

Minutes

NORTH PLANNING COMMITTEE

25 March 2014

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



HILLINGDON
LONDON

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| | <p>Committee Members Present: Councillors Eddie Lavery (Chairman) John Morgan (Vice-Chairman) Janet Duncan Raymond Graham Carol Melvin David Yarrow Robin Sansarpuri</p> <p>LBH Officers Present: Matthew Duigan, Planning Services Manager Adrien Waite, Major Applications Planning Manager Paul Harrison, Principal Highways Consultant Sarah White, Legal Advisor Charles Francis, Democratic Services</p> | |
| 183. | <p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Cllr Markham, no substitute Apologies were received from Cllr Allam, substitute Cllr Duncan</p> | |
| 184. | <p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p> | |
| 185. | <p>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 3</i>)</p> <p>None</p> | |
| 186. | <p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>The Chairman explained item 16 was an urgent enforcement item contained in Agenda B.</p> | |
| 187. | <p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>All items were considered in Part 1 with the exception of Items 14 to 16 which were considered in Private.</p> | |
| 188. | <p>77 EASTCOTE ROAD, RUISLIP - 62431/APP/2013/2341 (<i>Agenda</i></p> | <p>Action by</p> |

Item 6)

**Matthew
Duigan &
Adrien Waite**

Change of use from Use Class C3 (Dwelling House) to Use Class C3/D1 (Dwelling House/ Non-Residential Institutions) for use of childcare within the domestic setting.

Officers introduced the report and highlighted the changes set out in the Addendum.

In accordance with the Constitution, the petitioner in support of the application addressed the Committee. The following points were made:

- Officers had misunderstood the nature of the application. The intention was for the property to remain as a family home outside the care period.
- There would rarely be 20 children on site at any one time.
- The Council's Education and Children's Department had encouraged the applicant to increase child care provision as they had been told there was a shortfall.
- Groups no larger than 8 would play in the garden at any one time
- There had been no complaints received either about noise or the children in care
- There were no parking restrictions locally so users of the nursery were entitled to park nearby.
- The establishment currently provided employment for 8 local residents and provided care for 50 children.
- The establishment was a benefit to the whole community.

A Ward Councillor spoke and the following points were raised:

- They explained that they had been asked to speak on behalf of some local residents about noise concerns.
- It was noted that child care provision took place in a semi-detached property in a sitting room and adjoining dining room. Objections had been raised in relation to the site and the locality of the proposed scheme (not the quality of care provided).
- The use of the outside decking had contributed to noise and overlooking issues which were concerns to local neighbours.
- Two Ward Councillors had registered their objections to the scheme.
- No additional sound proofing measures had been taken by the applicant.

In relation to the application, the Committee raised the issue of noise levels and asked Officers to comment further on this aspect of the application. In response, Officers confirmed that Planning Officers had visited the site but had not measured the noise and had instead been reliant on the observations and judgement of Officers from the Environmental Protection Unit.

Commenting on the setting of the application site, Members agreed

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| | <p>that the application represented an over intensification of the use of the site and should be refused.</p> <p>On being put to the vote, it was moved, seconded and agreed that the application be refused.</p> <p>Resolved -</p> <p>That the application be Refused as per officers report and Addendum.</p> <ul style="list-style-type: none"> • It was noted that the reference in the first sentence of the officers summary should be amended to reflect the description of development.) | |
| 189. | <p>4A EASTBURY AVENUE, NORTHWOOD - 36828/APP/2014/184 <i>(Agenda Item 7)</i></p> <p>Part two storey, part single storey front/side/rear extension involving raising of roof.</p> <p>Officers introduced the report and highlighted the changes set out in the addendum.</p> <p>In accordance with the constitution, a representative of the petition in objection to the application addressed the Committee. The following points were raised:</p> <ul style="list-style-type: none"> • The proposal should be refused because it would lead to a loss of privacy. • The proposal should be refused because it would contribute to added flood risk. • The proposal should be refused because of loss of light to neighbouring properties. • The proposal was out of character with the local area. • The size of the proposal meant that parking issues would be created as well as increasing local traffic. • The proposal was an over development of the site in a conservation area. • The proposal was too large for the road. <p>A representative of the applicant / agent did not attend the meeting.</p> <p>In discussing the application, the Committee requested Officers to provide further information on the following aspects of the application: the sewers, car parking arrangements, tree preservation order, size and the loss of sunlight.</p> <p>In response, Officers confirmed that sewage was a Building Control</p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |

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| | <p>rather than Planning matter and car parking arrangements were stipulated by the London Plan. With regards to the tree preservation order, Officers explained that the TPO was far enough away from the property so that it was not a material planning consideration and therefore did not constrain development. Officers explained that it was their view that the proposal represented a overwhelming form of development although in its current form, it did not extend beyond the existing building line.</p> <p>On being put to the vote, it was moved, seconded and agreed that the application be deferred for a site visit.</p> <p>Resolved -</p> <p>That the application be deferred for a site visit.</p> | |
| 190. | <p>2 LINKSWAY, NORTHWOOD - 36910/APP/2013/2338 (<i>Agenda Item 8</i>)</p> <p>Two storey, 5-bed, detached dwelling with habitable roofspace involving demolition of existing dwelling.</p> <p>At the start of the item, the Chairman provided an overview of the site visit which had recently taken place.</p> <p>Officers introduced the report and highlighted the changes as set out in the addendum.</p> <p>In discussing the item, the Committee noted the size of the proposal in relation to the application site. The Committee also raised a number of concerns which included the proximity of the proposal to neighbours, the arboreal considerations and the impact of the design on the street scene.</p> <p>In response, Officers confirmed that the character and design of the proposal was subjective. It was noted that the design did incorporate a degree of screening and Officers' views were that it was not harmful to the conservation area. In relation to the Committee's concerns about privacy, Officers confirmed that some measurements did breach the Local Authorities guidance concerning the 21 metre rule and, if necessary, some of the windows to habitable rooms could be conditioned to incorporate obscure glazing.</p> <p>Turning to the size of the application site, the Committee noted that some of the trees would overhang the property.</p> <p>On balance, the Committee agreed that the Officer recommendation of approval should be overturned and the application refused on the grounds of: privacy, bulk and dominance, the appearance of the street</p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |

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| | <p>scene and the impact of trees.</p> <p>On being put to the vote, it was moved, seconded and agreed that the application be overturned and refused.</p> <p>Resolved -</p> <p>Member Overturn - that the application be Refused for the following reasons:</p> <p>The proposed development by reason of its siting, design and positioning of habitable windows would result in a material and unacceptable loss of privacy to the residential property at no.3 Copse Wood Way and provide inadequate levels of privacy for the future occupiers of the development which would be detrimental to the residential amenity of its occupiers. The proposal would therefore be contrary to Policy BE24 of the Hillingdon Local Plan Part 2 - Saved Policies UDP (November 2012) and the adopted Residential Layouts SPD.</p> <p>The proposed development by reason of its size, bulk, design and proximity to 3 Copse Wood Way, would result in a overly dominant, visually intrusive and un-neighbourly form of development. Therefore the proposal would be contrary to Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.</p> <p>The proposed development by reason of its siting, size, scale, bulk, and layout would result in a incongruous and intrusive form of development that would be detrimental to the character, appearance and the visual amenities of the street scene and the wider Copsewood Estate Area of Special Local Character. It would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE5, BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2011) and the adopted Supplementary Planning Document HDAS: Residential Layouts.</p> <p>Deferred from North Committee 6th March 2014</p> | |
| 191. | <p>28 & 28A KINGSEND, RUISLIP - 5740/APP/2013/3520 (<i>Agenda Item 9</i>)</p> <p>Variation of condition 27 of Planning Permission Ref: 5740/APP/2008/1214 (Erection of a three storey building to contain 7, two-bedroom and 1, one-bedroom flats, together with associated parking and amenity space (Amendment to previous approval ref. 5740/APP/2007/1043 to allow for an additional flat at second floor level) to allow revised landscape scheme including a resiting of bin store to front and hardstanding treatment (Part</p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |

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| | <p>Retrospective Application).</p> <p>Officers introduced the report and highlighted the changes set out in the Addendum.</p> <p>In accordance with the Constitution, a petitioner in objection to the proposal addressed the Committee. The following points were raised:</p> <ul style="list-style-type: none"> • The bin storage should remain where it was originally approved at the side of the flats, away from public view. • The bin store had not been built and the wheelie bins were in the car park in contravention of Condition 6. • The flats should never have been built to their current size and provision should have been made for guest parking. • The Developers should be compelled to complete other outstanding works such as the drive way and landscaping. • At a previous Committee, a semi-mature tree of 16-18cm was approved. At present, the Developer had planted a tree of 5cm diameter at the front right hand side of the development. The tree should be replaced with one of the correct size. • It was unjust that the Developer had submitted multiple planning applications to circumvent the Committee's original intentions that the bin storage should not impact upon the street scene. <p>A representative of the applicant / agent did not attend the meeting.</p> <p>In relation to the application, the Committee requested Officers to provide further clarification about the side access to the site and whether there was sufficient room for the bins to be located at the side of the development. In response, Officers confirmed that multiple planning applications had meant that the design had evolved over time, and there was currently no other position to locate the bins than the front of the site.</p> <p>With regards to possible alternative locations for the bins, Officers confirmed that they could not be stored at the rear of the property as this would exceed the carrying distance set out in refuse collector's terms and conditions.</p> <p>On being put to the vote, it was moved, seconded and agreed that the application be Approved as per the Officer recommendation and the Addendum.</p> <p>Resolved -</p> <p>That the application be Approved as per the recommendation and the Addendum.</p> | |
| 192. | <p>LAND ADJACENT TO WIDEWATER LOCK (BARN FARM), MOORHALL ROAD, HAREFIELD - 69682/APP/2014/32 (<i>Agenda Item 10</i>)</p> <p>Change of use of land to a residential caravan site for one Gypsy family, involving the siting of one static and one touring caravan,</p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |

with associated parking for two vehicles, water treatment plant, hardstanding and landscaping works (Part retrospective application).

Officers introduced the report and highlighted the changes as set out in the Public Addendum. Unusually, this item also had a Part 2 Addendum which contained a medical submission. The Chairman asked that this was read by the Committee before Officers provided their formal presentation. It was noted that since the agenda had been published, a petition in support of the application had been received.

In accordance with the Constitution, a representative of the petition in support of the application addressed the Committee. The following points were raised:

- Officers had not conducted a site visit and so were not conversant with the site.
- A proper consultation had not taken place.
- The flood risk assessment had not been considered by Officers.
- The Environment Agency had requested that the item be deferred.
- The Health Statement submitted by the applicant had been ignored.
- Very special circumstances existed which had been ignored by Officers.
- There was an unmet need for a traveller pitch in the area.
- Contrary to Officer's observations, the site was sustainable.
- The site was located in a semi-rural location and any impact on the Green Belt could be overcome by adding screening.
- Article 8 of the Human Rights Act entitled persons to the right of family life.
- The applicant needed a place to live to so that they could access consistent health care.
- Given the high level of rainfall, it had not flooded in the area where the permission was sought.

In discussing the application, the Committee requested further information on whether there were any special circumstances present, the implications of the Human Rights Act, communication between the applicant and the Planning Department and the Flood Risk Assessment.

In response, Officers explained that the National Planning Policy Framework and Government's policy for traveller sites, March 2012 advised that the fundamental aim of Green Belt policy was to prevent urban sprawl. Officers explained that paragraph 87 stated that unless special circumstances were deemed to exist, development was considered to be inappropriate and harmful and should not be approved. In this case, Paragraph 14, specifically in relation to Green Belts stated that 'Traveller sites (temporary or permanent) in the Green Belt are inappropriate development'.

With regards to the Human Rights Act, Officers explained that Section

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| | <p>149 of the Equalities Act 2010 required the Council to have regard to these provisions to eliminate discrimination. In relation to planning decisions, the Committee were required to make a judgement as to whether a planning decision would affect human rights and any decision it took would need to be proportionate and achieve a fair balance between private interests and the public interest.</p> <p>Addressing the petitioners' point about an alleged lack of communication between the applicant and the Planning Department, Officers confirmed that there had not been a site meeting in this case. Officers explained that a site visit had been proposed by Officers but at the time, the agent had been unwell. In this case, as no date was agreed upon, Officers had proceeded with processing the application. In relation to the Flood Risk Assessment, Officers explained that this had been submitted late and such a substantial document could not be considered less than 5 working days ahead of the meeting.</p> <p>Having considered the evidence presented to it, the Committee agreed that special circumstances did not exist and the application should be refused as per the Officer recommendation.</p> <p>It was moved, seconded and on being put to the vote agreed that delegated Authority be granted to the Head of Planning, Green Spaces and Culture to refuse the application.</p> <p>Resolved -</p> <p>That Delegated Authority be granted to the Head of Planning, Culture and Green Spaces to refuse the application following consideration of the submitted FRA as set out in the addendum sheet.</p> | |
| 193. | <p>37 MOOR PARK ROAD, NORTHWOOD - 4581/APP/2013/3765 <i>(Agenda Item 11)</i></p> <p>2 x two-storey, 5-bed detached dwellings with habitable roofspace with associated parking and amenity space, installation of vehicular crossover to front, installation of fence to front involving demolition of existing dwelling (Resubmission).</p> <p>Officers introduced the report and highlighted the changes set out in the Addendum.</p> <p>On being put to the vote, it was moved, seconded and agreed that the application be approved.</p> <p>Resolved -</p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |

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| | <p>That the application be Approved as per officer recommendation and addendum, subject to the S106 Agreement</p> | |
| 194. | <p>LAND REAR OF 81 - 93 HILLIARD ROAD, NORTHWOOD - 64786/APP/2013/1434 <i>(Agenda Item 12)</i></p> <p>2 x two storey, 3- bed detached dwellings with associated parking and amenity space, involving demolition of existing material shed, office building and material storage shelter.</p> <p>This item was withdrawn from the agenda by the Head of Planning, Culture and Green Spaces.</p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |
| 195. | <p>MIDDLESEX STADIUM, BREAKSPEAR ROAD, RUISLIP - 18443/APP/2013/3732 <i>(Agenda Item 13)</i></p> <p>Single Storey front extension</p> <p>Officers introduced the report and highlighted the changes set out in the addendum.</p> <p>On being put to the vote, it was moved, seconded and agreed that the application be approved.</p> <p>Resolved -</p> <p>That the application be Approved as per the Officer recommendation.</p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |
| 196. | <p>ENFORCEMENT REPORT <i>(Agenda Item 14)</i></p> <p>Officers introduced the report and outlined details of the application.</p> <p>The recommendation contained in the officer's report was moved, seconded and on being put to the vote was agreed.</p> <p>Resolved –</p> <p>That delegated authority be granted to the Head of Planning, Culture and Green Spaces to serve an enforcement notice as per the report and addendum, following consideration of Flood Risk in respect of the associated application.</p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |

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| | <p><i>This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</i></p> | |
| 197. | <p>ENFORCEMENT REPORT (Agenda Item 15)</p> <p>Officers introduced the report and outlined details of the application.</p> <p>The recommendation contained in the officer's report was moved, seconded and on being put to the vote was agreed.</p> <p>Resolved –</p> <p>1. That the enforcement actions as recommended in the officer's report and as amended by the committee was agreed.</p> <p>2. That the Committee resolve to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.</p> <p><i>This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</i></p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |
| 198. | <p>ENFORCEMENT REPORT (Agenda Item 16)</p> <p>Officers introduced the report and outlined details of the application.</p> <p>The recommendation contained in the officer's report was moved, seconded and on being put to the vote was agreed.</p> <p>Resolved –</p> | <p>Action by</p> <p>Matthew Duigan & Adrien Waite</p> |

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| | <p>1. That the enforcement actions as recommended in the officer's report and as amended by the committee was agreed.</p> <p>2. That the Committee resolve to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.</p> <p><i>This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</i></p> | |
| <p>The meeting, which commenced at 7:30 pm, closed at 9.55 pm.</p> | | |

These are the minutes of the above meeting. For more information on any of the resolutions please contact Charles Francis on 01895 556454. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.