

Minutes



NORTH Planning Committee

14 March 2017

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

	<p>Committee Members Present: Councillors Eddie Lavery (Chairman), John Morgan (Vice-Chairman), Duncan Flynn, Raymond Graham, Henry Higgins, John Morse, John Oswell and Ian Edwards (Reserve) (In place of Jem Duducu)</p> <p>LBH Officers Present: James Rodger (Head of Planning and Enforcement), Neil McClellan (Major Applications Team Leader), Manmohan Ranger (Transportation DC Consultant), Nicole Cameron (Planning Lawyer) and Neil Fraser (Democratic Services Officer)</p>
168.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Cllr Khatra (no substitute), and Councillor Duducu (Councillor Edwards substituting).</p>
169.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
170.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 3</i>)</p> <p>The clerk suggested amendments to the minute 163, Land Between 2 & 6 Woodside Road, as outlined in the addendum:</p> <p>"Members sought clarity on the boundary requirement. Officers confirmed that the proposal complied with the 1.5m requirement, though Members challenged this due to the inclusion of an exterior chimney breast on the south elevation, which appeared to reduce the distance between the properties.</p> <p>During discussion relating to the outcome of any potential appeals, Officers highlighted that the conservation officer had been heavily involved with the application and had not raised any concerns.</p> <p>Members discussed the application, with some Members deeming the proposal to be acceptable in light of the revisions made and the comments of the conservation officer."</p> <p>RESOLVED: That the minutes of the meeting held on 22 February 2017 be approved as a correct record, subject to the amendments as set out above.</p>

171.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>The Chairman confirmed that item 10, 53-55 The Broadway, had been withdrawn by the Head of Planning prior to the meeting.</p> <p>The Chairman confirmed that item 13, 81 Field End Road, had been accepted as an urgent item as, following the lodging of an appeal for non-determination by the applicant, it was important that the views of the Committee were reported to the Planning Inspectorate in a timely manner.</p>
172.	<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>It was confirmed that the items of business marked Part I would be considered in public, and the items marked Part II would be considered in private.</p>
173.	<p>LAND TO THE REAR OF 17-21 THE CLOSE - 11448/APP/2016/1100 (<i>Agenda Item 6</i>)</p> <p>2-bed, detached bungalow with associated amenity space and parking.</p> <p>Officers introduced the application, confirming that the site was currently vacant and overgrown, with the boundary fencing (made up of chain link fencing) in disrepair. The site fronted an adopted service road that ran along the rear of shops fronting Field End Road. The road was used to service those shops, as well as to provide access to two nearby car parks. Planning permission was sought for the development of a 2 bed detached bungalow with associated amenity space and parking.</p> <p>Members were reminded of the site's extensive planning history, of which the most pivotal decisions were considered to be the 2006 and 2009 appeal decisions. In 2006, an appeal was dismissed concerning a building with four one bedroom flats. The Inspector ruled that there would not be harm to neighbours amenity, however the Inspector thought it would be a cramped development and that the proposals would not respect the local character. The appeal was therefore dismissed. In 2009 consent was granted on appeal for a two storey office development. The Inspector felt it was a suitable location for new office development and would satisfactorily relate to surrounding commercial development.</p> <p>Officers considered that, in principle, the site was suitable for commercial development, but not suitable for residential development. Due to the characteristics of the site it was felt that a residential unit would be out of character with the surrounding built form, and the application was recommended for refusal for this reason.</p> <p>A petitioner addressed the Committee on behalf of the residents of the Close, in objection to the proposal. The petitioner pointed that, whilst the site did have an extensive planning history, it was only the most recent application, from October 2015, that was associated with the current applicant.</p> <p>Reasons for objection included concerns over the potential for drainage and flooding issues within garden areas, following the introduction of paved area around the perimeter. In addition, the service road was prone to flooding, and it was not considered that the proposed soakaway would prove sufficient to remove the excess water. The area was busy with pedestrians using the nearby shops, and residents had</p>

safety concerns due to the high volume of traffic that would result, were the application to be approved.

All properties backing onto the service road had a tree line that provided a barrier for sound and privacy. The application proposed the removal of trees on the application site, and residents were concerned that this could have a detrimental effect on the roots of the trees on the adjacent properties, which in turn could seriously affect residents' rights to privacy were those trees to be damaged and removed.

The current proposal was only 1m away from residents' boundary line, and 5m in height. In its report from 2015, the Council stated that a 1.5m boundary line would make it difficult for trees to adequately screen the site from nearby residential properties. This was also highlighted by the Planning Inspectorate in January 2012. The Committee was reminded of existing covenants that prohibited the building of any commercial development on the land, and considering all of the above, it was requested that the application be refused.

Members deliberated, and were reminded that the Inspectorate guidance on what was acceptable for developments of this type was a material consideration for the Committee. Members shared the concerns raised within the officer's report and by the petitioner, with particular reference made to road safety and the safety of pedestrians. Officers confirmed that permission had been previously granted for an office development on the site, and that the current proposal was unlikely to create a higher volume of traffic than the previously approved application. Officers confirmed that they felt that the report set out a strong reason for refusal, and it was unlikely that an additional reason for refusal, relating to road safety, would be helpful.

Members therefore moved the officer's recommendation as set out in the report. This was seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be refused.

174. **271 SWAKELEYS ROAD - 23510/APP/2016/3127** (*Agenda Item 7*)

Redevelopment of entire site to create 7 new flats. (Outline Planning Application with All Matters Reserved).

The officer introduced the report, confirming that the application, with all matters reserved, was seeking outline permission to demolish an existing detached house and erect a two storey block with accommodation in the roof space to provide 7 x 2 bed, 4 person residential units. All matters concerning layout, appearance, scale, access, and landscaping, were reserved and could not be assessed at this stage.

The Committee was informed that, whilst there was no objection to a residential scheme on the plot in principle, this particular scheme would breach the Council's 10% threshold for flat conversions on this stretch of road, and it was felt that this would erode the road's traditional residential character. The application was therefore recommended for refusal.

A petitioner addressed the Committee in objection to the proposal, raising a number of concerns. These concerns included the potential for the resultant multi occupation house to spread across a wider footprint than currently, the impact on traffic flow on what was already a busy road, car parking issues, and impact on pedestrians.

The petitioner referred the Committee to the mooted long term plan to widen

Swakeleys Road which, if ever instigated, would result in 271 Swakeleys Road losing its front garden parking space. In addition, tarmacking of garden spaces was now almost universally condemned. The road itself was highly residential, with many family homes of an arts and crafts design. Residents were concerned that the character of the road would be detrimentally affected by squeezing such developments onto sites that were too small. It was felt that the current 271 Swakeleys Road property was aesthetically pleasing, with many fine features, and the Committee was requested to refuse the application.

The applicant addressed the Committee in response, and informed Members that permission was sought for the redevelopment of the site to 5 x 2 bedroom flats, and 2 x 1 bedroom flats. The existing house was on a fairly large plot, set back 15 metres from the front boundary line at its closest point. The proposed development would be of similar character to nearby newly developed sites.

With regard to the Council's 10% threshold, the applicant asserted that guidelines advised that the application site should be taken as a midpoint on a 1km stretch of road. However, on the south side of the property (travelling towards Swakeleys roundabout) the applicant's property was the fifth property on the road, with less than 500 metres of housing on this side. Therefore, calculations had been undertaken from the last house on the road, taking the 1km allowance from 279 Swakeleys Road to 161 Swakeleys Road. In this case, there were 90 properties on this stretch of road, which according to the guidelines, would allow for 9 flattened conversions. The applicant asserted that the proposal would fall within the 10% threshold, once the guidelines were adjusted to fairly take into consideration the site's location, and asked that the application be approved.

In response, officers advised the Committee that when possible, application sites would be treated as being the midpoint of a 1km stretch of road, and calculations would reflect that. However when not possible, for example when using the application site as a midpoint would result in less than 500m in one direction (as in this case, and previous Swakeleys Road applications), extra meterage was not added to the other side to address any shortfall, as this could result in overconcentration of housing at the shorter end. Officers advised that this fulfilled policy requirements.

Members accepted the officer calculations, and were mindful that Swakeleys Road was now at its limit in terms of developments, based on the 10% threshold rule. For this reason the recommendation was moved, seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be refused.

175. **PINCIO, GATE END - 8954/APP/2016/3505** (*Agenda Item 8*)

Two storey, 4-bed, detached dwelling with habitable roofspace involving demolition of existing bungalow

Officers introduced the report, confirming that the development area was within the Gatehill Farm East Area of Special Local Character, currently occupied by a bungalow. Planning permission was sought for the demolition of that bungalow, and the erection of a 2 storey, 4 bed detached dwelling with habitable space in the roof.

The proposal was considered acceptable in principle, however due to its overall size, scale, bulk, height, and design, it would result in a cramped development which would fail to harmonize with the architectural composition of the adjoining dwellings and

would be detrimental to the character, appearance and visual amenities of the street scene and the wider Gatehill Farm Estate Area of Local Character.

In addition, it was considered that due to its size, scale, bulk and proximity, the development would be detrimental to the amenities of the adjoining dwelling 'Woodcote' by reason of over-dominance, overshadowing, visual intrusion and loss of outlook. For these reasons it was recommended that the application be refused.

A petitioner addressed the committee on behalf of the residents who had signed the petition as well as the Gatehill Residents Association, in objection to the application. Recently, the area of Gatehill Farm Estate Area of Special Local Character had been consistently threatened by a number of proposed applications that were not in keeping with the area. This was the second application for redevelopment of Pincio. The first application was refused due to similar concerns over size, scale, bulk and design, and proximity to the adjoining property.

The second application has a larger footprint than the first, refused application, with a higher roofline, and would result in an even more cramped development. Such a large development, on such a narrow plot of land, would give limited scope for any landscaping that could soften the impact, and was contrary to policy. The proposal set out excessive hardstanding at the front of the property for car parking, which did not abide by HDAS policy which stated that at least 25% of a front garden must be maintained for soft landscaping. In addition, the proposal suggested the removal of trees and vegetation that was not all in the ownership of the applicant. For these reasons, the Committee was requested to refuse the application.

In the interest of fairness, the Chairman read a statement behalf of the applicant, responding to the petitioner.

The applicant asserted that, before submitting the application, discussions were held with a case officer and a member of the conservation team, and all subsequent recommendations from these discussions were duly incorporated into the proposal. In addition, GRA representatives, engaged at an early stage, complemented the design and helped finalise the landscaping scheme.

Regarding the petition, and the concerns raised over the impact of the proposal on the neighbouring property 'Woodcote', the applicant asserted that proof had been submitted that showed that it was in fact a different neighbour's garage that was causing the overshadowing referred to within the officer's report. A full response, including responses to false measurements and exaggerations, had been submitted in a separate letter.

Mindful of the sunlight and daylight concerns, a study to assess the impact on Woodcote was commissioned by a specialist firm. This study confirmed that the proposal was acceptable with almost all BRE standards satisfied. A number of minor transgressions would arise as result of an unreasonable reliance of light over the Pincio plot, due to the position of the Woodcote garage.

When reviewing the planning report, mistakes regarding the local vicinity of the area had been noted, including the number of bungalows in the street. Concerns were raised that the last visit to the plot appeared to be over four months ago, and that there was an overreliance on the petition letter.

In summary, it was asserted that the proposal met all the technical standard requirements. The size of the proposed development was in line with other properties,

particularly the new build on the land forming part of 14 Wieland Road. The flank to flank distance between Woodcote and the Pincio proposal was 6.4m; more than double the minimum of 2 x 1.5m. All other properties on the estate were two storey.

The Chair confirmed that the separate document referred to was several pages long, and was not circulated to the Committee at this late notice, particularly as the Committee would not have the opportunity to ask questions of the applicant regarding its contents.

In response to the statement, officers confirmed that the report included two refusal reasons, written by the case officer, so it was surprising that the applicant had suggested that officers had advised that the proposal was acceptable at pre-application meetings.

Members confirmed that they shared the sentiments expressed within the report, and were concerned over the size, scale, bulk and design of the proposed development. However, whilst it was felt that this proposal was not suitable, it was recognised that further applications were likely to be submitted, until such time as a proposal was deemed to be suitable. It was therefore moved that the application be refused, for the two refusal reasons outlined within the report. This was seconded, put to a vote, and unanimously agreed.

RESOLVED: That the application be refused.

176. **51 WIELAND ROAD - 17990/APP/2016/3166** (*Agenda Item 9*)

Erection of 2-storey detached dwelling with habitable roofspace and the excavation of a basement following the demolition of existing dwelling.

Officers introduced the report, confirming that the application sat within the Gate Hill Farm Estate of Special Local Character. Whilst the proposal development was for a large building, it was felt to be replacing an equally large building. The proposed dwelling followed a neo-Georgian style, and whilst this was not typical of the area, the area itself was home to various architectural styles and so was considered to be acceptable. It was not considered that the proposal would result in an overbearing impact on the adjacent properties to the detriment of their residential amenity.

The site did benefit for an existing permissions for significant extensions to the existing properties, which as still extant. The suggested changes from the permitted extension to this new scheme were broadly similar, though was set 1.5m further away, with edges 'squared off', and with the proposed footprint under the new application no deeper or wider than the existing building or the permitted extension from 2015. As such, the impact on residential amenity was actually slightly less than previously approved. It was therefore recommended that the application be approved.

A petitioner addressed the Committee in objection to the proposal. Members were reminded that a similar proposal was due to be considered at the North Planning Committee meeting held on 11 January 2017m and was recommended for refusal before being withdrawn prior to that meeting. It was now under consideration again, under slightly different plans. The officer's report in respect of the previous application recommended refusal due to design, bulk, and impact on the local street scene. In addition, the report stated that the development would result in overbearance towards the neighbouring property. This new application was only 5% smaller than the previous proposal, but was four times the size of its immediate neighbours, and nearly twice the size of the largest house in the vicinity.

The proposed new building was 0.9m from the southern boundary, a breach of the proposed policy requiring a distance of 1.5m between the property and the boundary. Guidance from LBH planning officers had confirmed that the proposed policy must be treated as a material planning consideration.

Amendments to the design since January included a deeper roof, which would be visible from the road and overbearing to the neighbouring property to the north. The supporting detail accompanying the application suggest that the floor would be a loft, but the size and scale would in fact make it a whole storey. Houses within the area were predominantly made up of attracted, arts and crafts style properties. The proposed development was not in keeping with this existing aesthetic. The front elevation would be built on the building line, with a porch in front of the building line, contrary to HDAS policy. The officer's assertion that the proposed property was Georgian design was suggested to be incorrect. For these reasons, it was requested that the Committee refuse the application.

The architect for the applicant addressed the committee in response to the petitioner. The Committee was reminded that there was an existing extant approval for a large building with a basement, and the new application was no deeper or taller, and was more than a meter less wide than the approved scheme, and so was contributing to the opening up of boundaries and flank walls with this area of the estate.

In comparison to the refused scheme, the relief front elevation was removed following comments that this was not appropriate. In addition, roof lights at the front elevation were also removed, The porch described was in fact a simple portico to provide shelter form weather when entering the property. In terms of size, scale and depth, the new application was entirely comparable with the previously approved scheme, and provider a greater separation between 51 and 49 Wieland Road. The estate was home to many different styles including extensions to existing building and new builds.

Members sought clarity from the applicant's representative over why a new application had been submitted, when his testimony suggested that it was so similar to the previously approved scheme. In response, the Committee was advised that the previously approved application was a compromise to amend an existing building, and his client's instructions were to proceed with a wholly new build.

Councillor Bianco addressed the Committee as Ward Councillor for Northwood Hills. Councillor Bianco expressed concerns relating to the size and design of the proposed development. In addition, neighbours' concerns over the size of the basement and its swimming pool, and the resultant impact on water levels or potential damage to neighbouring foundations was highlighted. The scale of the development was incongruous to existing properties in the area, and allowing such a development could set a precedent for future application that could result in the compete change of character of the area. For these reasons, Councillor Bianco requested that the application be refused.

The Chairman opened the item for discussion, and drew the Committee's attention to the extant permission from 2015, as well as section 717 of the report, on flooding and drainage, which confirmed that the Council's Flood and Water Management officer had no concerns over the proposal.

Members requested confirmation that a full geological survey had been conducted in relation to the proposed basement. Officers highlighted the report and the comments of the Flood and Water Management officer who was satisfied with the scheme. The

scheme did include an additional condition (condition 8) which exerted additional control over the construction process. A basement of similar size did form part of the application that was previously approved.

Members asked for clarity over this application versus the application that was withdrawn from the January meeting. Officers advised that main difference was the further increase in distance from the property to the western boundary. The Committee was advised that, due to the extant permission, it would be very difficult to argue for a refusal based on bulk and mass.

Members raised concerns over the design of the application, and shared the view that the development was out of keeping with the character of the area. Whilst of a similar size to the approved application, the new design exacerbated the impression of size, without the relief to soften this impression.

Officers were requested to explain, on the understanding that the application was for a completely new build, why the design criteria applicable for an area of Special Local Character was not being enforced (for example the minimum side boundary distance). Officers confirmed that all material planning considerations needed to be taken into account, which included the proximity of the existing property to the side boundaries and the distance policy governing such boundaries, as well as the footprint of the existing property on the site. The existing property, and the 2015 approved application, were already very close to the side boundaries. As such, officers were constrained by what had already been approved.

Members felt that the design of the application and its overall appearance was not in keeping with the character of the area, and was incongruous with the aesthetics of the existing properties. For these reasons it was moved that the application be refused, with delegated authority given to the Head of Planning to finalise the wording of the refusal decision. This was seconded, and when put to a vote, unanimously agreed.

RESOLVED:

- 1. That the application be refused; and**
- 2. That the Head of Planning be given delegated authority to finalise the wording of the refusal decision.**

177. **53 - 55 THE BROADWAY, JOEL STREET (ABOVE THE WILLIAM JOLLE PUB) - 5564/APP/2016/3908** (*Agenda Item 10*)

The item was withdrawn prior to the meeting.

178. **WATERCRESS BEDS, SPRINGWELL LANE - 24597/APP/2017/109** (*Agenda Item 11*)

Retention of a 3 Bedroom Chalet Style House as Residential Use from Ancillary Offices for a Garden Centre

Officers introduced the report, confirming that the site was located within on flood plain with a green belt, and was previously used for storage and administrative purposes. The building had been now been converted, without planning permission, to a 3-bed house, contrary to the principles of green belt policy. It was therefore recommended for refusal.

The officer's recommendation was moved, seconded, and when put to a vote,

unanimously agreed.

RESOLVED: That the application be refused.

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

RESOLVED:

- 1. That the enforcement action as recommended in the officer's report be agreed;**
- 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.**

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).

180. **81 FIELD END ROAD, EASTCOTE - 363/APP/2016/3965** (*Agenda Item 13*)

Demolition of existing Doctors' Surgery and construction of new three storey (plus basement level parking) mixed use development comprising 9 residential apartments, a Doctors' Surgery and a Pharmacy.

The Chairman confirmed that the item had been accepted as an urgent addition to the agenda, following the applicant lodging an appeal for non-determination. It was therefore a requirement that the Planning Committee's views be included in the submission to the Planning Inspectorate, which was due before the next scheduled North Planning Committee meeting.

Officers introduced the report, confirming that a similar application for the same site was presented to the Committee on 3 March 2016, and that on that occasion Members determined that, had an appeal for non-determination not been lodged, the application would have been refused as the proposed building was considered an overdevelopment of the site that would have resulted in the loss of open space. That application was also considered to have a detrimental impact on the siting of a nearby Grade II listed building, and on the character and appearance of the surrounding area.

The current application was a very similar scheme, with the main differences being that the irregular triangular shape building previously proposed had been squared-off at the corners, and the building had been set back further from Walsh Lodge, which had moved it closer to Deane Croft Road and the north western boundaries. The previous flat roof design had been revised to a mansard/crown roof.

Following the re-siting of the building closer to the trees on the north western boundary, the Tree Officer had advised that this could result in pressure from residents in the future to remove and/or carry out works to the trees. Since the previous appeal, it had now been established that the rearmost first floor side facing window in the adjoining first floor flat at Walsh Lodge did not serve a habitable room, but a small kitchen which only had standing space. This, combined with the other

changes made to the scheme, would no longer warrant a reason for refusal based on adverse impacts on adjoining residential amenity.

However, it was considered that the proposed changes had not overcome the Inspector's justification for dismissing the previous appeal on grounds of the building being intrusive and being detrimental to the openness of the site. As such, the officer's recommendation was to inform the Planning Inspectorate that, had an appeal not been lodged, that the application would have been refused for the reasons as set out in the report.

The Chairman drew the Committee's attention to the addendum, which contained the comments from the Eastcote Residents Association that had been omitted from the officer's report.

A petitioner addressed the Committee on behalf of the Eastcote Residents Association and the Eastcote Conservation Panel, in objection to the application. The petitioner asserted that the new application did not address any of the concerns relating to height, size, bulk or overall design that had been raised against the previous application, and that the design was not in keeping with the existing character of the area.

The petitioner went on to confirm that they had no objection to the medical facilities being upgraded, but that the application did not contain any meaningful improvements to these facilities. Concerns were raised regarding the overshadowing of the kitchen in Walsh Lodge, as it was felt that this could have a detrimental impact on the mental health and wellbeing of the person using that room. In addition, private amenity space was referenced, and it was suggested that the rooftop gardens were not of a sufficient size and that, due to safety concerns, were not suitable for use by children or young families. It was requested that these issues be listed as additional reasons for refusal.

The Chairman read a statement from the Eastcote and East Ruislip Ward Councillors, which confirmed that they supported the residents' objection to the proposal, and requested that the application be refused on the grounds of overdevelopment and design.

Responding to the petitioner's points regarding the overshadowing of the kitchen in Walsh Court, officers confirmed that this was an issue not fully resolved previously. An officer had therefore visited the site to measure the kitchen, which was shown to be under 9 sqm total size. As the guidelines stated that a habitable room must be over 13 sqm, refusal could not be based on this point. Moving to the roof gardens, it was confirmed that the amenity space, inclusive of the gardens and the front terrace, met the minimum required standards of 215 sqm. Fencing to secure the roof gardens could be a suggested condition, were the Inspectorate minded to uphold the applicant's appeal.

Members confirmed that they were supportive of the recommendation as set out in the report. This was moved, seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be refused.

ADDENDUM

The meeting, which commenced at 7.05 pm, closed at 8.30 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Neil Fraser on 01895 250692. 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.