



# **Planning Committee Addendum**

**Date:                    Wednesday 30 June 2021**

**HARROW COUNCIL**

**ADDENDUM**

**PLANNING COMMITTEE**

**DATE: 30<sup>th</sup> June 2021**

<p><b>1-01</b></p>	<p><b><u>Addendum Item 1</u></b></p> <p><b><u>Loss of Existing and Community Sports Facilities</u></b></p> <p><b><u>Update to paragraph 6.2.60 (Page 64)</u></b></p> <p>Further comments have been sought from the Greater London Authority in respect of policy S5 of the recently adopted London Plan 2021. This new policy is much more explicit than the previous London Plan policy (London Plan (2016) policy 3.19) and paragraph 97 of the NPPF (2019) which considers how the loss of sports facilities/recreation land should be assessed. This clarifies that sports and recreational land should be retained unless an assessment has been undertaken in relation to existing need <b><u>or alternative sports and recreation provision if the existing use is no longer required.</u></b> The previous extant appeal decision didn't consider the need for alternative sport/recreation uses in the borough as this wasn't explicitly required or set out. As such, officers consider the current recently adopted London Plan policy S5 is relevant to the consideration of this assessment in respect of consideration of alternative sports provision. It is noted that this policy was not commented on by the Greater London Authority as the author of the London Plan in their Stage 1 report on the application. As such, officers have sought clarity on this issue from the GLA who have advised that the stage 1 report pre dated the now adopted London Plan and in the event that the application is referred back to them (should the application be granted), an updated policy assessment of this policy would be included at stage 2.</p> <p>Whilst the applicant has explored the need for retention of the existing use which has been informed by the adopted Harrow Outdoor Sports Strategy (2013), there has been no consideration of the need for alternative sports provision on the application site, taking account of the borough needs (either in respect of indoor or outdoor sports provision). In light of the above, it is considered the proposal fails to comply with paragraph 97 of the NPPF (2019) and policy S5 of The London Plan 2021 and the following additional reason for refusal is recommended:</p>
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**The proposed development in the absence of the assessment which clearly shows that the existing sports and recreational land or facilities to be surplus to requirements for provision of alternative sports and recreational provision at the local and sub regional level taking into account the borough's assessment of need, fails to comply with the National Planning Policy Framework (2019) and policy S5 of the London Plan (2021).**

**Additional Comments from Brockley Hill Resident Association:**

- Events will end at 1am on Friday and Saturday and at midnight of weekdays
- There is insufficient space for more than 2 to 3 coaches to be on site any one time
- The access can't be amended to improve safety as the applicants do not own the land
- Vehicle waiting to enter the site from Brockley Hill will be a hazard
- Safety concerns of speeding traffic down Brockley Hill

**Other comments:**

- Fails to support night time economy of town centre
- Inappropriate entrance and exit layout
- Excessive building size
- Concerns over archaeological remains
- Singular faith establishment, not open to all residents
- The golf club is up for sale which brings into question the statement the applicants have made about the application and regarding parking.
- The site is up for sale and being promoted for residential use for over 230 homes or a leisure facility which would be a gross overdevelopment.

**Officer Response:**

- The applicant has outlined the banqueting facility would close at 12pm midnight but it remains unclear if this is everyday. Had the proposal been considered acceptable in other regards, a condition would have been added in line with the recommendations of the Council's Environmental Health Department (7am-12midnight Mon-Sat, Sundays and bank holidays – 8am-11pm).
- The access has been designed to accommodate simultaneous ingress and egress by coaches, ensuring that vehicles are not held up on Brockley Hill. Some events will involve a higher proportion of guest trips by coach than by car and coaches

would be able to park perpendicular to car parking bays. It is acknowledged that coach car parking can be encouraged but cannot be forced and as such the Highways Authority has concerns of overspill parking.

- Had the application be considered acceptable alterations and improvements to the site entrance could have been secured through section 106/S278 agreement.
- The Highways Authority do not consider that the proposed use will result in an increase in accidents over and above the former use a golf facility. Nevertheless, mitigation could be put in place to improve the existing situation, e.g signage, site access, pedestrian crossing and soft measures to promote access routes to the venue/travel planning.
- The proposal is for a banqueting facility as a sui generis use and has been assessed accordingly. The proposal is a private business and the LPA would have no control over the users of the facility.
- Concerns regarding archeology, town centre development and building scale are considered in the main appraisal.
- The issue of the sale of the land is not a material consideration and is a private matter for the landowners. Should the application be granted, the development would need to be undertaken in accordance with the approved plans and documents and any relevant planning obligations.

### **Informatives Page 91**

Add the following to the Informatives list:

Other Relevant Guidance:

Harrow Outdoor Sports Strategy (2013)

Harrow Indoor Sports Facility Strategy (2018-2026)

### **Plans and Document List (Page 92)**

Active Travel Zone, Healthy Streets Photo Survey (dated August 2020) by EAS; Sequential Site Assessment Supplementary Note (dated March 2021); Outline Construction Logistics Plan (dated August 2020) by EAS; Sequential Site Assessment (dated August 2020) ; Brockley Hill Life Cycle Assessment BREEAM RIBA Stage 2 by Eight Associates; Preliminary Assessment BREEAM 2018 New Construction by Eight Associates; RIBA Stage 2 Overheating Analysis; Delivery and Servicing Plan (dated August 2020) by EAS; Design and Access Statement (dated 26<sup>th</sup> August 2020) by 5 plus; Supplementary Design and Access Statement (dated 28 January 2021) by 5 plus; Ecological Assessment (dated 28<sup>th</sup> January 2021) by Tyler Grange; RIBA Stage 2 Energy Assessment by Eight Associates; Planning Statement (dated August 2020) by hgh; Travel Plan and Car Park Management Plan (dated August 2020) by EAS; Accurate Visual Representation for Photoviewpoint 1; Archaeological Desk Based Assessment Ref: 6129A (dated January 2021) by HCUK Group; Flood Risk Assessment and Drainage Strategy (dated January 2021) by EAS; Landscape and Visual Appraisal (dated 28<sup>th</sup> January) Ref 13201/R02e/RP/JJ by Tyler Grange; Noise Impact Assessment Revised 20<sup>th</sup> January 2021 Ref: 89421 by NSL Noise Solutions Ltd; Supplementary Planning Statement (dated January 2021) by hgh; Transport Assessment (dated January 2021) by EAS; TPP/BHGCBHS/010 B Tree Protection

Plan; Brockley Hill Sequential Site Assessment – Supplementary Note (dated September 2020); Arboricultural Report by David Clarke Chartered Landscape Architect (dated January 2021)

B1\_02\_2001 Rev 05; B1\_04\_2000 Rev 02; B1\_04\_2000 Rev 03; B1\_02\_2000 Rev 05; B1\_02\_2002 Rev 04; B1\_02\_2002 Rev 05; B1\_05\_2000 Rev 05; MP\_00\_0004 Rev 07; 13201/P11d (Landscape Strategy Plan); B1\_02\_2200 Rev 07; B1\_02\_2201 Rev 07; B1\_02\_2202 Rev 07; B1\_04\_2200 Rev 04; B1\_04\_2201 Rev 04; B1\_05\_2200 Rev 07; B1\_10\_4200 Rev 02; B1\_10\_4201 Rev 02; MP\_00\_0003 Rev 07; MP\_00\_0200 Rev 19; MP\_00\_0300 Rev 04; MP\_00\_2200 Rev 16;

### **Local CIL Requirement Page 27:**

Update local CIL requirement to £0

### **Page 25 – Validation Date :**

Amend to 1st September 2020

### **Addendum Item 2:**



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## **Appeal Decision**

Site visit made on 28 September 2020

**by A Denby BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 November 2020**

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**Appeal Ref: APP/J1915/W/20/3254917**  
**Lanbrook, St Marys Lane, Hertingfordbury, SG14 2LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Mullins against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0723/FUL, dated 7 April 2020, was refused by notice dated 1 June 2020.
  - The development proposed is construction of a 5-bedroom, two storey dwelling following demolition of the existing dwelling after fire.
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### **Decision**

1. The appeal is dismissed.

### **Background and Main Issues**

2. The appeal site is located within the Metropolitan Green Belt and is partially within the Hertingfordbury Conservation Area (CA), though the proposed dwelling itself would be sited just outside the CA boundary. The Old Rectory, a Grade II listed building (LB), is in close proximity to, and accessed via the same driveway as the appeal site.
3. The appeal site itself comprises an area of land that was occupied by a dwelling until it was destroyed by fire and subsequently demolished. The dwelling had an extensive garden area which remains, and this includes a formal garden and tennis court. The appeal scheme proposes the construction of a new dwelling in a similar position to the previous building.

4. The main issues are therefore:

- Whether the proposal would be inappropriate development in the Green Belt, and its effect on the openness of the Green Belt;
- The effect of the proposed development on the character and appearance of the area, with particular regard to the setting of the CA and LB; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

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Appeal Decision APP/J1915/W/20/3254917

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### **Reasons**

#### *Whether inappropriate development*

5. Policy GBR1 of the East Herts District Plan, 2018 (LP) states that proposals within the Green Belt will be considered in line with the National Planning Policy Framework (the Framework). Paragraph 145 of the Framework establishes that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless they fall within certain categories of development which may be regarded as not inappropriate, subject to certain conditions.
6. Part d) of this paragraph lists the replacement of a building as one such exception, provided that the new building is in the same use, and not materially larger than the one it replaces. I appreciate that both parties have considered the dwelling as a replacement for that which existed prior to the fire. However, for something to be considered as a replacement, the element that it replaces must exist at the time the replacement development is considered. There is no existing building on the site, and as such, the proposal does not fall to be considered under the exception at Paragraph 145(d) of the Framework.
7. There is no disagreement between the parties that the land was occupied by a permanent structure and I saw on my site visit that, although the dwelling has been demolished and hoardings erected, areas of hardstanding remain visible, and as such the remains have not blended into the landscape. In my view, the proposal therefore comprises the redevelopment of previously developed land and falls to be considered under Paragraph 145(g). This exception allows for the redevelopment of previously developed land providing it would not have a greater impact on the openness of the Green Belt than the existing development.
8. The proposed new building would however have a greater impact on the openness as no building currently exists on the site. In this respect the new building would, unavoidably, lead to a reduction in the openness of the Green Belt. The proposal would also not contribute to meeting any identified affordable housing need and therefore conflicts with paragraph 145(g) of the Framework.
9. The development would not satisfy any of the other exceptions in paragraphs 145 and 146 of the Framework and as such would amount to inappropriate development in the Green Belt which Paragraph 145 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework is clear that substantial weight should be given to any harm to the Green Belt.

#### *Openness*

10. A fundamental aim of Green Belt policy, as set out in Paragraph 133 of the Framework, is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Court judgments have confirmed that there can be both spatial and visual dimensions to openness within the Green Belt.

11. The proposed dwelling would be a two and a half-storey property, with a substantial crown roof, having one continuous ridgeline and substantial gable features to the front and rear elevations. It would be a substantial building and

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2

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Appeal Decision APP/J1915/W/20/3254917

its overall bulk and massing would, in spatial terms, have a harmful impact upon the openness of the Green Belt.

12. Openness also has a visual aspect as well as a spatial one. The appellant has indicated that due to the positioning of the site, at the end of a long private drive, and existing mature landscaping, the proposed dwelling would be well screened. Whilst the proposed dwelling would not be visible from St Mary's Lane, the site frontage is relatively open. The dwelling would occupy a prominent position. There would be open views of it on the approach from the driveway and the adjacent parkland, which existing landscaping would not screen.
13. The appellant has referred to a judgment<sup>1</sup> in relation to the consideration of openness, should a proposal be considered to be not inappropriate development under Paragraph 145 (d) of the Framework. As detailed above, I do not consider the appeal scheme falls to be considered against Para 145(d).
14. Due to its overall height and bulk, I consider that the proposed dwelling would be visually intrusive. I therefore conclude that the development would result in significant harm to Green Belt openness and I have attached substantial weight to this harm.

*Character and appearance, with particular regard to the setting of the CA and LB*

15. The proposed dwelling would have a relatively simple footprint and overall form. However due to its design, height and overall bulk it would be an imposing building, incorporating central gable projections to the front and rear and flat roof dormers to accommodate living space within the hipped roof.

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16. The appeal site is partially within the CA, though the proposed dwelling itself would be sited just outside the CA boundary. The CA is centered on Hertingfordbury Road which has a linear character and St Mary's Lane which rises to St Mary's church, which as identified in the CA Appraisal and Management Plan, 2016 (CAAP), is a large building that dominates the local scene.

17. The CA includes expansive areas of open land, some having parkland characteristics and this is a particularly special characteristic of the CA which, along with other aspects such as historic buildings and mature landscaping, show the evolution of the settlement and add to the rural quality of the CA. The Old Rectory is a Grade II listed building (LB) and, as its name would suggest, is a former rectory and is positioned within a landscaped park.

18. The appeal site is accessed via a long private drive from St Mary's Lane, directly adjacent to the church, and this is also the access to The Old Rectory. Metal estate fencing, which the CAAP identifies as a prominent and important feature in the parkland setting, runs in parallel to the driveway up to the appeal site, with open parkland beyond, and there are views to the rear of The Old Rectory and its manicured gardens to the other side of the driveway.

19. The appeal site occupies a prominent position at a point where the driveway splits, providing access towards the site and sweeping round to The Old Rectory. It is very much viewed as an integral part and key feature of this

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<sup>1</sup> Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council and Valley Crown Nurseries Ltd (2016) EWCA Civ 404

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3

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Appeal Decision APP/J1915/W/20/3254917

important rural parkland setting and is reflective of the special interest of the CA, retaining a verdant and open character. It also forms an important part of the history and evolution of the CA and LB, having originally been the site of a garden cottage associated with The Old Rectory.

20. I saw on my site visit that The Old Rectory is a substantial building, though it is well screened by mature trees, and appears nestled into the landscape. There are however clear views of its rear elevation and garden from the driveway. These views provide an appreciation of its grandeur and status within this established parkland setting, which is an important part of its significance. Furthermore, the CAAP identifies this as being particularly important to the setting of the LB.

21. The proposed dwelling would be visible within the same views and, due to its proposed size and design it would be a dominant building which, even considering the separation between the buildings and existing landscaping, would compete visually with the LB. This in turn would have a harmful affect upon the appreciation of the significance of the LB and detract from its setting.

22. Whilst the proposal would incorporate some aspects of the local vernacular, such as proposed materials, its bold and ostentatious design, with substantial gable features, entrance portico with balcony above, flat roof dormers and overall bulky roof arrangement, would be at odds with the more modest building sizes and architectural styles characteristic of the CA.

23. For the same reasons it would harmfully intrude on the open and rural character of the parkland setting of which it would become an intrinsic part, and this would be wholly at odds with the established character of the CA, having a negative effect on its setting. Its visual impact would be significantly greater than that of the previous dwelling on the site, which retained a low level and horizontal emphasis and, although it extended further to the rear, presented a more restrained frontage to the driveway and adjacent parkland.

24. I have paid special attention to the desirability of preserving the listed building or its setting, and to the desirability of preserving or enhancing the character and appearance of the CA, including its setting, and the result of the proposal would be less than substantial harm when considered in the context of the Framework. Whilst the proposals would provide an additional dwelling, I do not consider this public benefit would be sufficient to outweigh the harm I have identified to the CA and LB, and to which I have attached considerable importance and weight.

25. Therefore, for the reasons stated above the development would conflict with LP Policies DES2, DES3, DES4, HA1 and HA4 which amongst other things seek to ensure that developments are of high-quality design, being of a scale, proportion, form, height, design and overall character that accords with, and compliments, the surrounding area, reflecting and promoting local distinctiveness and positively conserving and enhancing the appearance and character and setting of the CA and designated heritage assets.

**Other considerations**

26. The proposal includes built development where none currently exists, however, it is recognised that there was a building on the site which only ceased to exist due to a fire, and since that incident there has been a clear intention to erect a

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4

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Appeal Decision APP/J1915/W/20/3254917

new dwelling on the site. The appellant has lost their established residential use for reasons beyond their control and I consider this factor carries great weight.

27. There is some disagreement between the parties in relation to the exact measurements and dimensions of the demolished and proposed dwellings. There is, however, general agreement that the volume and footprint of the proposed dwelling would be less than that of the dwelling destroyed by fire and this attracts some weight.

28. However, the proposed height and floorspace would be greater and from the plans submitted, it is clear that although the previous dwelling was a two-storey building the first-floor accommodation was provided for within the roof space, and so the dwelling retained a low level and horizontal emphasis. Its size and design, with outriggers and single storey elements also reduced its overall bulk, and from the details before me, although it may have had a larger footprint, it did not appear as a substantial building.



29. Therefore, that the proposed dwelling would have a more simplistic footprint and form would not weigh in favour of the proposals as due to its design, height and overall bulk it would appear as a more substantial and dominant structure and this would be more harmful than the previous dwelling.
30. The appellant has stated that the proposed dwelling would be environmentally friendly, and this is a positive matter, though there is little to suggest this would provide any sustainable measures above and beyond that required by modern building standards and therefore attracts limited weight.
31. That the proposal would not adversely impact on the living conditions of existing nearby occupiers, retain existing landscaping and utilise appropriate materials would have a neutral effect, and therefore these matters do not weigh in favour of the appeal.

**Planning Balance**

32. I have found that the development would amount to inappropriate development in the Green Belt and that there would be significant harm caused to openness. Paragraphs 143 and 144 of the Framework make clear that inappropriate development is harmful to the Green Belt and this is therefore a matter to which I must attach substantial weight.
33. In addition, I have found that the development would also result in less than substantial harm to the setting of the CA and LB. This would not be outweighed by any public benefits and collectively this attracts considerable importance and carries substantial weight.
34. I conclude the benefits of providing a replacement dwelling following the destruction of the previous property by fire, and to which I have accorded great weight, does not clearly outweigh the harm I have identified. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt and the development conflicts with LP Policy GBR1 and the Framework.

Appeal Decision APP/J1915/W/20/3254917

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**Other Matters**

35. I note the appellant's concerns that the Council refer to the proposed dwelling as a 'kit house', and that reference was made to details from a website which the appellant states did not form part of the planning application. The Officer Report does however state that the Council's consideration was on the basis of the submitted plans. Nevertheless, the details of the website or information contained therein have not been made available to me as part of this appeal, and so has not formed part of my assessment.

**Conclusion**

36. For the above reasons I conclude that the appeal should be dismissed.

*A Denby*

INSPECTOR

2/01

**Addendum Item 1:**

Alteration to paragraph 2.5 from: 'The proposal is car free' to 'The proposal does not provide any off-street parking spaces.'

2/02

**Addendum Item 1:**

Paragraph 4.3, within consultation box under 'other matters', and 'intrusion over shared boundary' additional info to be added as follows:

*The objectors at No.46 were informed that the plans had been revised to remove intrusion over their boundary, via email on 30<sup>th</sup> March 2021*

	Paragraph 6.3.6: to be updated to replace 'Southfield Park' with 'Blythwood Road'.
2/04	<p><b><u>Addendum Item 1</u></b></p> <p>Paragraph 2.1: to be updated to replace 'rooflights' with 'Solar panels'</p> <p>Paragraph 6.3.10 (and associated heading) to be updated to read:</p> <p><u>Rooflights</u></p> <p><i>6.3.10 Three separate arrays of solar panels are proposed on the rear and side elevations. As these are angled to match the roofslope, they would not introduce any adverse visual or amenity impact to the streetscene or neighbours.</i></p> <p>Page 191 of the agenda, bottom set of elevations to be labelled as 'Proposed Side Elevation' and 'Proposed Rear Elevation' (in that order)</p>
2/05	<p><b><u>Addendum Item 1</u></b></p> <p>The proposed wording to Condition 4 should be amended as follows to correct the previous wording specific to works adjacent the swamp cypress tree:</p> <p>4. <u>Trees</u></p> <p>The proposed development shall be undertaken in accordance with the recommendations outlined in the approved Arboricultural Impact Assessment [ref: 101 467, updated 03/11/2020]; including the pre-commencement meeting to take place between the consultant and site manager, no-dig surfacing and other particulars relating to protecting of the tree. All protective measures shall be in place before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority. No works to tree, including their removal of lopping shall occur between the months of March to August (inclusive).</p> <p>REASON: To safeguard the trees near the site of amenity value and mitigate the impact of development on local ecology and in the interests of site ecology.</p>
2/06	<p><b><u>Addendum Item 1</u></b></p> <p><b><u>Consultation</u></b></p> <p><b>Update to paragraph 4.4</b></p> <p>Following additional issues raised by an objector, received on the 28<sup>th</sup> June 2021,</p>

additional text is added to the summary table.

#### **Summary of Comments on original consultation**

Concerns of wrong details being approved. Concerns over the design of the Bodpave and how parking spaces will be indicated on the ground.

*Officer response: Officers have reviewed the details to be approved and added further document to the approved documents condition. The details of the Bodpave is shown on the submitted site plan. Further technical information has been submitted, and further commentary has been provided within this addendum. Parking spaces are not proposed to be indicated as when not in use the parking area should appear as an open grass area. On large events days parking stewards will manage the cars coming into and out of the overflow area.*

### **Character and Appearance**

#### **Amendment to 6.3.2 to confirm how the parking is arranged**

6.3.2 The proposed car park has been amended during the course of the application from tarmac to Bodpave. The latter is a permeable surface and will be infilled with a soil mix and grassed so that it would allow for a more sympathetic appearance given the

Green Belt context and the proposed occasional use. Furthermore, there would be no markings on the ground defining individual parking spaces, the area would replicate that of an open grass area when not in use. When the overspill car park area is in use for large events parking stewards would direct vehicles to park accordingly. These details were approved under reference P/4255/19 related to the permission for the 3G pitches at the sports centre (P/4748/18). On this basis, officers consider that the proposal would not harmfully detract from the character or appearance of the area and would accord with the relevant policies in this regard.

### **Landscaping, Trees, and Ecology**

Additional paragraph to be added to describe details of the Bodpave

6.7.4 Bodpave is a durable product that has a lifespan of approximately 20 years when in used with standard size vehicles. It is a high quality product and the product is made from UV stabilised material. A condition is to be added to ensure the upkeep of the ground material during the lifetime of the development.

### **Appendix 1 – Conditions**

- Amendments to Condition 2 as follows to account for additional details

#### **Approved Plans and Documents**

The development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and documents:

C17-001E, Transport Post Application Technical note (September 2019), Design and Access Statement (August 2019 Rev B), Bodpave 85 Porous.

REASON: For the avoidance of doubt and in the interests of proper planning.

- Removal of Condition 5 as these details have already been provided and approved as part of the Approval of Detail application P/4255/19 relating to the 3G pitches approval at Roger Bannister Sports Centre (P/4748/18).
- Add a new condition 5 relating to the upkeep of the Bodpave over the lifetime of the development as follows,

#### **Maintenance of the Ground Treatment**

The ground treatment as indicated on the submitted Site Plan (C17-001E) identified as Bodpave shall be permanently retained, and maintained, during the lifetime of the development.

REASON: To safeguard the permeable and sympathetic ground treatment.

### **AGENDA ITEM 10 – REPRESENTATIONS ON PLANNING APPLICATIONS**

<b>Agenda Item</b>	<b>Application</b>	<b>Speakers</b>
1/01	Stanmore and Edgware Golf Centre	Councillor Ameet Jogia (Back Bench)
2/01	56 Lorne Road	Bekim Haziri (Objector) Muneer Ahmed (Agent for Applicant)
2/02	44 Blythwood Road	Alexandra Osborn (Objector) Applicant/Agent (To be Advised)
2/05	West House Gallery Café, West End Lane	Jackie Lindop (Objector) Applicant/Agent (To be Advised)

