



HILLINGDON  
LONDON



# Central & South Planning Committee

**Date:** WEDNESDAY 4  
DECEMBER 2019

**Time:** 7.00 PM

**Venue:** COMMITTEE ROOM 5 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE

**Meeting  
Details:** Members of the Public and  
Media are welcome to attend.  
This meeting may also be  
broadcast live.

This Agenda is available online at:  
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camera and scan the code below:



## To Councillors on the Committee

Councillor Ian Edwards (Chairman)  
Councillor Roy Chamdal (Vice-Chairman)  
Councillor Shehryar Ahmad-Wallana  
Councillor Mohinder Birah  
Councillor Nicola Brightman  
Councillor Alan Chapman  
Councillor Jazz Dhillon  
Councillor Janet Duncan (Labour Lead)  
Councillor Steve Tuckwell

**Published:** Monday 2 December 2019

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Putting our residents first

Lloyd White  
Head of Democratic Services  
London Borough of Hillingdon,  
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

# Useful information for residents and visitors

## *Watching & recording this meeting*

You can watch the public part of this meeting on the Council's YouTube channel, live or archived after the meeting. Residents and the media are also welcome to attend in person, and if they wish, report on the public part of the meeting. Any individual or organisation may record or film proceedings as long as it does not disrupt proceedings.

Watch a **LIVE** broadcast of this meeting on the Council's YouTube Channel: *Hillingdon London*

Those attending should be aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.



It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist.

When present in the room, silent mode should be enabled for all mobile devices.

## *Travel and parking*

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Please enter from the Council's main reception where you will be asked to sign-in and then directed to the Committee Room.

## *Accessibility*

For accessibility options regarding this agenda please contact Democratic Services. For those hard of hearing an Induction Loop System is available for use.

## *Emergency procedures*

If there is a FIRE, you will hear a continuous alarm. Please follow the signs to the nearest FIRE EXIT and assemble on the Civic Centre forecourt.

Lifts must not be used unless instructed by a Fire Marshal or Security Officer. In the event of a SECURITY INCIDENT, follow instructions issued via the tannoy, a Fire Marshal or a Security Officer. Those unable to evacuate using the stairs, should make their way to the signed refuge locations.



# A useful guide for those attending Planning Committees

## Petitions, Speaking and Councillors

**Petitions** – Those who have organised a petition of 20 or more people who live in the Borough, can speak at a planning committee in support of or against an application. Petitions must be submitted in writing to the Council in advance of the meeting. Where there is a petition opposing a planning application there is also the right for the applicant or their agent to address the meeting for up to 5 minutes. The Chairman may vary speaking rights if there are multiple petitions

**Ward Councillors** – There is a right for local councillors to speak at planning committees about applications in their Ward.

**Committee Members** – The planning committee is made up of the experienced Councillors who meet in public every three weeks to make decisions on applications.

## How the meeting works

The planning committees consider the more complex or controversial proposals for development and also enforcement action.

Applications for smaller developments such as householder extensions are generally dealt with by the Council's planning officers under delegated powers.

An agenda is prepared for each meeting, which comprises reports on each application

Reports with petitions will normally be taken at the beginning of the meeting.

The procedure will be as follows:-

1. The Chairman will announce the report;
2. The Planning Officer will introduce it; with a presentation of plans and photographs;
3. If there is a petition(s), the petition organiser will speak, followed by the agent/applicant followed by any Ward Councillors;
4. The Committee may ask questions of the petition organiser or of the agent/applicant;
5. The Committee discuss the item and may seek clarification from officers;
6. The Committee will vote on the recommendation in the report, or on an alternative recommendation put forward by a Member of the Committee, which has been seconded.

## How the Committee makes decisions

The Committee must make its decisions by having regard to legislation, policies laid down by National Government, by the Greater London Authority – under 'The London Plan' and Hillingdon's own planning policies. The Committee must also make its decision based on material planning considerations and case law and material presented to it at the meeting in the officer's report and any representations received.

Guidance on how Members of the Committee must conduct themselves when dealing with planning matters and when making their decisions is contained in the 'Planning Code of Conduct', which is part of the Council's Constitution.

When making their decision, the Committee cannot take into account issues which are not planning considerations such as the effect of a development upon the value of surrounding properties, nor the loss of a view (which in itself is not sufficient ground for refusal of permission), nor a subjective opinion relating to the design of the property. When making a decision to refuse an application, the Committee will be asked to provide detailed reasons for refusal based on material planning considerations.

If a decision is made to refuse an application, the applicant has the right of appeal against the decision. A Planning Inspector appointed by the Government will then consider the appeal. There is no third party right of appeal, although a third party can apply to the High Court for Judicial Review, which must be done within 3 months of the date of the decision.

# Agenda

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- 17 Tree Preservation Order No. 778 (TPO 778): 9 Kings Road, West Drayton

**TREE PRESERVATION ORDER NO. 778 (TPO 778):  
9 KINGS ROAD, WEST DRAYTON**

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**An urgent decision is required on whether to confirm the Tree Preservation Order (TPO) because the TPO was made on 7th June and is only valid for 6 months until confirmed. A decision is therefore required to be made before 7th December to ensure the continued protection of the common ash tree which is considered to be of high amenity value.**

REPORT OF HEAD OF PLANNING, TRANSPORTATION AND REGENERATION  
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED),  
SECTIONS 198-201 AND 203

**TREE PRESERVATION ORDER NO. 778 (TPO 778):  
9 KINGS ROAD, WEST DRAYTON**



**Figure 1:** The Common Ash tree in the rear garden of 9 Kings Road (viewed from the road)

**An urgent decision is required on whether to confirm the Tree Preservation Order (TPO) because the TPO was made on 7th June and is only valid for 6 months until confirmed. A decision is therefore required to be made before 7th December to ensure the continued protection of the common ash tree which is considered to be of high amenity value.**

## **1.0 Summary**

1.1 To consider whether or not to confirm TPO 778.

## **2.0 Recommendation**

2.1 That TPO 778 is confirmed.

## **3.0 Information**

3.1 The making of TPO 778 was authorised under delegated powers on 7th June 2019 as a result of a request to place a TPO on this Ash tree - due to it being under the perceived threat of being removed which would be detrimental to the visual amenity of the local area.

3.2 This Common Ash tree is an attractive landscape feature that contributes to the amenity and arboreal character of the local area and is one of the more prominent trees to the rear of properties in Kings Road.

3.3 The tree has developed into a good landscape feature and provides high amenity value.

## **4.0 The Objection (1)**

4.1 One formal letter of objection (summarised below) to TPO 778 was received for the following reasons:

1. The tree is a common species and has no real value - The tree is a common Ash and is the third most common tree found in the UK, therefore has no real value in terms of the species.

2. Tree is too close to property - The tree is too close to the house and can grow upto 35m in height and would cause damage to my foundations and property. Therefore, it has to be maintained by lopping regularly.

3. The tree sheds lots of leaves in autumn - The tree also sheds a lot of leaves in autumn and causes a nuisance in the rear garden and gutters.

4. This tree has no real value - The tree has no real value to justify a TPO and this order is just being pursued by local councillors and will be making a complaint to the local authority ombudsman on this issue.

5. Plans show tree is on our land - The title plan shows this tree in our land and the neighbours have tried to illegally take this land.

6. Neighbours complaining about construction of my house - (Comments given do not relate to the TPO).

## **5.0 Observations on the objections to TPO 778:**

5.1 Many common tree species are protected by Tree Preservation Orders, so whether a tree species is common and has a wide distribution or not has no influence on whether a TPO is made or not.

5.2 The proximity of this tree to this building and potential impact should have been taken into consideration when submitting the planning application for its construction. Pruning works can still be applied for via a formal tree works application and there is no reason why reasonable pruning works would be refused, so the making of a TPO would not prevent this tree from being managed.

5.3 A seasonal nuisance issue such as this has no bearing on the decision making process as to whether to protect this tree with a TPO or not.

5.4 When an assessment was made on this semi-mature tree it was viewed as making a good contribution to the amenity and arboreal character of the local area - and so the making of this TPO is considered to be justified on amenity grounds.

5.5 Officers have ensured that all properties directly adjoining the property whose curtilage we believe the tree is situated within are aware of the TPO, as such property ownership is not relevant to consideration of whether the Tree Preservation Order should be confirmed.

5.6 The decision to make this TPO has been taken solely due to the perceived threat to this tree as a result of the likely demand for drastic tree surgery or removal of this tree due to its close proximity to the construction.

## **6.0 Other matters:**

There was one other representation regarding the TPO 778 from a resident in Kings Road, West Drayton querying the ownership of this tree. Officers have ensured that all properties directly adjoining the property whose curtilage we believe the tree is situated within are aware of the TPO, as such property ownership is not relevant to consideration of whether the Tree Preservation Order should be confirmed.

## **7.0 Conclusion**

It is recommended that TPO 778 be confirmed.

The following background documents were used in the preparation of this report:

- Provisional Tree Preservation Order No. 778 (2019)
- Letter of objection to TPO 778

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**Town and Country Planning Act 1990**  
**LONDON BOROUGH OF HILLINGDON TREE PRESERVATION ORDER No. 778**  
**(2019)**

**In respect of**

**COMMON ASH AT 9 KINGS ROAD WEST DRAYTON**

The LONDON BOROUGH OF HILLINGDON Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as the LONDON BOROUGH OF HILLINGDON TREE PRESERVATION ORDER No. 778 (2019).

**Interpretation**

2. — (1) In this Order “the authority” means the LONDON BOROUGH OF HILLINGDON.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3. — (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

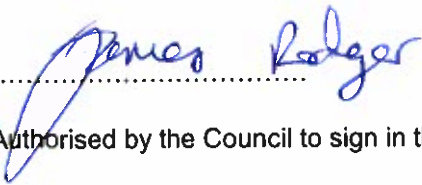
**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this day of

7/6/19

Signed on behalf of the London Borough of Hillingdon

  
.....

Authorised by the Council to sign in that behalf

**SCHEDULE**  
**Specification of trees**

**Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Botanical name	Situation
T1	Common Ash	<i>Fraxinus excelsior</i>	9 Kings Road, West Drayton

**Trees specified by reference to an area**  
(within a dotted black line on the map)  
None

**Groups of trees**  
(within a broken black line on the map)  
None

**Woodlands**  
(within a continuous black line on the map)  
None



Signed on behalf of the  
London Borough of Hillingdon



Authorised by the Council  
to sign in that behalf

9 Kings Road West Drayton

Tree Preservation Order Number

**TPO 778**

**LONDON BOROUGH OF  
HILLINGDON**

**Residents' Services**

Civic Centre, Uxbridge, Middx, UB8 1UW  
Telephone No. 01895 250111

Scale: 1:500

Date: June 2019



