Minutes

CENTRAL & SOUTH PLANNING COMMITTEE

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HILLINGDON

29 June 2010

Meeting held at Committee Room 5 - Civic Centre, High Street, Uxbridge UB8 1UW

	Committee Members Present: Councillors Judith Cooper (Vice-Chairman) Paul Buttivant Janet Duncan Beulah East Dominic Gilham Brian Stead Officers Present: James Rodger Nigel Bryce	
	Manmohan Ranger Sarah White Nadia Williams	
1.	APOLOGIES FOR ABSENCE (Agenda Item 1) Apologies had been received from Councillors Mike Bull and Janet Duncan. Councillors Dominic Gilham and Beulah East attended in their place.	
2.	DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (Agenda Item 2) Councillor Brain Stead declared a prejudicial interest in item 12 – Land forming part of 126 Heath Road, Hillingdon by virtue of having been involved as a Ward Councillor of the application site. Councillor Stead withdrew from the room and did not take part in the decision of the application.	
3.	TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING HELD ON 25 MAY, 3 & 8 JUNE 2010 (Agenda Item 3) The minutes of the meetings held on 25 May, 3 & 8 June 2010 were agreed as correct records and signed by the Chairman.	
4.	MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (Agenda Item 4) There had been no items notified as urgent.	

5.	TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (Agenda Item 5)	
	It was confirmed that items would be considered in Part 1 and Part 2.	
6.	561- 563 UXBRIDGE ROAD, HAYES - 63060/APP/2010/633 (Agenda Item 6)	Action by:
	Reserved matters (landscaping) in compliance with condition 2 of outline planning permission ref: 63060/APP/2007/1385 dated 10/10/2007: Erection of two residential blocks to accommodate 14 flats with associated parking and access involving alterations to adjacent developments' parking area and demolition of 561 Uxbridge Road	Nigel Bryce James Rodger
	The recommendation for approval was moved, seconded and on being put to the vote was agreed.	
	Resolved	
	That the application be approved subject to the condition and informatives set out in the officer's report and the Addendum sheet circulated at the meeting.	
7.	LAND TO THE N/W OF BEACON ROAD ROUNDABOUT & CONTROL POST 24, BEACON ROAD, HEATHROW AIRPORT - 66973/APP/2010/973 (Agenda Item 7)	Action by:
	Construction of an additional security control post (CP24a), relocation of a waste compactor compound, resurfacing of an emergency response area and re-alignment of the airside perimeter road (Consultation under Schedule 2, Part 18 of the Town and Country Planning (General Permitted Development) Order 1995)	Nigel Bryce James Rodger
	The recommendation to raise no objection was moved, seconded and on being put to the vote was agreed.	
	Resolved	
	That the Committee raised no objection to the application subject to the considerations and informatives set out in the officer's report and the Addendum sheet circulated at the meeting.	
8.	EASTERN APRON, HEATHROW AIRPORT, HOUNSLOW 66977/APP/2010/972 (Agenda Item 8)	Action by:
	Construction of new airside road (Consultation under Schedule 2, Part 18 of the Town and Country Planning (General Permitted Development) Order 1995)	Nigel Bryce James Rodger
	The recommendation to raise no objection was moved, seconded and	

on being put to the vote was agreed. Resolved That the Committee raised no objection to the application subject to the considerations and informatives set out in the officer's report and the Addendum sheet circulated at the meeting. 9. LAND AT 30 - 34 AND REAR OF 22 - 28 OAKDENE ROAD, Action by: **HILLINGDON** 66706/APP/2010/95 (Agenda Item 9) 1 two-bedroom detached, 2 two-bedroom, 4 three- bedroom and 2 Nigel Bryce four-bedroom two storey terraced dwellings, installation of James vehicular crossover and associated parking, involving the Rodger demolition of existing dwellings. In introducing the report, officers advised that this proposal was principally a back land development which could not be supported at this location. The Committee noted that the London Plan Interim Housing Supplementary Development Planning Guidance introduced by the Mayor of London, which came out in April 2010 explains key issues to consider for backland development. These include: Local context and historic environment, safe and secure and suitable environment, biodiversity and trees, Green belt, flood risk, climate change and distinct character of surburbian areas. The Committee noted that drawing No. 09/3197/4 had been amended to include: 'Revision A' There were no petition representatives or agent present in respect of a petition that had been received in objection to the application. The recommendation for refusal was moved, seconded and on being put to the vote was agreed subject to amendment to include 'Revision A' to drawing No. 09/3197/4. Resolved That the application be refused for the reasons set out in the officer's report subject to the amendment as detailed above. 10. 19 SILVERDALE GARDENS, HAYES 63644/APP/2010/919 Action by: (Agenda Item 10) Single storey detached outbuilding to rear for use as playroom Nigel Bryce (Retrospective application) James Rodger In accordance with the Council's constitution representatives of petition received in objection to the proposal were invited to address the meeting. The following points were raised by the petitioner: There was evidence that the development was being used as

living quarters, as there was a washing machine, sink and toilet in use

- The windows at the rear of the building were inappropriate
- The development was more than 2 metres wider than the house
- The floor area of the development was similar to a detached bungalow
- There was no comparable structure between Nos. 49 to 62 Silverdale Gardens
- The outbuilding had been occasional lived in and had never been used as a play room
- Suspected that it would be turned into flats to generate income
- The door from the rear of the outbuilding was 2 metres higher than the rears of 61 and 62 Fairdale Gardens
- The plain glass doors and windows were detrimental to Nos. 61 and 62 Fairdale Gardens as it had resulted in the residents' loss of privacy.

The agent/applicant was not present at the meeting.

A Ward Councillor addressed the meeting. The following points were raised:

- Had been campaigning against properties in back gardens
- There was a vast amount back land development in the Townfield ward, bringing large amounts of revenue for owners
- Such developments were hidden dangers as they impacted on doctors' costs as well as school places
- Suggested that enforcement action should be taken against such developments and that any action taken should be made known to the press
- Urged the Committee to refuse the application and asked for the application not to keep coming back

After considering the concerns the recommendation for refusal was moved, seconded and on being put to the vote was agreed.

Resolved

That the application be refused for the reasons set out in the officer's report.

11. LAND AT FRAYS ISLAND, COWLEY ROAD, UXBRIDGE 65611/APP/2010/89 (Agenda Item 11)

Two storey four-bedroom detached dwelling with associated parking (Resubmission)

In introducing the report, officers brought the Committees attention to the changes and amendments in the Addendum sheet circulated at the meeting. Members were asked to note further amendment to the wordings in the Addendum sheet.

In accordance with the Council's constitution, representatives of

Action by:

Nigel Bryce James Rodger petition received in objection to the proposal were invited to address the meeting.

The following points were raised by the petitioner:

- That the development would be inappropriate and detrimental to the environment
- That the development would be detrimental to the ecological status of the island and the surrounding area
- That the applicant had ignored tree preservation orders and felled trees
- That petitioners' objections to the development were supported by their local MP as well as the London Wild Life Trust
- That even with the building of one house, no boundary, garden fence or management plan had been submitted.
- That the owner as well as people visiting the island banks would disturb neighbours
- That the island was a haven for wildlife and part of a migration for birds
- That the site was a Greenfield site

The following points were raised by the agent:

- That the planning Inspector's appeal decision required clarification only on four issues and these included ecology, green chain, highway safety and planning obligation
- Other issues including flooding, the bridge, noise and design were no longer up for debate
- With regard to ecology the applicant was seeking to obtain further advice and suggested that with the lack of frogs on the island, it had been concluded that there were no grass snakes present
- The Planning Inspector had recognised the management of the site in respect of public access, volume of traffic and visits to the site. No public access had been proposed in the current scheme and therefore, this was no longer an issue
- With regard to the green chain, the island was heavily landscaped with trees and these would be retained with trees felled being replaced
- In respect of Management plan this had to be paid for, therefore funds from the proposal would pay for the development of a management plan in the long term
- Requested the negotiation of the legal S109 agreement be opened in order to ensure the long term management of the island.

A Ward Councillor addressed the meeting and raised the following points:

- The objections raised by the petitioners were fully supported
- Supported officer's recommendation for refusal
- The site was designated as a nature conservation area which the Council should protect when there were clear powers to do

- Since the bridge was erected, the island had always been under threat from developers
- This was a tranquil island with wild life species which must be protected
- Did not accept the suggestion that there were more wildlife species in the back garden than on the island
- This development was unsuitable for the island and would be detrimental to residents
- Any new development would inevitably impact on highway by increasing traffic

A Member asked whether the repeated failure by the applicant to address the issue of ecological assessment could be classed as vexatious if a further application was submitted, and whether the Council would be entitled to seek costs.

Officers advised that if a further appeal was lodged, the issue would be investigated and if the circumstances allowed for the Council to seek costs, they would be pursued.

In response to a question about public access, officers advised that the island was privately owned and that the previous owner allowed public access. This applicant was not proposing to allow public access.

The recommendation for refusal was moved seconded and on being put to the vote was agreed subject to the amendments in the Addendum sheet and the change to the wording of the new informative in the Addendum sheet.

Resolved

That the application be refused for the reasons set out in the officer's report, the Addendum sheet and the change to the wording of the new informative in the Addendum sheet to read as follows:

New Informative (page 5) to read as follows: 'You are advised that the submitted application package has failed to address the previous issues in the ecological assessment, which were raised by the Inspector in relation to the dismissed appeal (Ref: APP/R5510/A/09/2104761)'.

12. LAND FORMING PART OF 126 PIELD HEATH ROAD, HILLINGDON 63320/APP/2010/652 (Agenda Item 12)

Action by:

Two-storey four-bedroom detached dwelling with associated parking and landscaping

Nigel Bryce James Rodger

The recommendation for approval was moved, seconded and on being put to the vote was agreed subject to the Addendum sheet and the following changes in the Addendum sheet circulated at the meeting:

Condition 9 (page 7) - deleted 'boarded' and replaced with '...that should be a low boundary wall...'

Wording of Condition 10 (page 7) - after '4', inserted 'not the alternative fourth bay...'

Under add the following informative (page 7) – Before 'you are advised...'inserted, 'With respect to condition 2'.

Resolved

That delegated powers be given to the Head of Planning & Enforcement to grant planning permission, subject to the following:

A. That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- i) A contribution of £13,601 towards the provision of educational facilities.
- ii) The provision of not less than 2 parking spaces for use by the existing property at no.126 Pield Heath Road.
- iii) The removal of the first floor side facing window in no.126 Pield Heath Road and its replacement in the rear elevation (of the affected room) to prevent overlooking.
- iv) A contribution equal to 5% of the total cash contribution towards the management and monitoring of the resulting agreement.
- B. That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed.
- C. That the officers be authorised to negotiate the terms of the proposed agreement.
- D. That, if the S106 agreement is not completed by the application expiry on 06/07/2010 that, under the discretion of the Head of Planning and Enforcement, the application is refused under delegated powers on the basis that the applicant has refused to address planning obligation requirements.
- E. That if the application is approved, the conditions and informatives in the officer's report and the changes in the Addendum sheet be attached.

13. NO.1 WORLD BUSINESS CENTRE HEATHROW, NEWALL ROAD, HEATHROW AIRPORT 50498/APP/2010/1058 (Agenda Item 13)

Part change of use of third floor from airport related office use to Class B1 office for use by Barclays Bank

Action by:

Nigel Bryce James Rodger In introducing the report, officers drew the Committee's attention to the amendments outline in the Addendum sheet circulated that the meeting.

A member suggested that an additional condition should be imposed to ensure that the applicant provided corporate banking services solely to businesses at the airport and the surrounding area.

The Legal Advisor added that the application was for Class B1 office use and that making such restriction would need to be weighed against reasonableness.

Officers advised that the Committee could impose a condition requiring the applicant to provide a management strategy before the development commenced.

The Committee requested officers to liaise with Legal Services to prepare the wording for the additional condition, to be endorsed by the Chairman and the Labour Lead.

Members attached an additional informative to advise the applicant that the Council would not support use of signage and ATM facilities along Bath Road as this may encourage non-corporate customers to park on the road.

The recommendation for approval was moved, seconded and on being put to the vote was agreed subject to additional condition and informative.

Resolved

That the application be approved subject to the conditions and informatives in the officer's report, the following additional condition and informative and amendments in the Addendum sheet.

Additional Condition

Before the development hereby permitted is commenced a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the applicant will ensure that the business operation is primarily focussed on corporate banking associated with commercial businesses within Heathrow Airport. The scheme shall outline how this will be addressed through the physical layout of the building, use of signage and operational practices. The development shall thereafter be implemented strictly in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that there is no further loss of airport-related office space, in accordance with Policy A4 of the Hillingdon Unitary

	Development Plan Saved Policies (September 2007).	
	Additional Informative	
	You are advised that the Local Planning Authority are unlikely to grant consent for the establishment of a cash machine or associated signage on the ground level of the World Business Centre 1 building that may encourage customers of the Bank to park along Bath Road.	
14.	WILLIAM BYRD SCHOOL, VICTORIA LANE, HARLINGTON 11327/APP/2010/532 (Agenda Item 14)	Action by:
	Erection of a single storey modular classroom	Nigel Bryce James
	The recommendation for approval was moved, seconded and on being put to the vote was agreed.	Rodger
	Resolved	
	That the application be approved subject to the condition and informatives set out in the officer's report and the Addendum sheet circulated at the meeting.	
15.	LOCK-UP GARAGE SITE REAR OF 17 AND 19 FULLER WAY, MOSTON CLOSE, HAYES 66007/APP/2009/972 (Agenda Item 15)	Action by:
	Three storey building with habitable roofspace comprising of 7 two-bedroom flats with associated parking, involving demolition of existing garages	Nigel Bryce James Rodger
	Officers advised that this application had been brought to the Committee in order to address the legal requirements associated with the wording of the S106 Agreement head of terms, which could only be changed by Committee.	
	The recommendation was moved, seconded and on being put to the vote was agreed subject to the amendments in the Addendum sheet circulated at the meeting.	
	Resolved	
	2.1 That the applicant being the local authority and being the only legal entity with an interest in the land which is the subject of this application, and hence being unable to enter into a section 106 Agreement with the local planning authority, completes a Statement of Intent (Statement) to make provision for the following matters which would have been required by the local planning authority to be included in a section106 agreement had the applicant been a third party developer.	
	2.2 Alternatively, that in advance of or at the time of the grant of planning permission the Council as applicant enters into	

a legal agreement under Section 111 of the Local Government Act 1972 with any proposed purchaser of the Council's interest in the site. That agreement to be completed in advance of or at the same date as any conveyance or transfer of any interest or option to acquire any interest in the site.

The section 111 legal agreement shall require the purchaser immediately or before acquisition of any interest in the site to enter into an agreement under section 106 of the Town and Country Planning Act 1990, section 16 of the Greater London Council (General Powers) Act 1974, and section 111 of the Local Government Act 1972 in a form annexed to the agreement to secure the following:

- i. The making of a traffic regulation order for waiting restrictions along one side of Moston Close to enable access at all times for emergency and refuse vehicles. The cost of the order and implementation of the waiting restrictions shall be met by the developer.
- ii. The provision of not less than 5 garages at Moston Close and the provision of not less than 8 garages at Hoskins Close which shall be let to Hillingdon Residents (subject to availability) at reasonable rates and upon reasonable terms.
- iii. The garages to be provided as detailed above shall be of an appropriate width and condition to be agreed in writing by the Borough Highways Engineer;
- iv. Security lighting for the garages referred to at (ii) the design and location of such lighting to be first approved by the Local Planning Authority.
- v. A financial contribution of £24,447 towards the provision of additional/improved educational facilities locally proportionate to the child yield arising from the development.
- vi. A 5% contribution towards the management and monitoring of the Statement.
- vii. That should the local authority decide to dispose of the land (including the garages) it shall ensure that any purchaser covenants with the Council to observe and perform the matters contained in the Statement (to the extent such covenants remain unperformed and are relevant and applicable to the land being disposed of). A restriction shall be entered on the local authority's registered title to the land (including the garages) to ensure that the Council does not dispose of the land of without such covenants being entered into by any purchaser.

- 2.3 That planning officers be authorised to negotiate and agree details of the proposed Statement.
- 2.4 That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to the completion of the Statement and to the conditions and informatives agreed by the Central and South Planning Committee on 22 September 2009, and detailed in the Committee reports and minutes.

16. LOCK-UP GARAGE SITE ADJACENT TO 91 PINEWOOD AVENUE & 52 BEECHWOOD AVENUE, HILLINGDON 66014/APP/2009/983 (Agenda Item 16)

Action by

Two storey three-bedroom dwelling with associated parking, involving demolition of existing garages

Nigel Bryce James Rodger

Resolution 2.3 in the report was amended by deleting the 'applicant' and replacing with 'purchaser'.

The recommendation was moved, seconded and on being put to the vote was agreed subject to the amendments to resolution 2.3 and amendments in the Addendum sheet circulated at the meeting.

Resolved

- 2.1 That the applicant being the local authority and being the only legal entity with an interest in the land which is the subject of this application, and hence being unable to enter into a Section 106 Agreement with the local planning authority, completes a Statement of Intent (Statement) to make provision for the following matters which would have been required by the local planning authority to be included in a section 106 agreement had the applicant been a third party developer.
- 2.2 That in advance of or at the time of the grant of planning permission the Council as applicant enters into a legal agreement under Section 111 of the Local Government Act 1972 with any proposed purchaser of the Council's interest in the site. That agreement to be completed in advance of or at the same date as any conveyance or transfer of any interest or option to acquire any interest in the site.

The section 111 legal agreement shall require the purchaser immediately or before acquisition of any interest in the site to enter into an agreement under section 106 of the Town and Country Planning Act 1990, section 16 of the Greater London Council (General Powers) Act 1974, and section 111 of the Local Government Act 1972 in a form annexed to the agreement to secure the following:

i. The provision of not less than 2 off street parking spaces at

Beechwood Avenue to ensure the continued provision of off street parking spaces that are currently rented to local Hillingdon residents.

- ii. Parking spaces to be of an appropriate width and condition to be agreed in writing by the Borough Highway Engineer before being rented.
- iii. The provision of a scheme of security lighting for those parking spaces provided for under (ii) to be submitted to and agreed in writing by the Local Planning Authority.
- iv. Provision of a monetary contribution towards capacity enhancements in local educational facilities of £27,204 (or £11,653 if the Council has full nomination rights).
- 2.3 That the purchaser meets the Council's reasonable costs in the preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.
- 2.4 That the officers be authorised to negotiate the terms of the proposed agreement.
- 2.5 That, if the agreement is not completed within a period of 6 months from the date of this resolution, then the agreement shall not be completed without a further resolution of this Committee.
- 2.6 That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to the completion of the Statement and to the conditions and informatives agreed by the Central and South Planning Committee on 03 November 2009, and detailed in the Committee reports and minutes.

17. **ENFORCEMENT REPORT** (Agenda Item 17)

Action by

The recommendation that further action be taken was moved, seconded and on being put to the vote was agreed.

Resolved

- 1. That enforcement action as recommended in the officer's report be agreed.
- 2. That the Committee resolved to release their decision and the reasons for it outlined in this report be released into the public domain, solely for the purpose of issuing the formal enforcement notice to the individual concerned.

Nigel Bryce James Rodger

3.	ENFORCEMENT REPORT (Agenda Item 18)	Action by
	The recommendation that further action be taken was moved, seconded and on being put to the vote was agreed. Resolved	Nigel Bryce James Rodger
	That enforcement action as recommended in the officer's report be agreed.	
	2. That the Committee resolved to release their decision and the reasons for it outlined in this report be released into the public domain, solely for the purpose of issuing the formal enforcement notice to the individual concerned.	
1.	ENFORCEMENT REPORT (Agenda Item 19)	Action by
	The recommendation that further action be taken was moved, seconded and on being put to the vote was agreed.	Nigel Bryce James
	Resolved	Rodger
	That enforcement action as recommended in the officer's report be agreed.	
	2. That the Committee resolved to release their decision and the reasons for it outlined in this report be released into the public domain, solely for the purpose of issuing the formal enforcement notice to the individual concerned.	
	The meeting, which commenced at 7.00 pm, closed at 9.15 pm.	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nadia Williams on 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

