinion, the development was acceptable in planning terms in respect of the development plan. An officer could present Members' views and objections;
- to have defended refusal on the grounds of character of the area would have proved difficult given that permission had been given for the site as a sporting destination. A further factor was that the Jubilee Line

separated the site from the adjacent area, which itself was of mixed character;

- should the Committee wish to continue to defend the refusal regarding amenity then members may wish to seek a condition that any potentially overlooking windows, particularly towards Aldridge Avenue, be of obscured glazing. Clarification could be sought on the plans for window units;
- despite the applicant engaging a lighting company of international repute, design information in respect of, for example, overspill, positioning, vertical spill to adjoining properties, and an agreed methodology, unfortunately had not been provided despite a number of requests. The information contained in the report and addendum to the 3 September 2013 did not provide sufficient information and the officers would continue to follow this up;
- the Council's Environmental Health Officers had visited the site on 23 July 2013 regarding the floodlighting and had sent a letter to the applicant outlining their concerns. During a further visit on 16 October 2013 there were further concerns and it was considered to be a statutory nuisance. On a visit on 21 January 2014 no judgement was formed regarding the impact of the lights;
- the onus was on the applicant to demonstrate that the floodlights were acceptable and the Council could then condition through the planning permission. The original report set out the concerns of the Council's lighting inspector but the planning officers were not in a position to advise further without the information required from the appellant. Whether Environmental Health had followed up the statutory notice was not part of the discussion for the Planning Committee.

The Committee expressed disappointment that the information from Environmental Health regarding the tests from the three site visits had not been forthcoming and that no-one was in attendance to respond to the queries raised by Members on the floodlighting.

It was moved and seconded that the Council does not put a case forward to defend the planning appeal in so far as Reasons for Refusal 1, 2 and 3 are concerned. The motion was put to the vote and there was an equality of votes. The Chairman used his casting vote in favour of the motion.

RESOLVED: That the Council does not put a case forward in relation to defending Reasons for Refusal 1, 2 and 3 in relation to the appeal in respect of planning application reference P/0665/13.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.02 pm).

(Signed) COUNCILLOR WILLIAM STOODLEY
Chairman