

Minutes



CENTRAL & South Planning Committee

8 February 2017

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

	<p>Committee Members Present: Councillors Ian Edwards (Chairman), David Yarrow (Vice-Chairman), Shehryar Ahmad-Wallana, Roy Chamdal, Alan Chapman, Jazz Dhillon, Janet Duncan, Manjit Khatra and Brian Stead</p> <p>LBH Officers Present: Meghji Hirani (Planning Contracts & Planning Information), James Rodger (Head of Planning and Enforcement), Syed Shah (Principal Highways Engineer), Nicole Cameron (Legal Advisor) and Anisha Teji (Democratic Services Officer).</p>
189.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
190.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Dhillon declared interests in respect of agenda items 12, 13 and 15 listed in Part II. Councillor Dhillon confirmed that he would leave the room when these matters were deliberated.</p>
191.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting on 18 January 2017 were agreed, subject to specifying a height restriction of 7.8m in part (b) of resolved agenda item 7 (45 Frays Avenue - 24351/APP/20161304).</p>
192.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
193.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that the agenda items numbered 1 to 11 were Part I and would be considered in public. The agenda items numbered 12 to 16 were Part II and would therefore be heard in private.</p>

194. **114 HARMONDSWORTH ROAD - 52467/APP/2016/3892** (*Agenda Item 6*)

Officers introduced the report and provided an overview of the application. Planning permission was sought for the change of use from a doctor's surgery to a mixed use comprising education/training centre and ancillary video production. Officers explained that the main issue for Members to consider was whether the loss of a surgery was acceptable.

A petition had been submitted in objection of the application. In accordance with the Council's Constitution, the petitioner addressed the meeting and made the following points:

- as Harmondsworth Road was a service road and not a main road, residents were having to park in another road called Great Benty;
- people were coming to use the film studio up until 22:30, seven days a week including bank holidays;
- there had been rubbish outside the site which the petitioner had previously raised as a fire hazard;
- the residents had applied for residents' parking; and
- it was suggested that one way parking may be suitable for the road.

Members discussed the suitability of the change of use and expressed that they were aware of the parking stress in that area. Members discussed whether the reason for refusal was sufficient and whether there should be clarification on operating hours. Members were concerned at the potential loss of this health related site, which in their view was not sufficient for the increasing number of residents within the West Drayton area.

Members asked for clarification around firstly the appropriateness of a refusal reason for parking, and secondly, a refusal reason around the hours of operation.

Officers drew Members' attention to the report which stated that the Highways Officer would have no issues with parking if the hours of use could be limited. Further, the applicant had agreed to a condition limiting the hours of use. The principle of use could not be governed by conditions and this formed the reason for refusal in this application.

Members were concerned about losing the site as a health facility as this was resulting in other issues for local residents in the area.

The Legal Advisor confirmed that officers had presented a strong refusal reason which was likely to be upheld in an appeal. The proposed reasons for refusal such as parking and hours of operation could be overcome by conditions.

Members accepted the legal advice but wished to minute that they were mindful of the parking pressures within the area which could arise from additional people working at the property; the hours of operation; and the concerns being raised by residents. Further, Members noted the offer of restricted hours and welcomed it. Members concluded that these reasons, however, were not sufficient to overcome the fundamental principle of objection which was the loss of a medical health facility.

The officer's commendation for refusal was proposed, seconded and upon being put to the vote, was agreed unanimously.

RESOLVED: The application was refused as per the officer's

recommendation.

195. **31 BRYONY CLOSE - 72073/APP/2016/2692** (*Agenda Item 7*)

Officers introduced the report, which sought planning permission for the erection of a two storey side and single storey rear extension and demolition of existing out building. The application was recommended for approval. Officers made an amendment to the report and corrected the legal test so that it was clear that conditions were only imposed in exceptional circumstances. In this case, the exceptional circumstance was that the use of an HMO would not be able to comply with parking requirements.

A petitioner spoke in objection to the application and gave a background of events thus far. He made the following points:

- neighbouring properties in Bryony Close were not consulted by a letter dated 26 July 2016 as indicated in the section entitled "Considerations" in the report;
- residents first became aware of the planning application by way of a planning application notice attached to a lamp post on 18 August 2016;
- subsequent to the change of description of the development, a second petition was submitted to the Council and additional concerns were raised about public safety matters including access;
- the property owner had not lived in the property since it was purchased in 2015 and it has always been used as an HMO. The petitioner questioned whether it was legally enforceable that the property would not return to a HMO as it was already being used as a HMO and Hillingdon regulations stated that up to six people could live there;
- health and safety concerns - there were loose and displaced rain water gully covers in the area. There were gas, electrical, water services and heavy traffic movement which presented a potential hazard in that corner of Bryony Close. The petitioner questioned whether suppliers had been consulted on this potential development. There was also a possibility of tarmac skin over the former grass verge of breaking up causing a hazard to residents and restricting access to parking and emergency vehicles;
- access to the planned areas of work would cause problems;
- parking would present serious challenges. Contractors would need to have vehicles parked on site for various reason and there was not enough parking available to satisfy the needs of local residents and also accommodate contractors; and
- the property owners within close vicinity had lived on the road for a significant number of years and most of them were suffering from long terms illnesses or were pensioners. The possibility of the continuation of the dwelling in HMO status and the other concerns raised left the residents concerned and worried over the future.

At the outset of Member discussions, the Chairman placed on the record that the fact that a petition had been raised, and that there were a number of petitioners in attendance, suggested that there was adequate knowledge of the proposed planning. He referred the issue of whether the letters dated 26 July 2016 were sent out to residents to the Head of Planning in order to ensure that this was properly done in the future.

The Legal Advisor explained the enforceability of the condition in relation to an HMO. She advised that the applicant had permitted development rights and did not need to apply for planning permission to operate a six bed HMO. If this application was

approved, the applicant was not entitled to the same permitted development rights as he was entitled to now, namely the ability to have a six bed HMO. With planning permission, once the applicant had started building, condition seven would become enforceable and would need to be complied with. Enforcement procedures could be taken by the Council if any conditions recommended were breached.

In response to matters raised by Members, officers confirmed that:

- the applicant would have to implement the planning permission for condition seven to apply;
- the issues surrounding utilities and the implications whilst the development was being constructed could not be taken into account as they were covered by other legislation outside of the Planning Committee's power;
- if the planning permission was granted and the applicant started building, it could not continue to be an HMO without the applicant coming back and asking for new planning permission;
- the applicant was forfeiting their rights by wanting to extend their property.

A motion for the officer's recommendation was moved, seconded, and upon being put to a vote was unanimously agreed. The application was granted with the grounds that it remained a single dwelling.

RESOLVED: The application was approved as per the officer's recommendation.

11. **LAND FORMING PART OF 92 PIELD HEATH ROAD - 12504/APP/2016/4179**
(Agenda Item 8)

Officers introduced the report and provided an overview of the application. A previous planning application had been made and reasons for refusal were included in the report. The planning application sought permission for a three storey block of flats to provide 3 x studio and 3 x 1 bed units. Officers highlighted the addendum which made an amendment to one of the clauses strengthening the requirement for occupants to not hold a car park permit within the parking management scheme.

Members noted that there was already parking stress in this area.

A Member asked for legal advice and an update about denying residents car parking permits, given the recent test case. The Legal Advisor advised that there had been criticisms of using these types of conditions. However, the planning inspector had been satisfied that the wording used was sufficient to meet the test and that parking constraints were suitable for this site. The planning inspector had referred to the Westminster case in their decision making. A Member expressed disappointment with this and explained that Hillingdon was an outer borough where people were reliant on parking.

Members moved and seconded the officer's recommendation, and upon being put to a vote, there were six votes in favour, one against and one abstention.

RESOLVED: The application was approved as per the officer's recommendation.

197. **LAND TO THE REAR OF 54 & 56 STAR ROAD - 70020/APP/2016/4467** (Agenda

Item 9)

Officers introduced the report and provided an overview of the application. The application sought planning permission for the erection of a two bed detached bungalow with associated parking and amenity space involving demolition of existing garage block.

The officer's recommendation for refusal was moved, seconded, and upon being put to a vote was unanimously agreed.

RESOLVED: The application was refused as per the officer's recommendation.

198. **EURO GARAGES, HEATHROW NORTH, SHEPISTON LANE - 17981/APP/2016/3287** (*Agenda Item 10*)

Officers introduced the report and provided an overview of the application. The proposal involved the erection of a single storey side extension to a petrol filling station to enhance its retail offer and ancillary customer facilities.

The officer recommendation for approval was moved, seconded, and upon being put to a vote was unanimously agreed.

RESOLVED: The application was approved as per the officer's recommendation

199. **17 MAYLANDS DRIVE - 65665/APP/2016/3230** (*Agenda Item 11*)

Officers introduced the report and provided an overview of the application. The application sought planning permission for the erection of boundary fencing, a single storey outbuilding, play space use and stepped access to rear garden.

Members asked whether the planning permission would cover the ability to have showers etc. The officer clarified that there were conditions attached to the planning permission application and the planning drawings indicated no such facilities. If the application was granted, it would need to be carried out in accordance with any conditions.

The officer's recommendation for approval was moved, seconded, and upon being put to a vote was unanimously agreed.

RESOLVED: The application was approved as per the officer's recommendation.

201. **ENFORCEMENT REPORT** (*Agenda Item 12*)

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 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).

202. **ENFORCEMENT REPORT** (Agenda Item 13)

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 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).

203. **ENFORCEMENT REPORT** (Agenda Item 14)

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 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).

204. **ENFORCEMENT REPORT** (Agenda Item 15)

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 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).

205. **ENFORCEMENT REPORT** (Agenda Item 16)

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 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).

The meeting, which commenced at 7.00 pm, closed at 8.29 pm.

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

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.