



HILLINGDON  
LONDON



# Petition Hearing - Cabinet Member for Finance, Property and Business Services

## Cabinet Member hearing the petition:

Councillor Jonathan Bianco

## How the hearing works:

The petition organiser (or his/her nominee) can address the Cabinet Member for a short time and in turn the Cabinet Member may also ask questions.

Local ward councillors are invited to these hearings and may also be in attendance.

After hearing all the views expressed, the Cabinet Member will make a formal decision. This decision will be published and sent to the petition organisers shortly after the meeting confirming the action to be taken by the Council.

**Date:** WEDNESDAY, 21  
SEPTEMBER 2016

**Time:** 7.00 PM

**Venue:** COUNCIL CHAMBER -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE  
UB8 1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

**Published:** Tuesday, 13 September 2016

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*Putting our residents first*

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# Agenda

## CHAIRMAN'S ANNOUNCEMENTS

### PART 1 - MEMBERS, PUBLIC AND PRESS MAY ATTEND

- 1 Declarations of Interest in matters coming before this meeting
- 2 To confirm that the business of the meeting will take place in public.
- 3 To consider the report of the officers on the following petitions received.

Please note that individual petitions may overrun their time slots. Although individual petitions may start later than advertised, they will not start any earlier than the advertised time.

	<b>Start Time</b>	<b>Title of Report</b>	<b>Ward</b>	<b>Page</b>
<b>4</b>	7pm	Young People's Centre Building, Ash Grove, Harefield	Harefield	1 - 6

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# Agenda Item 4

## YOUNG PEOPLES CENTRE BUILDING, ASH GROVE, HAREFIELD

<b>Cabinet Member</b>	Councillor Jonathan Bianco
<b>Cabinet Portfolio</b>	Finance, Property and Business Services
<b>Officer Contact</b>	Mohammed Bhimani, Residents Services James Rodger, Residents Services
<b>Papers with report</b>	None

### HEADLINE INFORMATION

<b>Purpose of report</b>	To inform the Cabinet Member that a petition was received on 27 July 2016 from Lisa Whicker (a resident of Ash Grove) with 934 signatories requesting that the Council does not proceed with the Youth Club at Ash Grove (the site which benefits from planning permission) until an alternative location has been agreed in Harefield by residents as well as Councillors. This is eligible for consideration at a Petition Hearing with the Cabinet Member for Finance, Property and Business Services.
<b>Contribution to our plans and strategies</b>	This report supports the following Council objectives: Our People and Our Built Environment.
<b>Financial Cost</b>	If the Council chose not to proceed with the present site, all work to date (including architects and consultants fees) would be abortive work. This is estimated to be at least £190k expenditure.
<b>Relevant Policy Overview Committee</b>	Corporate Services and Partnerships
<b>Ward(s) affected</b>	Harefield

### RECOMMENDATIONS

That the Cabinet Member:

1. meets the petitioners and considers their request that the Council looks into alternative site locations for the Youth Club, noting the property and planning considerations that would apply with alternative locations as well as the financial implications of such a decision; and
2. decides on the appropriate course of action having met with the petitioners.

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PART I – MEMBERS, PUBLIC AND PRESS

## INFORMATION

### Reasons for recommendation

To allow the Cabinet Member to consider the petition with the petitioners.

### Alternative options considered

These can be identified from the discussions with the petitioners.

### Comments of Policy Overview Committee(s)

None at this stage.

### Supporting Information

1. A petition was received on 27 July 2016 from Lisa Whicker (a resident of Ash Grove) with 934 signatories requesting that requesting that the Council does not proceed with the Youth Club at Ash Grove (the site which benefits from planning permission) until an alternative location has been agreed in Harefield by residents as well as Councillors. This is eligible for consideration at a Petition Hearing with the Cabinet Member for Finance, Property and Business Services.
2. The residents have signed the following statements:

*“We object strongly:*

- 1 *To the much needed youth centre being located on the wrong and most unsuitable site in Harefield in close proximity to many family homes where it will cause maximum noise and disturbance when other more suitable sites were not explored further.*
- 2 *That the planning application was pushed through by all Conservative councillors who are required to determine applications on their planning merits not party political line which is contrary to the law.*
- 3 *That Councillor Henry Higgins, a Conservative councillor for Harefield and member of the planning committee, absented himself from the committee and did not speak for over a thousand residents of Harefield who objected to this sitting and that Councillor Jane Palmer, our other Conservative councillor did not attend the committee to speak on our behalf or even send a written statement of support.*
- 4 *To the youth centre being determined on the same grounds, in terms of proximity to housing, as a residential proposal when the youth centre will contain many more people and be a greater generator of noise and disturbance and that this fact was not considered by the Planning Committee.*
- 5 *To the fact that not all the petition signed by hundreds of Harefield residents was accepted by the council on the grounds that only 20 signatures were needed. This meant that councillors and planning committee did not know the full extent of local opposition to this sitting. A survey carried out by residents showed over £1,650 people wanted this youth centre sited elsewhere in Harefield.*

*"We therefore call the Leader and council to not proceed with this development until a suitable alternative site has been agreed in Harefield by residents as well as councillors. WE THE UNDERSIGNED REQUEST AN ALTERNATIVE BE LOOKED AT."*

3. It is considered that the clear intention behind the petition is that the Cabinet Member considers alternative locations for a Youth Centre, instead of the site in Ash Grove that now benefits from a grant of planning permission. The petition acknowledges that a youth centre is needed in Harefield. There is no evidence whatsoever that a decision was made on party political lines, nor is any given through the petition. There is no failure in due process if a Ward Councillor decides not to attend a Committee meeting to support an applicant or objectors concerning their views on a particular planning application. It should be noted that there were letters of support for the youth club application (these were significantly out-numbered by those letters against the proposal but, nonetheless, this is relevant as the Ward Councillors could have, in theory, decided to support those residents in favour of the youth club). The Planning Committee undertook a site visit and extensively discussed the planning application; Members were very well briefed on the proposals and as such made an informed decision. The Planning report fully addressed noise and disturbance issues and neighbour impacts. The Committee was advised that *'a 554 signature petition and a 12 signature petition was received in objection to the scheme, in addition to 462 completed questionnaires/surveys (18 in support of the application, 440 against the application and 4 where a preference has not been stated), 10 standard letters of one type and another 10 standard letters of another type, and 26 additional individual letters of objection have been submitted'*.
4. There are not considered to be any matters raised through the issues numbered 2-5 in the list of statements that bring into question whether the planning decision is procedurally correct. Officers are firmly of the view that the planning process was procedurally correct. If the petitioners or a third party were to consider the planning process to be procedurally flawed in any way (as implied to a greater or lesser extent by each of the issues numbered 2-5 in the list of statements), they have an opportunity to challenge such a decision through the judicial review process. However, it is not recommended that the Cabinet Member discuss in detail residents' concerns regarding the planning process that has been undertaken, as there are other processes by which local residents can challenge the planning decision, should they consider it be procedurally flawed. It is recommended that the Cabinet Member instead determine whether there are, or are not, viable alternative options to the Ash Grove location People's Centre. In doing so, it is the Cabinet Member will need to take into account relevant planning and property considerations as set out in this report. The Cabinet Member will also need to take into account whether an alternative option would outweigh the benefits of the Ash Grove location from both a planning and property perspective and the financial implications of such a decision.

## **Background**

5. Full planning permission was granted on the 26 May 2016 (Council ref: 71704/APP/2016/1038) for 'The erection of a new single storey youth centre with double height sports hall; landscaping works; replacement playground; modified vehicular crossover; car parking; external lighting; fencing; demolition and replacement of four garages; and ancillary works'.

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## PART I – MEMBERS, PUBLIC AND PRESS

6. The Young People's Centre would provide holiday and after school sessional activities for young people from the local area aged between 8 and 19. The young population of Harefield has steadily increased over recent years, such that there are now approximately 1,500 persons within this age group living in the village and its surroundings. Harefield Young People's Project was established in April 2015 alongside Harefield Young People's Project Management Board. The Project delivers one session per week for young people in the area; however, its offer has been limited by the available facilities, which it is understood has affected its popularity, particularly over winter months. The new centre would enable a greater and wider range of services to be offered from a purpose built facility. The hours of use of the Ash Grove Young People's Centre are controlled by planning condition to be limited to between the hours of 1545 and 2145 during term time weekdays, 0930 and 1730 on Saturdays and Sundays and between 0900 and 2200 on weekdays during school holiday periods.
7. There are already eight Young People's Centres within the Borough and they are very successful in providing not just a place for young people to meet, but important life skills and education and training. The Ash Grove Young People's Centre would provide:
  - A high level of safety and security for young people;
  - Daytime, afternoon and evening clubs;
  - Purpose built and adaptable spaces to offer a range of information learning programmes and workshops;
  - Storage to accommodate resources and equipment;
  - Confidential space to offer additional support to those who need it; and
  - A place where young people can take ownership and take a positive role within the community.

The proposal is for a purpose built facility, designed for use as a Young People's Centre. Notwithstanding that, the Council will consider suitable wider community use, at times when not used specifically for young people's activities, maximising this new resource to the benefit of local residents in Harefield.

8. From a planning perspective, the Ash Grove site is flat so no major cut and fill excavations are required. The site is predominantly amenity grassland and heavily maintained, the land has very limited ecological value apart from boundary trees and hedges which are largely unaffected by the proposals. The site is not within a flood plain or a critical drainage area. The site is not Green belt or Metropolitan Open land. The site does not involve the loss of any playing pitches (so no referral to Sport England was required) and the site is not within the Harefield Village Conservation Area or an area of archaeological importance.
9. Planning considerations for alternative sites that the Cabinet Member should give weighting to when presented with alternative options:
  - It must be strongly stated that the Council cannot grant planning permission for a new building on Green Belt or Metropolitan Open Land if there is an alternative available site which is not within the Green Belt or Metropolitan Open Land. Whereas a special circumstances argument can normally be put forward to allow development on Green Belt or Metropolitan Open Land, should such exceptional circumstances exist, but this can only apply when a sequential site search has identified that no alternative sites exist. In this case, with planning permission

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## PART I – MEMBERS, PUBLIC AND PRESS



already granted at Ash Grove, the Cabinet Member is advised that any option presented to him regarding new build development in the Green Belt or Metropolitan Open Land should be discounted as planning permission would not be possible.

- Development on Common Land (Harefield Village Green is Common Land) or allotments would require complex procedures including referral to the Secretary of State which would significantly alter the timescales and add considerable risk to delivery of a new building (even if the considerable planning hurdles could be overcome to develop on such land).
- Development involving conversion of a listed building where listed building consent is required would require referral to Historic England, this would create considerable risk and time delay to any subsequent planning application.
- Development involving loss of a playing pitch or playing field land would (with very few exceptions) require referral to Sport England, this would create considerable risk and time delay to any subsequent planning application.
- Development in the flood plain or critical drainage areas could create considerable risk and time delay to any subsequent planning application.

10. Property considerations for alternative sites that the Cabinet Member should give weighting to when presented with alternative options:

- The site chosen for the youth club does not have any property constraints which might prevent, complicate or lead to additional costs when developing the site. The Council already owns the freehold interest in the site and so there is no cost involved in purchasing the land. The site is not subject to any leases or other agreements to third parties which might require the agreement from other parties before any proposed development can go ahead. The site investigations also indicate that there is no need for expensive remediation works and the topography of the site does not require expensive ground-works prior to construction. These advantages make the development of this site preferable to other sites where property constraints exist.
- If the Council were to enter into a lease with another site owner, a variety of complex issues would have to be agreed including, but not limited to: duration of lease, alienation clauses, repairs and decoration clauses, insurance, whether alterations permitted, break options (if the Council invests considerable sums into making the building fit for purpose, could it be affected by a landlord break clause), hours of use permitted and ability of the landlord to alter these, legal costs and clauses and covenants affecting the land.
- The Cabinet Member would be advised against making any commitments towards entering into leases concerning third party land without knowing precise details of all the terms the Council would need to enter into.

## **Financial Implications**

If the Council chose not to proceed with the present site, all work to date (including architects and consultants fees) would be abortive work. This is estimated to be approximately £190k expenditure. Further work would be required should this option be exercised to quantify the full financial impact of the decision.

## **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The recommendation will enable the Cabinet Member to discuss with the petitioners their concerns, and allow him to consider whether or not to agree to their requests.

### **Consultation Carried Out or Required**

This Petition Hearing is part of the Council's consultation.

## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and the financial implications outlined above, noting that a decision to change the location of the Young People's Centre would already incur significant financial costs and uncertainty to the project.

### **Legal**

There are no special legal implications for the proposal, which amounts to an informal consultation. A meeting with the petitioners is perfectly legitimate as part of a listening exercise. Fairness and natural justice requires that there must be no predetermination of a decision in advance of any wider consultation.

In considering any informal consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer recommendation. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Should there be a decision that further action is required, then the relevant statutory provisions will have to be identified and considered at that time.

## **BACKGROUND PAPERS**

NIL.