

Minutes

NORTH PLANNING COMMITTEE

14 April 2015

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



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Eddie Lavery (Chairman), John Morgan (Vice-Chairman), Peter Curling (Labour Lead), Jem Duducu, Duncan Flynn, Raymond Graham, Carol Melvin, John Morse and John Oswell.</p> <p>LBH Officers Present: James Rodger (Head of Planning and Enforcement), Adrien Waite (Major Applications Manager), Manmohan Ranger (Transportation Consultant), Jon Pitt (Democratic Services Officer) and Sarah White (Legal Advisor).</p>
162.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>No apologies for absence were received.</p>
163.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
164.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING HELD ON 5 MARCH 2015 (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting held on 5 March 2015 were agreed as a correct record.</p>
165.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>It was confirmed that there were no items notified in advance or urgent.</p>
166.	<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 item 9 which was considered in Part 2.</p>
167.	<p>LAND FORMING PART OF 7 WOODLANDS AVENUE, RUISLIP - 69927/APP/2014/4283 (<i>Agenda Item 6</i>)</p> <p>Two storey, 3-bed, detached dwelling with associated parking and amenity Space.</p> <p>Officers introduced the report and outlined the details of the application. The</p>

application was a resubmission of a previous application seeking planning permission for a two storey, three bed detached dwelling with one car parking space. The proposed house would front onto Newnham Avenue, although its rear elevation would be sited abutting the boundary fence with No.5 Woodlands Avenue. It was clarified that the proposed development did not include a basement.

Officers considered that the proposed development was unacceptable for a number of reasons. It was felt that the proposal would constitute an inappropriate development of garden land that would impact on the character, appearance and amenity of the site and the surrounding neighbourhood.

In accordance with the Council's constitution, the meeting was addressed by a representative of the petitioners and by a local ward Councillor.

The petitioner made the following points in objection to the application:

- The petitioners expressed their thanks to officers for the work undertaken in relation to the application and the recommendation for refusal.
- The petitioners felt that there was no need to repeat all their reasons for objection as these had been well covered by the officer's report.
- There would not be sufficient parking for the proposed development and it would have a detrimental effect on the surrounding area.
- It was hoped that the Committee would reject the application in accordance with the recommendations made by officers.

Cllr. Michael White, ward Councillor for Cavendish made the following points in objection to the application:

- The proposed development amounted to land grabbing and parking provision would be inadequate.
- There would be a detrimental impact on the local amenity space and there would be a lack of privacy given the close proximity to neighbouring properties.
- It was requested that the Committee accepted the officer's recommendation to reject the application.

The Committee asked officers to confirm the distance between the closest wall at the existing adjacent property at 52 Newnham Avenue and the proposed development. Officers estimated that this was six metres and advised that the separation between the property boundary and nearest wall was one metre.

The recommendation for refusal was moved, seconded and on being put to the vote was unanimously rejected.

Resolved - That the application be rejected as per the officers' report.

168. **1 EASTBURY ROAD, NORTHWOOD - 1095/APP/2015/404** (*Agenda Item 7*)

Variation of condition 5 (Opening Hours) of planning permission ref: 1095/APP/2014/3713 dated 30/01/2015 to allow extended opening hours (Change of use from Use Class A1 (Shops) to Use Class A3 (Restaurant) involving, installation of new shopfront, outdoor seating to front and installation of extraction fan to rear associated works).

Officers introduced the report and advised that an application had previously been

approved for a change of use from Use Class A1 (shops) to Use Class A3 (Restaurant).

The application to be considered by the Committee was for an amendment of a condition that set the permitted opening hours of a restaurant at the site. The restaurant was currently permitted to be open 7am to 11pm. The applicant had requested that this condition be amended to allow the restaurant to open for an extra hour, from 7am to Midnight.

Officers advised that the premises had formerly been a Blockbuster video hire store and had had been vacant since the collapse of Blockbuster. The only relevant factor for the Committee to consider in determination of the application was whether the proposed increase in opening hours was likely to result in an unacceptable noise impact.

The premises were in Northwood town centre and in a secondary shopping area. There were office premises immediately above the restaurant. Officers, considered, therefore, that the proposals were unlikely to result in an unacceptable noise impact. Approval of the application would also have the benefit of bringing disused premises back into use.

The Council's Environmental Protection Service had been consulted and had no objections to the application. It was noted that the sale of alcoholic beverages would require a licence application and that this would enable licensing conditions to be imposed if they were considered to be appropriate.

In accordance with the Council's constitution, the meeting was addressed by a representative of the petitioners and by the applicant's agent.

The petitioner made the following points in objection to the application:

- The comments made by internal consultees within the officer report made no reference to the impact on green space in the neighbouring area.
- The petitioner drew the Committee's attention to some photos that they had brought to the meeting. These showed litter and an area that the petitioner said was used for late night parties.
- Granting of permission for increased opening hours was likely to result in an increase in late night noise and litter in the area and would have a detrimental effect on the surrounding area.
- The petitioners did not object in principal to the operation of a restaurant from the premises, but this should only be permitted where resulting impacts could be alleviated effectively. The petitioners felt that food would be taken and eaten away from the premises, resulting in increased litter.
- The petitioners disagreed with the suggestion that there were no residential properties in close proximity to the premises. Planning policies OE1 (Protection of the character and amenities of surrounding properties) and OE3 (Buildings or uses likely to cause noise annoyance - mitigation) should therefore apply.

The applicant's agent made the following points in support of the application:

- Planning permission had been granted for a restaurant at the premises in January 2015. The restaurant would bring premises that had been unoccupied for around a year back into use.
- Twelve new jobs would be created by the restaurant and it would have a positive impact on other local businesses.

- The current planning conditions would prevent employees from cashing up after 11pm. This would result in the premises not being viable for evening trade.
- The Council's Environmental Protection unit had not previously considered that there needed to be specific restrictions on the opening hours of the premises.
- The premises would generate very little noise as they would accommodate a quality restaurant and not a takeaway.
- The existence and location of outdoor seating had been subject to a separate application and was therefore not relevant to the current application under consideration.

The Committee questioned whether food would be taken out of the premises, as had been suggested by the petitioner and what time the kitchen was likely to shut each night. It was confirmed that the planning permission already in place was for use of the premises as an A3 restaurant and not as a takeaway or for mixed use. The kitchen at the premises was likely to shut at around 9:30 pm. It was noted that although approval of the application would permit the premises to be open to the public from 7am to Midnight, this would not prevent clearing up from taking place outside these times.

The Chairman advised that it was not possible to trace litter in the area to the premises in question as they were a restaurant rather than a takeaway. This factor was, therefore, not relevant to the determination of the application.

A Member reflected that a number of nearby takeaways were already open until midnight and that they had no concerns about the proposed extension of the permitted opening hours as this would help facilitate proper cleaning. There would be minimal noise impact as the location was in a town centre and the bringing back into us of the premises should be welcomed.

The recommendation for approval was moved, seconded and on being put to the vote was approved by eight votes to one.

Resolved - That the application be approved as per the officers' report and the addendum sheet circulated at the meeting.

169. **S106 QUARTERLY MONITORING REPORT** (*Agenda Item 8*)

Resolved - That the Committee Members note the contents of the S.106/278 Planning agreements quarterly financial monitoring report.

170. **ENFORCEMENT REPORT** (*Agenda Item 9*)

Resolved:

1. That the enforcement action as recommended in the officer's report was agreed.

2. That the Committee resolved 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.

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

	<i>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>
	The meeting, which commenced at 7.00 pm, closed at 7.35 pm.

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