

PLANNING COMMITTEE

MINUTES

11 FEBRUARY 2015

Chair: * Councillor Keith Ferry

Councillors: * Ghazanfar Ali (1) * Graham Henson
* June Baxter * Nitin Parekh (2)
* Stephen Greek * Norman Stevenson

In attendance: Barry Macleod-Cullinane Minute 97
(Councillors)

* Denotes Member present
(1) and (2) Denote category of Reserve Members

90. Attendance by Reserve Members

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

Ordinary Member

Councillor Kairul Kareema Marikar
Councillor Anne Whitehead

Reserve Member

Councillor Nitin Parekh
Councillor Ghazanfar Ali

91. 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 item indicated:

<u>Councillor</u>	<u>Planning Application</u>
Barry Macleod-Cullinane	2/08
Jean Lammiman	2/08

92. **Declarations of Interest**

RESOLVED: To note that the following interests were declared:

Agenda Item 10 – Planning Applications Received

Councillor June Baxter declared a non-pecuniary interest in that a fellow Conservative Councillor lived in the vicinity of the Krishna Avanti School.

Councillor Stephen Greek, declared a non-pecuniary interest in that he was a former pupil of John Lyon School, he was the Chair of the Harrow Weald Common Board of Conservators and in that both he as well as a fellow Conservative Councillor lived in the vicinity of the Krishna Avanti School. He would remain in the room whilst the matters were considered and voted upon.

Councillor Barry Macleod-Cullinane declared a non-pecuniary interest in that he was a former pupil of John Lyon School. He would remain in the room whilst the matter was considered and voted upon.

Councillor Norman Stevenson declared a non-pecuniary interest in that a fellow Conservative Councillor lived in the vicinity of the Krishna Avanti School.

93. **Minutes**

RESOLVED: That the minutes of the meeting held on 14 January 2015 be taken as read and signed as a correct record.

94. **Public Questions, Deputations and References**

RESOLVED: To note that none were received.

95. **Petitions**

RESOLVED: To note the receipt of the following petitions, which were referred to the Corporate Director of Environment and Enterprise for consideration:

Petition containing 121 signatures, presented by a resident on behalf of Byron Hill Residents, with the following terms of reference

'We, the undersigned, call upon Harrow Council Planning committee to reject the John Lyon School planning application (P/4247/14) to increase pupil numbers from 525 to 710.

Furthermore, given that, by its own figures, the school is in clear breach of the variation in section 106 granted in 2007. The Planning department should institute clear sanctions to ensure the numbers revert back to those previously approved (525).'

Petition containing 36 signatures, presented by a resident on behalf of residents living in the vicinity of John Lyon School, with the following terms of reference

'John Lyon School: Increase in pupil numbers to 710.

We, the undersigned, are extremely concerned at the officer recommendation to grant this application and call for it to be negated.

The Report to Committee states the original Section 106 Agreement dated 23 June 1995 restricted the number of pupils at the School to 525. It then makes various references to a 'Deed of Variation', apparently dated 24 September 2007 which allowed an increase in the number of pupils to 600. Unfortunately no-one in the community seems to know anything about this "Deed" nor is there any reference to any application for it in the Planning History for this site. So it is not clear how or by whom this 'Variation' was made and thus what validity it may have?

The number of complaints against this application now is indicative of the problems. An increase to 600 pupils have brought during the past 7 years and shows that the Travel Plans updated during that period have not had much effect.

Numbers should be restricted again to 525 and the new proposed Travel Plan should be shown to work by alleviating nuisance caused to residents before any increase from that figure is permitted.'

RESOLVED ITEMS

96. Representations on Planning Applications

RESOLVED: That in accordance with the provisions of Committee Procedure Rule 30 (Part 4B of the Constitution), representations be received in respect of item 2/08 on the list of planning applications.

97. Planning Applications Received

In accordance with the Local Government (Access to Information) Act 1985, the Addendum was admitted late to the agenda as it contained information relating to various items on the agenda and was based on information received after the despatch of the agenda. It was admitted to the agenda in order to enable Members to consider all information relevant to the items before them for decision.

RESOLVED: That authority be given to the Head of Planning to issue the decision notices in respect of the applications considered.

23 VERWOOD ROAD, HARROW

Reference: P/0051/15 (Mrs Deepa Upreti) Description: Single Storey Rear Extension (Retrospective)

DECISION: GRANTED planning permission for the development described in the application And submitted plans, subject to condition(s).

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

UNIT 1B, 140 NORTHOLT ROAD, HARROW

Reference: P/4375/14 (Pearson Property Pensions Fund Limited) Description: Installation Of Mezzanine Floor

DECISION: GRANTED planning permission for the development described in the application and submitted plans, subject to condition(s), as amended by the addendum.

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

274 - 278 NORTHOLT ROAD, HARROW

Reference: P/4606/14 (Mr Akhtar Aziz Description): Change Of Use Of First And Second Floors From Education (Class D1) To Residential (Class C3) To Provide Eight Flats; External Alterations To Include The Provision Of Balconies With Glass Balustrades At Rear; Bin And Cycle Storage

Following questions from Members, an officer advised that there would be no parking available at the proposed development. However, this was not cause for concern as officers were not aware of any parking related issues or complaints arising from other similar developments without allocated parking.

DECISION: GRANTED planning permission subject to conditions.

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

25 – 25A CORBINS LANE, HARROW

Reference: P/4599/14 (WE Black Limited Description): Redevelopment To Provide 9 Flats In Two X Two Storey Buildings With Accommodation In Roof; New Vehicle Access; Landscaping And Parking; Cycle And Bin Storage (Demolition Of Existing Dwellings)

DECISION: GRANTED permission for the development described in the application and submitted plans, subject to conditions.

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

UNITS 1 & 3, LEEWAY CLOSE, HATCH END, PINNER

Reference: P/4168/14 (Mr Lynn Tosh) Description: Redevelopment: Construction Of A Building Containing Three Flats Fronting Woodridings Close; Construction Of Two Storey Rear Block To Contain Two Flats With Box Dormer Windows And Rooflights; Communal Garden, Boundary Fencing And Bin/Cycle Storage And External Alterations.

Following a question from a Member regarding the Planning Inspector's decision regarding the previous application, which had been refused by the Committee, the Chair stated that it was important that the Committee take note of the Inspector's views and that under the current application, the development's potential impact on traffic and parking or the number of units planned would not constitute sufficient grounds for refusing the application.

DECISION: GRANTED planning permission subject to conditions

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

Councillors Keith Ferry, Graham Henson, Nitin Parekh and Ghazanfar Ali voted for the application.

AVANTI HOUSE SCHOOL (FORMER PETERBOROUGH AND ST MARGARETS HIGH SCHOOL), COMMON ROAD, STANMORE

Reference: P/4466/14 (Avanti House Trust) Description: Modification To Section 52 Planning Obligation Relating To Planning Permission LBH/0/35339/E Dated 25th June 1990 (Principal Agreement), To Increase The Number Of Pupils Permitted On Site From 240 To 420

Following questions from Members, an officer advised that:

- discussions regarding the new location of the secondary school were ongoing and that, as yet, a new site had not been announced by the school;
- current levels of car use were between 40-41% and that this figure included cases of car sharing and related to both primary and secondary pupils. The school was also looking into providing a school bus and identifying 'park and stride' locations nearby. The school would be required to clearly demonstrate a significant reduction in car use by staff and parents in order to achieve Gold standard for its School Travel Plan (STP);

- the application did not constitute a 'change of use';
- the conditions could specify that the school should make every effort to retain its Gold standard after 2018;
- imposing a Bond would not be appropriate in this case and the only option would be to impose a fine and take enforcement action if the school did not comply with its requirements. The current proposals related to a two-form entry and reducing this back down to a single form entry could mean re-locating any additional pupils to other local schools, which could have implications for schools in Harrow.

The Chair proposed deferring the application pending further investigation and stated that the Committee would need the following additional information in order to be able to reach a decision:

1. had a new site for the 320 Secondary pupils been identified and would they be located within an existing building or would this require a new build?
2. had an STP been formulated for the secondary school, if so, what was contained in it?
3. the proposed increase in pupil numbers equated to an increase of 100%, however, there were no detailed plans regarding how numbers would be decreased should the school be unable to comply with conditions imposed;
4. in view of the fact that a bond may not be an appropriate penalty in this case, would the conditions still be enforceable and how would they be monitored and enforced? Did the Council have the requisite resources to monitor the effectiveness of the STP? He would anticipate that a S52 agreement would be appropriate in relation to this application.

DECISION: DEFERRED

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

AVANTI HOUSE SCHOOL (FORMER PETERBOROUGH AND ST MARGARETS HIGH SCHOOL), COMMON ROAD, STANMORE

Reference: P/4588/14 (Avanti House Trust) (Mr Nitesh Gor) Description: Installation Of Single Storey Temporary Portakabin Modular Building To Be Used As Additional Classroom Accommodation For A Period Of 53 Weeks

Following questions from Members, an officer advised that the application was for temporary accommodation, and therefore did not meet the required legal test for including a Section 106 planning agreement.

DECISION: GRANTED

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

Councillors Keith Ferry, Graham Henson, Nitin Parekh and Ghazanfar Ali voted for the application.

JOHN LYON SCHOOL, MIDDLE ROAD, HARROW

Reference: P/4247/14 (The John Lyon School) Description: Modification To Section 106 Planning Obligation Relating To Planning Permission West/695/94/Ful Dated 23rd June 1995 (Principal Agreement) To Increase The Number Of Pupils On Roll From 525 To 710 (Previously Modified By Deed Of Variation Dated 24.09.2007 To 600 Pupils) And To Put In Place A Enhanced School Travel Plan For Future Pupil Population

Following questions from Members, an officer advised that:

- It would not be reasonable or possible to impose zero car use by staff, parents and sixth form pupils at the school. The school's STP was accredited by TfL and if the school wished to achieve Gold standard of accreditation, it would need to clearly demonstrate a reduction in car use. Officers were in discussion with the school regarding how to achieve this by encouraging and promoting sustainable travel. The school had been successful changing parents' behaviour and the current level of car use was 37%. However, this figure would need to be reduced by 6% in order to achieve the Gold standard;
- the current STP used by the school was dated November 2014 and had been amended in January 2013. The STP, which was required by Transport for London (TfL), was reviewed annually;
- the TfL system of accreditation of STPs was extremely robust and the success of a school's travel plan was evaluated through annual surveys. Additionally, the school monitored traffic and parking in its vicinity on a daily basis and provided stewards during school drop-off and pick-up times. This visible presence acted as a deterrent to inconsiderate driving and parking;
- the implementation of traffic calming measures in the vicinity of the school had been explored with TfL in the past, but these had been deemed not to be practicable and therefore not implemented. Officers had also considered a bond of £20k payable by the school if it transpired that it had failed to meet its targets;
- the s106 Deed of Variation relating to the school, dated 2007, was listed on the Council's register;

- she could not confirm the exact locations of the two 'park and stride' sites being used by the school.

The Legal officer advised that the Council's means of enforcing a planning obligation would be by way of injunctive relief. The application to vary the s106 agreement was made pursuant to section 106A of the Town and Country Planning Act 1990 and the Committee had the following 3 options under that provision with regard to the application:

1. continue with the current obligation;
2. discharge the obligation;
3. the obligation to continue subject to modification.

If the Committee decided to refuse the application (i.e. determining that the obligation should continue as it currently stands), the applicant would be entitled to appeal to the Secretary of State.

The Chair moved a motion, which was seconded and agreed unanimously:

'The proposed modification to the principal Section 106 Agreement dated 23rd June 1995 (as varied on 24 September 2007) relating to the limitations of students numbers would result in an unacceptable level of noise, disturbance and traffic movements, to the detriment of the residential amenities in Middle Road, Lower Road, Byron Hill Road, Crown Street, Chartwell Place, Clonmel Close and surrounding areas, contrary to policy 7.15 of The London Plan (2011) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).'

The Committee received representations from an objector, Johanna Nixon, on behalf of Byron Hill Residents' Association & other local residents, the applicant's agent, Robert Waite and Councillor Barry Macleod-Cullinane.

DECISION: NOT APPROVED. THE OBLIGATION IN THE SECTION 106 AGREEMENT (as varied) RELATING TO PUPIL NUMBERS TO REMAIN.

98. Member Site Visits

RESOLVED: To note that there were no site visits to be arranged.

(Note: The meeting, having commenced at 6.33 pm, closed at 8.22 pm).

(Signed) COUNCILLOR KEITH FERRY
Chair