

Minutes

North Planning Committee
Tuesday, 23 June 2009
Meeting held at Civic Centre, High Street,
Uxbridge UB8 1UW



Published on:
Come into effect on: Immediately (or call-in date)

Members Present:

Councillors David Allam
Anita MacDonald
Michael Markham
Carol Melvin
David Payne

Advisory Members / Co-optee Members present:

Apologies:

Officers Present:

Also Present

14. ELECTION OF A CHAIRMAN AND VICE-CHAIRMAN

The Committee Clerk sought nominations for the appointment of a Chairman and Vice-Chairman for this meeting only.

Councillor Michael Markham proposed that Councillor David Payne be elected as Chairman, and Councillor Mary O'Connor seconded the proposal. On being put to the vote, Councillor David Payne was duly elected as Chairman for this meeting only.

The Chairman sought nominations for the appointment of a Vice-Chairman for this meeting. Councillor Michael White was nominated and seconded and on being out to the vote, Councillor White was duly elected as Vice-Chairman for this meeting only.

15. APOLOGIES

Apologies had been received from Councillors Eddie Lavery and Allan Kauffman. Councillors Michael White and Mary O'Connor attended in their place.

16. DECLARATIONS OF INTEREST

Councillor David Payne declared a personal interest in the following items, by virtue of having been involved as a Ward Councillor of the application sites:

6 – RAF Eastcote, Lime Grove, Eastcote, 85 – 87 Field End Road, Eastcote and Land forming part of 12 Gladsdale Drive, Eastcote. Councillor Payne withdrew from the room and did not take part in the decision of the applications.

Councillor Anita MacDonald declared a personal and prejudicial interest in item 6 - RAF Eastcote, Lime Grove, Eastcote, as her home backed onto the application site and the developers had surveyed the garden prior to her moving in. Councillor MacDonald withdrew from the room and did not take part in the decision of the application.

Councillor Carol Melvin declared a personal and prejudicial interest in item 8 – London School of Theology, Green Lane, Northwood, as she had discussed the item with residents as Ward Councillor of the application site. Councillor Melvin withdrew from the room and did not take part in the decision of the application.

17. MINUTES OF THE MEETING HELD ON 21 MAY 2009

The minutes of the meeting held on 21st May 2009 were agreed as a correct record and signed by the Chairman; subject to the record being amended to show that Councillor Alan Kauffman was present and was not substituted by Councillor Brain Stead.

18. EXCLUSION OF THE PRESS AND PUBLIC

It was agreed that all items of business would be considered in public except item 13, which was considered in private.

19. CONSIDERATION OF REPORTS

Reports were considered as set out below:

20. RAF EASTCOTE, LIME GROVE, EASTCOTE - 10189/APP/2009/621

Eastcote & East Ruislip Ward

Amendments to reserved matters approval refs: 10189/APP/2007/3046 and 10189/APP/2007/2463 dated 31/03/2008 involving: rearrangement of plots 100-116, removal of access path between plots 102 and 103, provision of rear access to plots 101 and 102 and substitution between plots 103 and 258 of a 4 bed wheel chair unit and 4 bed life time home unit.

The recommendation and amendments on the addendum sheet 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 on changes on the addendum sheet.

**21. HAREFIELD ACADEMY, NORTHWOOD WAY, HAREFIELD -
17709/APP/2009/624**

Harefield Ward

Erection of a three storey building to provide accommodation for 50 boarders and 4 staff with ancillary amenity space, landscaping, car parking and biomass boiler enclosure.

In introducing the report, the officer advised that the need for educational facilities was considered to constitute the special circumstances required to justify this new building in the Green Belt. It was noted that the development was also supported by the Mayor of London. The Committee's attention was drawn to the addendum sheet to note that issues raised in respect of the consultation process had been covered.

The officer directed Members to further amendments in the Addendum sheet, and highlighted additional condition (26), which required a Student Management Plan, to ensure control of any issues that may arise from the boarders in and out of school.

In response to a question about the applicant seeking amendments to recommended conditions, officers advised that this could be addressed via a section 73 application, where consideration would be given to just the changes to the conditions.

A Member asked whether the Management Plan would cover the use of the building during after school hours. Officers responded that Condition 4 limited the use of the building only to Harefield Academy.

Officers advised that Condition 4 should be amended to read as follows: 'The residential accommodation hereby approved shall be occupied solely by students or other persons associated with Harefield Academy'. It was noted that amending Condition 4 this way would prevent use by other bodies.

In answer to a query relating to the inclusion of evergreen screening between the site, officers advised that the Committee could specify by way of an informative, for evergreen to be included in the landscaping scheme (Condition 16).

A petition representative addressed the Committee and expressed concerns about the development. The applicant spoke in support of the application.

For point of clarification relating to a query about properties in Northwood Road not being consulted, the Legal Advisor advised that the Local Authority was only legally obliged to advertise in the local paper and to post site notices (by virtue of article 8 (3) of the GDPO 1995). Although it is good practice, there was no statutory requirement for the Council to send letters to neighbouring properties. It was noted that the fact that a petition and various letters and emails had been received indicated that residents had not been prejudiced.

The recommendation with the amendments on the addendum sheet, condition 4 being amended and an additional informative was moved, seconded and on being put to the vote was agreed.

RESOLVED – That the application be Approved, subject to the following, amendment to condition 4, an additional informative with the amendments on the addendum sheet:

1. That the application be referred to the Mayor under Article 5 of the Town and Country Planning (Mayor of London) Order 2008 (Stage 2 Referral).
2. That the application be referred to the Secretary of State as a departure from the provisions of the Development Plan.
3. That subject to the Secretary of State not calling in the application and the Mayor (i), not directing the council under Article 6 of the Town and Country Planning (Mayor of London) Order 2008 to refuse the application, or (ii) not issuing a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determination by the Director of Planning and Community Services under Delegated Powers.
4. That if the application is approved, the conditions and informatives in the officer's report be attached.

Condition 4 was revised as follows:

The residential accommodation hereby approved shall be occupied solely by students or other persons associated with Harefield Academy.

Additional informative:

The applicant is encouraged to include evergreen as well as deciduous trees in landscaped planting areas between the proposed building and Northwood Road. This is to ensure year round screening of the building from Northwood Road.

22. LONDON SCHOOL OF THEOLOGY, GREEN LANE, NORTHWOOD - 10112/APP/2009/707

Northwood Ward

Erection of two storey teaching block to North West side of existing building (Phase 1) and new chapel and foyer to South East side of existing building (Phase 2) (Part Outline Application.

In introducing the report, officers advised that a previous scheme had been refused, and that the reason for refusal was no longer part of the current scheme being reported to the Committee.

A Member asked for an additional informative to be attached, to encourage the applicant to consider installation of charging points for electric cars, (a Government initiative). Officers advised that the development would need to be of a scale where it could be justified, and highlighted to the Committee that the level of parking had been reduced. The Committee noted that attaching an informative would be asking the applicant to note the request.

The recommendation and amendments on the addendum sheet was moved, seconded and on being put to the vote was agreed.

RESOLVED

That Delegated Powers be given to the Director of Planning and Community Services to grant planning permission, subject to the following and amendments on the addendum sheet:

a) That the Council enter into a legal agreement with the applicants under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) or other appropriate legislation to secure:

(i) 10 Year Green Travel Plan in accordance with TfL guidance.

(ii) Highway improvements, to include a separate footpath at the entrance of the site on Green Lane.

(iii) Project Management and Monitoring Fee: 5% of the total cash contribution to enable the management and monitoring of the resulting obligation.

b) 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.

c) If the S106 Agreement has not been finalised within 6 months, the application to be referred back to the Planning Committee for determination at the discretion of the Director of Planning and Community Services.

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

e) That if by 14th July 2009, the S106 Agreement has not been completed, delegated powers be given to the Director of Planning and Community Services to refuse planning permission for the following reason:

1. The development is not considered to have made adequate provision, through planning obligations, for a Travel Plan and junction improvements.

Given that a legal agreement or unilateral undertaking has not been secured to address this issue, the proposal is considered to be contrary to Policy R17 of

the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's Supplementary Planning Document for Planning (Adopted July 2007).

f) That on completion of the S106 Agreement, the application be deferred for determination by the Director of Planning and Community Services under Delegated Powers.

g) That the application and amendments in the addendum sheet be approved, subject to the conditions and informatives set out in the officer's report.

23. 85 & 87 FIELD END ROAD, EASTCOTE - 15225/APP/2008/3210

Eastcote and East Ruislip Ward

Use of garage at rear for use as storage of commercial goods in connection with commercial premises (Application for a Certificate of Lawfulness for an existing use or operation or activity).

In introducing the report, officers advised that conflicting evidence had been provided by the applicant who had not been able to demonstrate that, on balance of probability, the garage had been in use as storage of commercial goods in contravention of Condition 2 of Planning Permission granted in June 1976 (155225c/76/673). Members were directed to the addendum sheet to note that there had been a change in the recommendation, as an appeal for non-determination had been received.

The Committee heard from a petition representative who spoke in objection to the application. The applicant spoke in support of the application.

In answer to an issue raised, the Legal Advisor advised that it was not for the Committee to search for information relevant to the applicant's case. Certificate of lawfulness should only be granted on the balance of probability to show that use had continued without interruption for a period of 10 years. The Legal Advisor added that the information presented by the applicant did not show this.

With respect to the information provided by the applicant at the meeting, the Legal Advisor advised that the Committee should disregard this information, as officers had not had the opportunity to test it. It was noted that officers could review relevant information in respect of a new application.

A Member added that the balance of probability had not been proven as the applicant had not demonstrated continuity prior to 2002.

The amended recommendation and changes on the addendum sheet was moved, seconded and on being put to the vote was agreed.

RESOLVED – That had an appeal for non-determination not been lodged, the application would have been refused.

24. LAND FORMING PART OF 12 GLADSDALE DRIVE, EASTCOTE - 65761/APP/2009/599

Eastcote & East Ruislip Ward

Two storey three-bedroom detached dwelling with associated parking.

A petition representative addressed the Committee and expressed concerns about the development. The applicant spoke in support of the application.

A representative of two petitions spoke in objection to the development. The agent did not address the Committee.

A representative from Eastcote Conservation Panel addressed the Committee and spoke in objection to the proposed development, on the grounds that it would be out of keeping with the scene, in an area that had always been a Green Belt site. The representative objected to the proposed removal of the willow tree and requested Members to attach a condition to prevent pollution of the stream from building works, given the steepness of the site.

In response to a query raised, officer's advised that the willow tree was required to be removed as it was in decay.

A Ward Councillor addressed the Committee and expressed their support of the petitioners and the comments from the Eastcote Conservation Panel. In Echoing all the concerns raised, the Ward Councillor urged the Committee to support the officer's recommendation for refusal.

With the Chairman's permission, a neighbouring Ward Councillor addressed the Committee, stating that the proposed development would encroach into Green Belt land. The Ward Councillor asked the Committee to protect the ancient hedgerow by conditioning it, and requested Members to accept the officer's recommendation for refusal, to ensure that the Green Belt was protected. The Committee was advised that comments from residents in Northwood Hills had been omitted.

A Member added that the proposed cramped development would encroach into Green Belt land and would be detrimental by virtue of it being against the boundary of Green Belt land.

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

RESOLVED – That the application be Refused for the reasons set out in the officer's report.

25. LAND AT 1-10 LEES AVENUE, NORTHWOOD - 63316/APP/2009/774

Northwood Ward

Block of 6 two storey, three-bedroom terraced houses and a two-bedroom detached bungalow with associated parking and vehicular crossovers, involving the demolition of existing 10 attached bungalows).

The recommendation and amendments on the addendum sheet was moved, seconded and on being put to the vote was agreed.

RESOLVED – That the application and amendments in the addendum sheet be Approved, subject to the conditions and informatives set out in the officer’s report.

26. BUILDERS YARD, JOEL STREET, NORTHWOOD - 16194/APP/2009/580

16194/APP/2009/580

Northwood Ward

In introducing the report, officers advised that no case for very special circumstances had been made by the applicant for this development, which would be detrimental to the open character of the green belt. The plans submitted did not indicate provision for off-street parking or for manoeuvring areas for large vehicles.

In answer to a question about the proposed storage of materials, officers advised that the materials currently stored externally, would be stored internally in the proposed development.

It was noted that there were a number of developments on the site, which did not have the benefit of planning permission, and these were being investigated.

A petition representative spoke in support of the development.

In addressing the Committee, a Ward Councillor stated that it was accepted that the site had been in existence for considerable years, and had operated with relatively few problems. He added that there had however been a marked increase of activity on site and though not an unusual occurrence for vehicles to turn into and out of Joel Street, vehicles reversing out into Joel Street would be very dangerous and would lead to further congestion.

The Ward Councillor urged the Committee to refuse the application as the proposed development would be detrimental to the openness of the Green Belt.

A Member commented that although tidying up the site would be welcomed, the proposed development would encourage further increase of activity on the site and would not be appropriate in the Green Belt.

The recommendation for refusal and comments on the addendum sheet was moved, seconded and on being put to the vote was agreed.

RESOLVED – That the application be refused for the reasons set out in the officer’s report and amendments in the addendum sheet.

27. ENFORCEMENT REPORT

Kylemore House, (Formerly Tanrey House), Hill End Road, Harefield

Harefield Ward

RESOLVED

- 1. That Enforcement Action as recommended in the officer’s report was agreed together with the amendments in the addendum sheet.**
- 2. That the decision and the reasons for it outlined in this report into the public domain, solely for the purpose of issuing the formal enforcement notice to the individual concerned.**