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Minutes

MAJOR APPLICATIONS PLANNING COMMITTEE

30 October 2013



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

	Committee Members Present: Councillors Eddie Lavery (Chairman) John Hensley (Vice-Chairman) Janet Duncan (Labour Lead) David Allam, Dominic Gilham John Morgan Brian Stead Carol Melvin LBH Officers Present:
	Matthew Duigan (Planning Service Manager) Adrien Waite, Major Applications Manager Manmohan Ranger, Highways Engineer Nicole Cameron, Legal Advisor Nadia Williams, Democratic Services
1.	APOLOGIES FOR ABSENCE (Agenda Item 1) Apologies had been received from Councillor Michael Markham and Councillor Carol Melvin attended in his place.
2.	DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (Agenda Item 2) There were no declarations of interest declared.
3.	TO SIGN AND RECEIVE THE MINUTES OF THE MEETING HELD ON 8 OCTOBER 2013 (Agenda Item 3) The minutes of the meeting held on 8 October 2013 were agreed as a correct record and signed by the Chairman.
4.	MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (Agenda Item 4) There were no matters notified in advance or urgent.
5.	TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED IN PUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE (Agenda Item 5)
	It was confirmed that all items would be considered in Part 1.

6. FORMER BRITISH LEGION CLUB, SIPSON ROAD 829/APP/2013/1618 (Agenda Item 6)

The redevelopment of the existing vacant club/pub site at 560 Sipson Road to accommodate a new 4 storey 54 room hotel with associated parking and landscaping.

Officers introduced the report and directed Members to note the changes in the addendum sheet circulated at the meeting. Officers asked the Committee to give authority to add additional standard conditions in respect of plant noise and gate.

Condition 11 was deleted to avoid duplication with Condition 4 and Condition 5 was deleted as this was not required.

Conditions 9 and 13 were combined to avoid duplication together with an additional informative relating to food hygiene.

The recommendation with the changes to conditions, additional conditions and informative was moved, seconded and on being put to the vote was agreed.

Resolved

- 1. That delegated powers be given to the Head of Planning, Green Spaces and Culture to grant planning permission, subject to:
- A) The Council entering into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:
 - i) Highways: all necessary works and the provision of a Travel Plan.
 - ii) Construction Training: Either if the construction time exceeds 3 months and the construction cost is in excess of £2m.
 - (iii) Air Quality: a contribution for the sum of £12,500.
 - (iv) Project Management and Monitoring Fee: a financial contribution equal to 5% of the total cash contribution.
 - B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and 278 Agreements and any abortive work as a result of the agreement not being completed.
- C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.
- D) If the Legal Agreement/s have not been finalised within 3 months, delegated authority be given to the Head of Planning, Green Spaces and Culture to refuse planning permission for the following reason:

'The applicant has failed to agree to undertake all necessary highway works and to provide contributions towards the improvement of air quality and construction

and employment training. The proposal therefore conflicts with Policy EM8 of the Local Plan Part 1 and Policy R17 of the adopted Local Plan and the Council's Planning Obligations SPD.'

- E) That subject to the above, the application be deferred for determination by the Head of Planning, Green Spaces and Culture under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.
- F) That if the application is approved, the conditions and informatives set out in the officer's report, the changes in the addendum sheet and amended conditions, additional conditions and informative set out below be imposed subject to any changes negotiated by the Head of Planning, Green Spaces and Culture prior to issuing the decision:

Amended conditions

Condition 9

'Prior to first occupation of the development an air quality action plan shall be submitted to and approved in writing by the Local Planning Authority. The action plan shall set out the measures to be undertaken to promote, encourage and install measures to reduce impacts on air quality. The development must be operated in accordance with the approved plan.

Reason

To reduce the impacts on air quality in accordance with Policy EM8 of the Local Plan Part 1.'

Condition 13

'Before the development is commenced a scheme for protecting the proposed accommodation from external air pollution shall be submitted and approved by the LPA. Any works which form part of such a scheme shall be completed before any part of the development is first occupied or used and measures put in place to ensure it is maintained for the life of the development.

Reason

To safeguard residential amenity in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).'
Additional Conditions

Standard conditions - Plant and Noise

'No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

Reason

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies

(November 2012).'

Standard Condition - Gates:

'Prior to the commencement of the development, details of the operation of the main access way gate by disabled persons, and manual operation of any gates in the event of power failure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the secure access arrangements shall be installed in accordance with the approved details and maintained so long as the development remains in site.

Reason

In order to ensure the development achieves an appropriate level of accessibility in accordance with Policy 3.8 of the London Plan (July 2011).'

Additional Informative

'The Council's Commercial Premises Section should be consulted prior to the use of the premises, so as to ensure compliance wit the Food Safety Registration Regulations 1990, Hygiene (General) Regulations 1970, The Food Act 1984, The Health and Safety at Work Act 1974 and any other relevant legislation. Contact: Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel: 01895 250190).'

7. LAND AT 37-45 DUCKS HILL ROAD, NORTHWOOD 59214/APP/2013/2269 (Agenda Item 7)

Variation of Condition 4 (Approved Drawings) to allow the enlargement of the single storey rear additions, changes to disabled facilities and fenestration to Plots 4, 5, 6, 7 and 10 of planning permission granted 16/11/10, ref. 59214/APP/2010/1776: Erection of 8 detached and 6 semi-detached dwellings with associated access, parking and landscaping.

Officers introduced the report and directed Members to note the changes in the addendum sheet circulated at the meeting. Members were asked to amend Condition 8 to ensure that 11 November 2013 matched the date of the signing of the Legal Agreement.

The recommendation was moved, seconded and on being put to the vote was agreed.

Resolved

- 1. That delegated powers be given to the Head of Planning, Green Spaces and Culture to grant planning permission, subject to the following:
 - (i) A financial contribution of £117,713 for education facilities and places.
 - (ii) A financial contribution of £11,678.51 for healthcare facilities and places.
 - (iii) A financial contribution of £20,000 towards community facilities/the public realm.
 - (iv) A financial contribution of £1,239.70 towards libraries.
 - (v) A financial contribution towards training initiatives equal to £2,500 for every £1million build cost.

- (vi) The applicants pay a sum to the Council of 5% of the value of contributions for specified requirements to project. manage and oversee implementation of elements of the completed planning (and/or highways) agreement(s).
- (vii) The applicant shall agree to the full and complete costs to undertake the necessary works, as identified by the Council, for off site highway works, including:
 - a) Junction improvements to the site access with Ducks Hill Road.
- (viii) Agreement that if the applicant implements this permission, they will not implement permission 59214/APP/2005/951 or any part there of.
- 2. That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement and any abortive work as a result of the agreement not being completed.
- 3. That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised by the 11 November 2013, or any other period deemed appropriate by the Head of Planning, Green Spaces and culture, then delegated authority be granted to the Head of Planning, Green Spaces and Culture to refuse the application for the following reason:

'The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of education, health, community facilities and libraries, construction and employment training facilities, monitoring and highway junction works). The proposal therefore conflicts with Policy R17 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

- 4. That subject to the above, the application be deferred for determination by the Head of Planning, Green Spaces and Culture under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.
- 5. That if the application is approved, the conditions and informatives set out in the officer's report, the changes in the addendum and amendment to the date of the legal agreement be attached.

8. **428A VICTORIA ROAD, RUISLIP 64445/APP/2013/1050** (Agenda Item 8)

Variation of condition No.1 of planning permission ref. 64445/APP/2008/1295 dated 03/09/2008 to allow the sale of A1 non food goods and preclude the sale of food and drink (variation of condition 2 of planning permission ref. 3953EG/96/1602 dated 09/05/97 to allow for extension of the range of goods available for sale from the premises to allow for the sale of sports goods and equipment, bicycles and associated equipment, play equipment, baby equipment and products, electronic games and equipment and other products associated with toys and children's entertainment).

Officers introduced the report and directed Members to note the changes in the addendum sheet circulated at the meeting.

The recommendation was moved, seconded and on being put to the vote was agreed.

Resolved

That delegated powers be given to the Head of Planning, Green Spaces and Culture 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) or any other legislation to secure the following:
- 1. Employment Strategy: An employment strategy to be entered into and adhered, to address how local people will gain access to employment opportunities.
- 2. Travel Plan.
- 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 Section 106 agreement has not been finalised within 3 months, under the discretion of the Head of Planning, Green Spaces and Culture, 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 set out in the officer's report and changes on the addendum circulated at the meeting be attached.

9. **428A VICTORIA ROAD, RUISLIP 64445/APP/2013/1000** (Agenda Item 9)

Refurbishment of Unit A involving installation of mezzanine floor, installation of shop front, alterations to elevations, installation of trolley bays, alterations to car parking arrangements, involving demolition of existing mezzanine floor, external sales area, entrance porch and canopy.

Officers introduced the report and directed Members to note the changes in the addendum sheet circulated at the meeting.

The recommendation was moved, seconded and on being put to the vote was agreed.

Resolved

That delegated powers be given to the Head of Planning, Green Spaces and Culture 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) or any other legislation to secure the following:
- 1. Employment Strategy: An employment strategy to be entered into and adhered, to address how local people will gain access to employment opportunities.
- 2. Travel Plan.
- 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 Section 106 agreement has not been finalised within 3 months, under the discretion of the Head of Planning, Green Spaces and Culture, 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 set out in the officer's report and changes on the addendum circulated at the meeting be attached.

10. **UNITS 1-4, RUISLIP RETAIL PARK** 3510/APP/2012/3176 (Agenda Item 10)

Variation of Condition 11 of planning permission ref. 43510/APP/2000/2485 dated 14/03/2003 to remove the restrictions on the sale of goods that can be sold from Unit 3 and vary restrictions on the goods that can be sold from Units 1, 2 and 4.

Officers introduced the report and requested the Committee to grant delegated authority to officers to liaise with legal services on the final wording of condition 2 restricting the sale of goods.

The recommendation and amendment to condition 2 was moved, seconded and on being put to the vote was agreed.

Resolved

- A. That the Council enters into a legal agreement with the applicant under Section 106 of the 1990 Town & Country Planning Act (as amended) or other appropriate legislation to secure:
- 1. The gross internal floor area authorised for open A1 use shall not exceed 2,564m² within Unit 3.
- 2. No more than 40% of the gross internal floor area authorised for open A1 use shall be used for the sale of convenience goods within Unit 3.
- 3. Goods restriction conditions on Units 1, 2 and 4.

- 4. Neither permission implemented independently of the others.
- 5. Employment Strategy
- B. That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.
- C. If the Legal Agreement/s have not been finalised within 3 months, delegated authority be given to the Head of Planning, Green Spaces and Culture to refuse planning permission for the following reason:

'In the absence of adequate controls to restrict the gross internal floor area and convenience goods sale area, the development would cause harm to the vitality and viability of town and local centres. Accordingly, the proposal is contrary to Policy E5 of the Hillingdon Local Plan: Part 1-Strategic Policies (Nov 2012), Policy 2.15 of the London Plan (July 2011) and the NPPF'.

D. That if the application is approved, the conditions and informatives set out in the officer's report and amended condition 2 set out below be attached:

'Notwithstanding the provisions of the Town and Country Planning (Use Classes)
Order

1987 (as amended) or any order revoking and re-enacting that Order with or without modification or the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order with or without modification units 1, 2 and 4 shall not be used for the retail sale of food (other than refreshments restricted for consumption on the premises by customers), clothing and footwear (other than clothing, footwear and accessories intended for use in connection with building and construction, DIY, motor cycling, cycling or vehicle repair and maintenance activities), cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines and books (other than those related to DIY goods, vehicle repair and maintenance), stationery, jewellery, toys, luggage and sports goods.

Unit 3 may be used for any purpose within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).'

11. UNIT 3, RUISLIP RETAIL PARK 43510/APP/2012/3179 (Agenda Item 11)

Removal of Condition 6 of planning permission ref. 43510/APP/2010/1979 dated 10/02/2011 to allow the sale of any goods within Use Class A1 from Unit 3.

Officers introduced the report and requested the Committee to grant delegated authority to officers to liaise with legal services on the final wording of condition restricting the sale of goods.

The recommendation was moved, seconded and on being put to the vote was agreed.

Resolved

B. That the Council enters into a legal agreement with the applicant under Section 106 of the 1990 Town & Country Planning Act (as amended) or other

appropriate legislation to secure:

- 1. The gross internal floor area authorised for open A1 use shall not exceed 2,564m² within Unit 3.
- 2. No more than 40% of the gross internal floor area authorised for open A1 use shall be used for the sale of convenience goods within Unit 3.
- 3. Goods restriction conditions on Units 1, 2 and 4.
- 4. Neither permission implemented independently of the others.
- 5. Employment Strategy.
- B. That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.
- C. If the Legal Agreement/s have not been finalised within 3 months, delegated authority be given to the Head of Planning, Green Spaces and Culture to refuse planning permission for the following reason:

'In the absence of adequate controls to restrict the gross internal floor area and convenience goods sale area, the development would cause harm to the vitality and viability of town and local centres. Accordingly, the proposal is contrary to Policy E5 of the Hillingdon Local Plan: Part 1-Strategic Policies (Nov 2012), Policy 2.15 of the London Plan (July 2011) and the NPPF'.

D. That if the application is approved, the conditions and informatives set out in the officer's report and amended condition 2 set out below be attached:

'Notwithstanding the provisions of the Town and Country Planning (Use Classes)
Order

1987 (as amended) or any order revoking and re-enacting that Order with or without modification or the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order with or without modification units 1, 2 and 4 shall not be used for the retail sale of food (other than refreshments restricted for consumption on the premises by customers), clothing and footwear (other than clothing, footwear and accessories intended for use in connection with building and construction, DIY, motor cycling, cycling or vehicle repair and maintenance activities), cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines and books (other than those related to DIY goods, vehicle repair and maintenance), stationery, jewellery, toys, luggage and sports goods.

Unit 3 may be used for any purpose within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).'

12. FORMER RAF UXBRIDGE, HILLINGDON ROAD, UXBRIDGE 585/APP/2013/1963 (Agenda Item 12)

Reserved matters (appearance, landscaping, layout and scale) in compliance with conditions 2 and 3 for the construction of the central access of planning

permission ref: 585/APP/2009/2752 dated 18/01/2012, for the proposed mixed-use redevelopment of the RAF Uxbridge site.

Officers introduce the report.

In response to concerns raised about access and the potential traffic issues that may occur, officers advised that the application before Members was in respect of reserved matters.

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 conditions and informatives set out in the officer's report.

13. FORMER RAF UXBRIDGE, HILLINGDON ROAD, UXBRIDGE 585/APP/2013/2474 (Agenda Item 13)

Reserved matters (appearance, landscaping, layout and scale) in compliance with conditions 2 and 3 for the construction of the northern access of planning permission ref: 585/APP/2009/2752 dated 18/01/2012, for the proposed mixed-use redevelopment of the RAF Uxbridge site.

Officers introduced the report.

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 conditions and informatives set out in the officer's report.

14. KITCHENER HOUSE, WARWICK ROAD, WEST DRAYTON 18218/APP/2013/2183 (Agenda Item 14)

Erection of a part single, two, three and 4 storey building to provide 23 residential units, consisting of 14 x 2 bedroom, 8 x 1 bedroom flats and 1 x 1 bedroom disabled unit, together with 250sqm of retail/commercial space, with associated parking, cycle and bin storage and amenity space, involving demolition of existing buildings.

In introducing the report, officers directed the Committee to note the changes in the addendum sheet circulated at the meeting.

In accordance with the Council's constitution, a representative of the petitioners addressed the meeting. The petitioners objecting to the proposed development made the following points:

- This was a residential area with mainly family homes consisting of two- storey houses, maisonettes and single-story bungalows.
- Whilst keen to see the sight developed, the proposal would be substantially taller, overbearing and would resulting in blocking light, which would have a detrimental effect on the neighbouring properties.
- Concerned about the use of articulated delivery vehicles which would create parking problems, as Warwick Road was narrow and could be easily blocked.

- Concerned about the scale of the building compared to properties in the road which consisted mostly of a maximum of two-storey buildings and the bungalows, which were even lower.
- Suggested that the design of the three-storey building would be overbearing it would be more sensible to have as two-storey.
- Suggested that if the proposal was approved, the parking permit scheme currently operating in Warwick Road should be extended from 5pm to 6.30pm.
- Saw no real benefit of the provision of A1 premises as an additional unit would provide no amenity residents.
- Provision of dental facilities currently not available to residents in West Drayton would be beneficial.

The agent addressed the meeting and made the following points:

- Had come up with the current application as a result of extensive work with planning officers.
- Advised that the officer's report was thorough and balanced and satisfied that all issues had addressed.
- Had already provided the Council with additional information regarding light to neighbouring properties.
- Detailed discussions had been held with Highways and had agreed to widen the highway.
- The scheme represented an application to re-develop the site and had taken several class uses to bring different ownership together, as well as providing much needed residential unit to local residents.
- Suggested that the opportunity to have a dental surgery would not be ruled out.
- Stated that existing use generated a lot of traffic, where as the new use would have more residents in a residential area and would create less disruption.
- Indicated that the height of the building would be similar to two-storey houses in terms of roof and would be identical to having two-storey houses.

In response to a query regarding the extension of the width of the highway and how this would affect the footway for residents, the agent explained that the pavement was oversized and therefore would be reduced.

A Member suggested that the proposed building appeared to grow taller, as it got closer to the station and stated that this did not appear to have been included in the drawings in relation to the station. The agent explained that the mass could rise towards the railway and that often buildings were taller near stations.

A Member expressed concern about the residential development being closest to where the greatest noise would be emitted.

With regard to concerns raised about privacy and light, officers explained that the Council's guidelines required two-storey buildings to be 15 metres from the nearest property and this proposal was 18 metres away. Officers did not consider that there would be any substantial loss of daylight to properties.

Officers clarified that, although some of the plans pack were not in line with the presentation, all the plans listed in the report were correct.

In response to a query regarding delivery times, officers advised that service

restrictions would be subject to a S106 Agreement.

A Member questioned the applicant's intention to widen the highway on land that was on adopted highway.

Members expressed concern about the dominance of three-storey building and indicated that this would be excessive in that area, they also indicated that it would be helpful to ascertain what effect the building would have against the station, particularly as the station was a locally listed building. To this end therefore, it was suggested that a site visit would be useful to the Committee.

A Member requested the provision of shadowing diagrammes in respect of the ground floor flat and highlighted that there appeared to be no amenity space proposed on the ground floor. Officers explained that the ground floor flat was set back quite a distance in order to provide some amount of space between the street and the window.

Members discussed the fact that Tachbrook was used by other businesses in the area and asked what that area would be used for once it was removed. Clarification was sought regarding the noise mitigation and air space that had been proposed with a request for officers to look at the height of the proposed development against the existing buildings.

Following discussion, the Committee indicated that the application should therefore be deferred for Members to make a site visit and for further details and clarification to be provided with regard to the issues that had been raised.

It was moved and seconded that the application be deferred for a site visit and for further clarifications as listed below, and on being put to the vote was agreed.

Resolved

That the application be deferred for a site visit and the further details/clarification as follows:

- The proximity of the building, particularly the 4 storey portion next to the listed railway station in more detail to ascertain whether the relationship was acceptable
- The issue of noise in respect of the proximity of the residential apartments to the railway and further details about the acoustic attenuation of flats and amenity areas to ascertain whether this was acceptable
- Investigate the lack of parking for customers and staff of the retail unit
- The viability of controlling the hours for deliveries and whether the this could be adequately to controlled by the legal agreement
- Further details about the viability of road widening proposals and how this would work and clarification of the ownership of that part of the road
- Shadowing diagrams to show/illustrate the impacts on the surrounding neighbours
- The exact dimensions of the garden to the front of the ground floor unit/maisonette
- Further examination of the height and bulk of the 4 storey building in respect of it being overly dominant and comparison plans (existing and proposed) to better compare the height and bulk
- Further details as to the way in which the amenity space on the roof would

work and why this was acceptable • Further details about how Tachbrook would be used in the future, given concerns about its misuse and anti-social behaviour.
The meeting, which commenced at 6.00 pm, closed at 7.20 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.

