

Minutes



NORTH Planning Committee

13 July 2017

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

	<p>Committee Members Present: Councillors Eddie Lavery (Chairman), Raymond Graham, Henry Higgins, Manjit Khatra, John Oswell, Jazz Dhillon, Ian Edwards (Reserve) (In place of Duncan Flynn), Brian Stead (Reserve) (In place of Jem Duducu) and David Yarrow (Reserve) (In place of John Morgan)</p> <p>LBH Officers Present: James Rodger – Head of Planning and Enforcement Mandip Malholtra – Pre-Applications Manager Matt Kolaszeski - Principal Planning Officer Roisin Hogan – Planning Lawyer Neil Fraser – Democratic Services Officer</p>
31.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillors Duducu, Flynn and Morgan. Councillors Stead, Edwards and Yarrow were present as their respective substitutes.</p>
32.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
33.	<p>TO SIGN AND RECEIVE THE MINUTES OF THE MEETING HELD ON 20 JUNE 2017 (<i>Agenda Item 3</i>)</p> <p>RESOLVED: That the minutes of the meeting held on 20 June 2017 be approved as a correct record.</p>
34.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>The Chairman confirmed that item 7 had been withdrawn, and that a late petition on item 9 had been received. The Chairman therefore varied the order of business so that those items with petitions were taken first.</p>
35.	<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 items 6-10 were marked as part I and so would be considered in public. Items 11 and 12 were marked as part II and would therefore be considered in private.</p>

36. **51-53 PEMBROKE ROAD - 66982/APP/2017/1468** (*Agenda Item 6*)

Two x 3-bed detached bungalows with associated parking and amenity space

Officers introduced the report, and confirmed that the proposed new properties would be chalet bungalows located on two garden plots at the rear of 51 and 53 Pembroke Road, accessed by a route from Pembroke Road. Existing vehicular access would be opened up to allow access to the plots 1 and 2, and officers considered that the proposed new parking arrangements would work for the scheme. Members were informed that although the current garden was very long, it was not uncharacteristic of the area to have large, detached properties with extensive gardens.

Members were reminded that iterations of the application had been before the Committee on a number of previous occasions, including three refusals dismissed on appeal. The current proposal differed slightly from the version most recent recently dismissed on appeal, as the buildings had been reduced from two and a half storeys to bungalows, the width of the dwellings had been reduced by 1.7m, and the width of the hard standing had been reduced by 0.4m, alongside the addition of new planting. However, officers did not consider that the changes addressed the previous reasons for refusal or the issues raised at appeal, and it was therefore recommended that the application be refused.

The Chairman confirmed that a petition in objection to the application had been received, but that the petitioner was not present.

The agent acting on behalf of the applicant addressed the Committee, and stated that previous applications had primarily been refused due to concerns over the quantum of development and the effect on views from buildings facing the site. Regarding the principle of development, the agent asserted that the inspector had stated that the loss of garden land as proposed would not cause unacceptable harm, and did not justify a refusal. The inspector had gone on to state that in principle, there was no reason why some form of residential development at the site should not be acceptable. In response to the pre-application enquiry for the current scheme, the agent stated that Council's officer had confirmed that there was no principle objection to background development, providing that it was of appropriate scale and did not erode the open and green character of the surrounding area.

With regard to the quantum of development, the current scheme was proposing a 60% reduction in floor space from the earlier proposal, and a reduction in height from two and a half storey buildings to bungalows that were no higher than the nearby perimeter hedges. In commenting on the pre-application enquiry, the agent confirmed that the Council's officer had stated that the reduction in the size and scale of the development were welcomed and was considered acceptable in the context of the site. The agent confirmed that the width of the dwellings had been reduced by 1.7m, eaves had been lowered by 2.6m, ridges lowered by 2.6m, and the gap between the proposed dwellings increased by 6.8m.

In relation to the proposed drive access, the agent asserted that the appeal inspector had previously stated that the proposed access onto Pembroke Road would be visually acceptable. With regard to the affected views between buildings, the Council had approved a new two storey dwelling attached to the side of 51 Pembroke Road, and whilst that would not go ahead should this application be approved, it was a material planning consideration, as it would have further restricted views towards the site that

would affect the Pembroke Road frontage.

The agent went on to highlight that there were no views into the garden land from 51 or 53 Pembroke Road from the street, as the gardens were either obscured by buildings or by 2m high fences. Additionally, as the land proposed for development was devoid of any vegetation other than grass, there was nothing to be seen from the public realm. The high level vegetation of trees and tops of hedges was aligned exclusively on the site boundaries and was to remain unchanged. Extensive new soft landscaping would include six new trees within the body of the site, together with two new trees along the road frontage. All boundary vegetation was to be retained.

The agent confirmed his concern that the officer's report was recommending refusal, as this was contrary to the positive comments and advice received following the pre-application enquiry. In addition, concerns were raised that the case officer had not conducted a site visit, and therefore that the merits of the proposal had not been adequately assessed. In addition, the agent contended that the officer's report contained a number of errors, and excessively laboured the views into the site, which in reality did not exist, thereby compounding the misapprehension that the new buildings would be visible.

The agent concluded by asserting that all previous concerns had been addressed, reflected in the positive pre-application enquiry response received, before confirming that the applicant would accept a deferral to enable a site visit to be carried out.

The Chairman drew the Committee's attention to page 19 of the report, which referenced several matters that the agent had omitted from his representation. With regard to the agent's assertion that the advice received as part of the pre-application enquiry was felt to be inappropriate, the Chairman confirmed that this should be addressed through the Council's complaints procedure. The Chairman went on to advise that the Committee would be considering the application in light of the signed officer report presented by the Head of Planning, which was the considered views of the Planning department and associated officers.

Members confirmed that they did not consider that the new application had addressed the recent inspector comments regarding developments in rear gardens, and the officer's recommendation was therefore moved. This was seconded, put to a vote, and unanimously agreed.

RESOLVED: That the application be refused.

37. **2-6 WOODSIDE - 70377/APP/2017/888** (*Agenda Item 7*)

The item was withdrawn from the meeting.

38. **1D KENT GARDENS - 71958/APP/2017/1872** (*Agenda Item 8*)

Single storey rear extension with glazed roof. Erection of boundary fence and hedging adjacent to eastern boundary

Officers introduced the report, and confirmed that the single storey extension proposed would mirror that of the adjoining property. The existing free-standing brick wall was to be removed and replaced by a 1.5m close-boarded fence. Hedging would be planted, and the small picket fence currently present was to be retained until the vegetation had been established, to allow for a larger enclosed area and to provide a better visual amenity for the public realm.

By way of background, officers informed Members that when the RAF Eastcote development was undertaken, there were large communal areas maintained by the management company that were not associated with any particular property. In addition, there were areas located at the side of some houses and flats that were deemed to be 'private amenity areas' but were not large enough for meaningful use. With regard to 1d Kent Gardens, the small area to the right side of the property had been left to the homeowner to maintain. The homeowner had since applied for ownership of the entire land area, up to the pavement edge, which had been refused under delegated authority, though a subsequent compromise was reached through the Council's landscape architect to install a boundary hedge.

Officers confirmed that the application was recommended for approval.

Members requested confirmation that the small parcel of land at the side of the property was definitely owned by the homeowner. Officers confirmed that a review of the title deeds had shown that this land was in the homeowner's possession. It was therefore incumbent on the homeowner to maintain the area, rather than the management company.

The Chairman suggested that conditions 3 and 4, as set out in the report, be removed as neither was needed in light of condition 5. On this basis the officer's recommendation was moved, seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be approved, subject to the removal of conditions 3 and 4.

39. **66 THE DRIVE - 4011/APP/2017/203** (*Agenda Item 9*)

Erection of two storey detached building with habitable roof space for use as 5 flats: 4 x 2 bed and 1 x 3 bed flats with associated amenity space and parking, involving demolition of existing building (Outline Planning Application with All Matters Reserved)

Officers introduced the report, and highlighted the addendum. Members were informed that one additional letter of representation had been received, and that most of the points contained therein had been addressed by officers as set out in the addendum, which included confirmation that Highways officers were content with the revised parking layout. Similarly, all points raised by the newly received petition had been addressed within the officer's report.

An email objecting to the application had been received from the occupant of one of the adjoining properties, and while the points contained therein had also been addressed within the report, these were expanded on by the officer. With regard to concerns over the design of the application, Members were reminded that the proposal to be determined was for an outline application that sought for all matters to be reserved, to be assessed at a later date.

The email asserted that the application site should not be taken as the midpoint of the survey. The policy was clear in stating that the application site, 66 The Drive, was in fact the midpoint for the purposes of the survey.

The email also raised concerns over the 15m separation distance listed. In response, the officer suggested that this had likely been misinterpreted, and confirmed that the 15m rule related to distance from habitable rooms front and rear.

With regard to the application, it was confirmed that this had previously been deferred by the Committee until further detail on the quantum of development, and whether the development could be accommodated on the site, could be received. Additional plans had since been secured, and showed that the proposal could be accommodated on site and that it would not infringe on a 45 degree line.

Highways officers had previously asked for a minimum of seven parking spaces on site. In response, the applicant had demonstrated that eight parking spaces could be accommodated on the front driveway, and Highways officers had confirmed that the proposed layout met the standard required. It was therefore deemed that local resident concerns over a perceived under provision of parking had been addressed.

The officer concluded by recommending that the application be approved.

A petitioner objecting to the proposal addressed the Committee, and asserted that the latest proposal had not fundamentally changed from previous applications. The proposal was for high density flats, to accommodate twenty-one people, which was out of character with the local area and would impact on the street scene, in what was a rural location.

The Drive was an unmaintained private road, which lacked street lighting, pavements or drainage. Much of the road was less than 4m wide, and it was difficult for cars to pass each other at the north end. This already presented safety concerns due to the lack of pavements, as residents (including children) were required to walk in the road.

The PTAL rating for the location was 1; the bus stop for Ickenham/Uxbridge was 15 minutes walk away, with pavements absent for some distance. According to table 6.2 of the parking standards, in suburban locations with a PTAL rating between 0 and 1, up to two spaces per unit may be required. As this was a rural location, other properties in the road generally had one car per adult. The proposed flats were likely to be priced to appeal to couples and professionals, who would need access to a car to get to and from work. The proposed eight parking bays for twenty-one people would therefore be inadequate, and it was unclear where other cars would park.

The golf course and residents' properties were required to be accessible to utility vehicles. The main access was from the south, as there was a blind, narrow junction at Harvil Road. Evening functions at the golf course used coaches, which would be unable to exit with on-street parking. Given the lack of pavement, street lighting, road width and the proximity of the golf course access, residents of The Drive requested that the application provide two car parking spaces per dwelling as a minimum, and even with such provision, concerns remained over where other cars could be safely parked. The parking bay was proposed to be 2.2m from the flat, but there appeared to be a bay window projecting into this space, which further reduced parking space.

The proposal was out of character with its surroundings, was an overdevelopment of the site, and construction was not possible without permanent damage to the privacy and enjoyment of neighbour's gardens. Though it was understood that this was only an outline application, it was believed that the proposal conflicted with a number of guidelines. The proposed bulk would overdominate and overshadow 68 The Drive, due to the increase in ridge height and its location at the southwest. In addition, 64 and 68 The Drive would lose all privacy to the rear, and this could not be safeguarded, regardless of the development's proposed internal layout. There were no elevation drawings provided, which prevented a full assessment of the impact of the street scene and neighbouring properties.

The petitioner concluded by stating that, if the application was to be approved, residents requested two car parking spaces per dwelling, in accordance with residential parking standards, to mitigate the inevitable pressure to park on the road and the resulting highway and amenity problems. However, it was maintained that this was an overdevelopment in a rural location, and therefore requested that the application be refused.

Members sought clarity from the petitioner as to whether there were any other, similar developments located nearby. The petitioner confirmed that there were no such developments on this section of The Drive, but there was a development that comprised 5 flats on a larger plot, elsewhere.

The agent for the application addressed the Committee, and reminded the Committee that the application to be determined was purely an outline, to establish the principle of development only. It was therefore normal that no details of elevations were being provided at this time. The Council was not being asked to assess the effect on the amenity of adjoining occupants above the 45 degree line, which had been addressed on the plans.

The application had been substantially reduced from the previous application, with a large amount of bulk removed from the rear of the building to address the Committee's concerns. The agent asserted that generally, those accessing the golf course car park did not use Harvil road, as this was a dangerous junction and the road was in some state of disrepair. In addition, it was asserted that coaches rarely went to the golf course, as it was felt to be in decline.

The proposed parking provision met the Council's standards, and two spaces would be excessive in light of attempts to reduce the dependence on the motor car and the London plan's recommendation for one car per unit as a standard across London.

The agent disputed the petitioner's claims that this was a rural site, and asserted that this was a suburban site, with houses on both sides of the road. The footprint of the proposed development, as shown on the plans, was not dissimilar to what was currently on site, and therefore was not out of character with the local area.

Members sought clarity from the agent over what was planned to be done with the outbuilding at the rear of the property. The agent confirmed that this would likely be removed as part of the detailed design.

Members discussed the application, and were pleased that the applicant had sought to address the Committee's previous concerns by amending the proposal. However, concerns remained over the parking provision on site, in light of the weak transport links from the area and the likelihood that future occupiers of the dwellings would own vehicles. In addition, Members raised concerns that there would be overdominance of 68 The Drive.

With regard to the parking provision, officers considered that with eight spaces for five flats, a refusal could not be granted on the basis that there was not enough parking provision. On the matter of overdominance, officers reiterated that this was an outline application. A belt of mature trees was located between the properties in question, which were proposed to be retained, whilst the proposal was compliant with the policy regarding 45 degree lines. The Committee was advised that the detailed design at the reserved matters stage would assess matters such as layout and design in more detail. Officers confirmed that, were the Committee minded to do so, conditions could be added to ensure that the outbuilding was removed and the trees were retained.

Members raised concerns that the principle of flats to accommodate twenty-one occupants was out of character with the road in question, Officers confirmed that, as set out in the report, there was a precedent for flatted development within The Drive, and the development was compliant with the Council's 10% policy over flatted developments.

Members sought clarity over the percentage of the front garden would be left as soft landscaping, and whether that met Council policy. Officers confirmed that the front garden met the 25% threshold for soft landscaping within the indicative layout received.

On the basis that the development complied with the Council's 10% rule for flatted development, as well as the Council's parking policy, Members moved the officer's recommendation with the addition of conditions relating to the removal of the outbuilding and the retention of the tree line separating the development property and 68 The Drive. This was seconded and, when put to a vote, unanimously agreed.

RESOLVED:

- 1. That the application be approved; and**
- 2. That the Head of Planning being given delegated authority to amend conditions relating to the retention of trees on site and the removal of the outbuilding, notwithstanding the approved plans.**

40. **S106 QUARTERLY MONITORING REPORT** (*Agenda Item 10*)

RESOLVED: That the report be noted.

41. **ENFORCEMENT REPORT** (*Agenda Item 11*)

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).

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

The Head of Planning and Enforcement explained to Councillors that for this item a greater degree of delegation was sought as further breaches of control had occurred since the report was produced; that he was seeking authority to serve notices against all breaches of control causing harm to the appearance of the streetscene.

RESOLVED -

- 3. That the enforcement action as recommended in the officer's report be agreed;**
- 4. 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).

ADDENDUM

The meeting, which commenced at 8.00 pm, closed at 8.50 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.