

Minutes

MAJOR APPLICATIONS PLANNING COMMITTEE

7 May 2014

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



	<p>Committee Members Present: Councillors Eddie Lavery (Chairman) John Hensley (Vice-Chairman) Janet Duncan (Labour Lead) Michael Markham John Morgan Brian Stead Robin Sansarpuri</p> <p>LBH Officers Present: Matthew Duigan, Planning Service Manager Meghji Hirani, Planning Contracts & Planning Information Manager Syed Shah, Principal Highway Engineer Tim Brown, Legal Advisor Nadia Williams, Democratic Services Officer</p>
90.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies had been received from Councillor (Cllr) David Allam and Wayne Bridges. Cllr Robin Sansarpuri attended as substitute for Cllr Allam.</p>
91.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Cllr Michael Markham declared a non-prejudicial interest in item 11 (Agenda B), Northwood College Educational Foundation, Maxwell Road, Northwood by virtue of having visited the site a number of times and briefly acquainted with 3 representatives that had been present at the meeting. He remained in the room and took part in the decision of this item.</p>
92.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE MEETINGS HELD ON 25 MARCH & 15 APRIL 2014 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meetings held on 25 March and 15 April 2014 were agreed as a correct record.</p>
93.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>The Chairman agreed to take item 11 (Agenda B) as an urgent item.</p>

94.	<p>TO CONFIRM THAT ITEMS OF BUSINESS MARKED PART 1 WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEM MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that all items would be considered in Part 1.</p>
95.	<p>GOLDEN CROSS, BOTWELL LANE, HAYES 4607/APP/2013/3144 (<i>Agenda Item 6</i>)</p> <p>Residential redevelopment of the site to provide 23 x 1, 2 and 3 bedroom flats with associated access, parking and amenity areas.</p> <p>Officers introduced the report and directed Members to note the changes set out in the addendum circulated at the meeting.</p> <p>In recommendation 2, second line after the words, 'before the'; '31st' was changed to '30th'.</p> <p>A Member highlighted that no charging point had been allocated in the disabled parking spaces and given the layout of the parking; a disable person would find it difficult to manoeuvre in the event of their battery running out. Officers advised that the legislation did not distinguish between able bodied and disable people.</p> <p>The Highway Engineer advised that the electrical charging points were standard with 2 active and 6 passive charging spaces and confirmed that there was adequate turning point for disabled users.</p> <p>Members noted that this was not the normal practice and acknowledged that the Council had no policy against the standard practice for allocating electrical charging points. Officers suggested that the issue would be raised with the Policy Team in order to incorporate this issue in the Develop Management Policy. Officers further clarified that there was no correlation between wheelchair design and electric vehicle charging.</p> <p>A Member added that it would not be unreasonable for the Committee to ask for additional charging points to be provided. Officers added that if the members considered that additional charging points should be made available, Condition 5 in the addendum could be amended to include this.</p> <p>The Committee advised that Condition 5 should be amended to include additional charging points.</p> <p>The recommendation with amendment to Condition 5 (in the addendum) was moved, seconded and on being put to the vote was agreed.</p> <p>Resolved</p> <p>That delegated powers be given to the Head of Planning, Green Spaces and Culture to grant planning permission, subject to the following:</p> <p>1. That the Council enter into a legal agreement with the applicants under Section 106/Unilateral Undertaking of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:</p> <p>1. Affordable housing;</p>

2. Highways: S278/S38 Agreement to reinstate the public footway where the existing accesses would be closed on Botwell Lane, Printing House Lane and Golden Crescent;
3. Education contribution - £62,385;
4. Health: A financial contribution equal to $£216.67 \times 47.5 = £10,291.83$;
5. Libraries: A financial contribution equal to $£23 \times 47.5 = £1092.5$;
6. Construction training - £2500 per £1m build cost plus Coordinator Cost: $22/160 \times £71,675$ or in kind scheme;
7. Tree planting within the highway;
8. Project Management & Monitoring fee: A financial contribution equal to 5% of the total cash contributions.

2. That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised before the 30th June 2014, or any other period deemed appropriate that delegated authority be given to the Head of Planning, Green Spaces and Culture to refuse the application for the following reason:

'The applicant has failed to provide a commensurate package of planning benefits to maximise the health and social benefits, namely affordable housing, highway improvements, education contribution, health, libraries, construction training, tree planting within the highway and project management of the scheme to the community. The proposal therefore conflicts with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).'

3. That 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.

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 officers be authorised to negotiate and agree the detailed terms of the proposed agreement.

6. That on completion of the S106 Agreement, the application be deferred for determination by the Head of Planning, Green Spaces and Culture under delegated powers.

7. That if the application is approved, the conditions and informatives set out in the officer's report and changes in the addendum and amended Condition 5 be attached.

96. **STOCKLEY PARK GOLF CLUBHOUSE, STOCKLEY ROAD, WEST DRAYTON 37850/APP/2012/2739** (*Agenda Item 7*)

Remodelling, realignment, and landscaping of existing 10th hole of golf course including planting, remodelling of landforms, and the enhancement and alteration of paths, greens, and fairways.

Officers introduced the report and outlined details of the report.

The Chairman commented that an additional condition should be added on the total amount of imported material to the site.

Officers advised that it would be in order for the Committee to put a cap on the total amount of material imported.

A Member stated that remoulding of the site was approved under a previous owner where works lasted far longer than the time approved. Given that the proposal was sited on green belt land, the Member expressed great concerns and questioned what the consequences would be in the event of more material being imported than that required, given the history of the site.

Further concerns were raised about the granting of imported soil, particularly where on a previous application, the soil that had been imported did not accord with the approved plans. In view of this therefore, grave concerns were raised that there would be no way of safeguarding against the situation being repeated with this proposal. In relation to these concerns, it was suggested that any condition imposed would need to also ensure safeguard against dumping.

Officers advised that given previous experience, Condition 6 (Levels) had been imposed to ensure that a scheme to monitor the process was put in place before the start of the development.

With regard to concerns raised about the use of soil that may contain bricks and rubbles, officers advised that no concerns had been expressed by the Landscape Officer about the quality of the soil and stressed that the applicant would be required to adhere to Condition 7 (Landscaping). It was noted that this condition would not be discharged unless the landscaping officer was satisfied.

In response to a query as to how the Council would know that the land had reached the required 11,905m³ and that the land would not require soil in excess of this amount. Officers explained that so long as the levels accorded with the approved plans, this would match the level approved by the Committee.

The Committee indicated that the applicant should be asked to keep an accurate record of the amount of soil being imported. Officers advised that as a matter of fact, the applicant would be required to keep a record of lorry loads for the Environment Agency. It was explained however that, it would be in order for the Committee to require the applicant to report to the Council on a weekly basis but would require a monitoring officer to monitor the capping of the amount of soil, keep a record of the quality of soil, as well as record the lorry loads.

A Member added that the Council should enter into an agreement to ensure that the cost of engaging a monitoring officer was met by the applicant.

The Legal Advisor advised that the requirement to pay a contribution (specifically for a monitoring officer) would have to be secured through a Section 106 (S106) Agreement with the applicant but cautioned that the monitoring officer would need to be assessed as a bespoke obligation in relation to enforcement of a condition, rather than the traditional S106 contribution. Members were further advised that a S106 landscaping remediation obligation could allow for another possible option for the site.

The Chairman questioned whether in conditioning this requirement, it could be reported back to Committee as a S106.

It was highlighted that as the Committee was seeking a financial contribution to pay for a monitoring officer, officers would need to go back to discuss this requirement with the applicant.

The Chairman commented that Members had raised concerns about this issue based on the problems that had been experienced in the past from similar applications.

The recommendation for approval, additional condition restricting the volume on imported material and requirement for a S106 Agreement relating to monitoring/provision of monitoring officer was moved, seconded and on being put to the vote was agreed.

Resolved that:

A) The application be approved subject to the conditions and informatives set out in the officer's report and to restricting the volume on imported material and requirement for a S106 Agreement relating to monitoring/provision of monitoring officer.

B) The decision be Delegated to Head of Planning, Green Spaces and Culture to approve subject to S106 Agreement (Report back to Committee should the applicant not be inclined to enter into a S106 Agreement).

Councillor Janet Duncan asked for her dissent to against the decision to be recorded.

97. **BRAVO TAXIWAY, HEATHROW AIRPORT 56613/APP/2014/685** (*Agenda Item 8*)

Works comprising the realignment of the Bravo taxiway southwards, to allow its use by Code F (A380) aircraft and replacement of 11 Pier 4a stands with four remote Code E stands and one new Code F stand at Terminal 5 (Consultation Under Part 18 Of The Town And Country Planning (General Permitted Development) Order 1995).

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

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 and changes in the addendum.

98. **ST VINCENT'S NURSING HOME, WILTSHIRE LANE, EASTCOTE 138/APP/2013/3419** (*Agenda Item 9*)

Demolition of two storey unused former Nurse's block erection of a Single-storey, 16 bed extension to the care home, with associated parking and landscaping.

Officers introduced the report and outlined details of the report.

A Member sought confirmation that the proposal would not encroach on the nearby cemetery (particularly as the land was consecrated) and asked about the type of

screening that would be placed to provide cover between the nursing home and the cemetery. Officers advised that although the scheme would be closer to the cemetery, there would be no impact in terms of boundary treatment, which was covered by Condition 7.

The Chairman indicated that Condition 7 (2b) could be amended to require appropriate material to be used between the nursing home and the boundary of the cemetery.

The recommendation contained in the officer's report with amendment to Condition 7 (2b) was moved, seconded and on being put to the vote was agreed.

The recommendation contained in the officer's report with amendment to Condition 7 (2b) 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:

- 1. That the application be referred to the Secretary of State as a departure from the provisions of the Development Plan, in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.**
- 2. That should the Secretary of State not call in the application, the application be deferred for determination by the Head of Planning, Green Spaces and Culture under delegated powers.**
- 3. That if the application is approved, the following will apply:**
 - a) That the Council enters 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:**
 - 1. Highways: S278/S38 Agreement to reinstate the public footway where an existing access would be closed on Wiltshire Lane;**
 - 2. Health: A financial contribution equal to £3,466.72;**
 - 3. Libraries: A financial contribution equal to £368;**
 - 4. Project Management & Monitoring fee: A financial contribution equal to 5% of the total cash contributions.**
 - b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement 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.**
 - d) 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 09th June 2014, 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:**

	<p>'The development has failed to secure obligations relating to highway works, health, libraries and project management & monitoring. Accordingly, the proposal is contrary to Policies LE7 and AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD and Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov 2012) and Policy 5.12 of the London Plan (July 2011) and the NPPF.'</p> <p>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.</p> <p>f) That if the application is approved, the conditions and informatives set out in the officer's report be attached and subject to amended Condition 7 (2b).</p>
99.	<p>FORMER NATIONAL AIR TRAFFIC SERVICES, PORTERS WAY, WEST DRAYTON 5107/APP/2014/516 (<i>Agenda Item 10</i>)</p> <p>Reserved matters (Appearance and landscaping) in compliance with Conditions 2 and 3 for Section 1, Phase 4 (Blocks B and C - 123 Residential Units) of Planning Permission ref: 5107/APP/2009/2348, dated 01/10/2010, for the proposed mixed used redevelopment of the Former NATS Site.</p> <p>Officers introduced the report and directed Members to note the changes set out in the addendum.</p> <p>The recommendation for approval was moved, seconded and on being put to the vote was agreed.</p> <p>Resolved - That the application be approved subject to the conditions and informatives set out in the officer's report and changes in the addendum.</p>
100.	<p>NORTHWOOD COLLEGE EDUCATIONAL FOUNDATION, MAXWELL ROAD, NORTHWOOD 2082/APP/2014/600 (<i>Agenda Item 11</i>)</p> <p>Officers introduced the report and directed Members to note the changes in the addendum circulated at the meeting.</p> <p>The recommendation for approval was moved, seconded and on being put to the vote was agreed.</p> <p>Resolved – That the application be approved, subject to the conditions and informatives set out in the officer's report and changes in the addendum.</p>
	<p>The meeting, which commenced at 6.00 pm, closed at 7.15 pm.</p>

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.