

## Minutes



### MAJOR Applications Planning Committee

12 September 2018

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

	<p><b>Committee Members Present:</b> Councillors Eddie Lavery (Chairman), Ian Edwards (Vice-Chairman), Alan Chapman, John Morse, John Oswell, Devi Radia, Steve Tuckwell, David Yarrow and Jazz Dhillon (in place of Janet Duncan)</p> <p><b>LBH Officers Present:</b> Alan Tilly (Transport and Aviation Manager), Glen Egan (Office Managing Partner - Legal Services), Mandip Malhotra (Strategic and Major Applications Manager), James Rodger (Head of Planning and Enforcement), Kerrie Munro (Legal Advisor) and Anisha Teji (Democratic Services Officer)</p>
49.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Cllr Janet Duncan, with Cllr Jazz Dhillon substituting.</p>
50.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>Cllr Alan Chapman declared a non pecuniary interest in relation to the Former Tommy Flynns PH and left the room during the consideration of the item.</p> <p>A declaration of interest was declared by Cllr John Oswell in relation to agenda item 6 as he was the local Ward Councillor. He remained in the room for the discussion and vote on the matter.</p>
51.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING</b> (<i>Agenda Item 3</i>)</p> <p><b>RESOLVED – That the minutes from the 22 August 2018 were approved as an accurate record.</b></p>
52.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>Agenda item 10 was withdrawn prior to the meeting.</p>
53.	<p><b>TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED INPUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE</b> (<i>Agenda Item 5</i>)</p> <p>It was confirmed that all items would be heard in Part I.</p>

54. **579-583 UXBRIDGE ROAD, HAYES - 72470/APP/2016/4648** (Agenda Item 6)

Officers introduced the report and provided an overview of the application. Planning permission was sought for the demolition of three dwelling houses and redevelopment of site to provide 21 units within two new buildings with associated access, parking, landscaping and amenity space. Officers highlighted the addendum and made a recommendation for approval and section 106.

There were no petitioners present for this application.

The agent addressed the Committee and submitted that the proposal provided much needed housing in a sustainable location. The application had been amended to address concerns raised by officers and residents. It now comprised of two new residential blocks, providing a mixture of unit sizes, associated access parking, landscaping and amenity space with various revisions to the scheme. There was also an agreement to make an affordable housing contribution of £151,000. The current proposal followed a very similar format adopted on the adjacent site at Kingswood Place, but had been scaled down. Following concerns raised, the front block had been lowered, the height of the eaves had been amended and brick was being used as the only facing material. The revised external design met necessary requirements. Overall, the agent submitted that the pedestrian layout, road, bin and bike store, parking and amenity space had been improved following concerns raised. Four large three bedroom units at ground floor level had also been included. The reduced scale had been carefully considered, and every point raised had been responded to and adjusted. The amended scheme accorded with policy and made the most efficient and effective use of the site, providing much needed housing and, overall, was a positive addition.

Members discussed the application and noted the increased housing contribution. Members questioned whether this application breached the 10% rule. The Head of Planning explained that there were no precise figures, however based on recent appeal decision, a refusal could not be made solely on this reason. The 10 % rule was mainly there to protect street scenes from excessive cluttered development proposals.

Members welcomed that the development's architectural style was in keeping with the Kingswood Place and that the plans had been revised following consultation. Members questioned whether the fact that the access point would be shared with Kingswood Place, would mean that additional traffic control measures were needed. Officers confirmed that that no additional traffic control measures were needed.

It was suggested that an additional condition be included in relation to enhanced noise. Given that the development had living rooms with bedrooms above, this would be relevant to certain blocks. Officers confirmed that this would not be an issue.

In light of the points raised in relation to air quality, it was confirmed that condition 11 was robust.

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

**RESOLVED – That the application and s 106 be approved, subject to the changes in the addendum and conditions agreed at the meeting relating to noise.**

55. **FORMER TOMMY FLYNNS P.H., SUTTON COURT ROAD, HILLINGDON - 8396/APP/2018/1635** (Agenda Item 7)

Officers introduced the report and provided an overview of the application. Planning permission was sought for the variation of Condition 2 of planning permission ref: 8396/APP/2016/777 dated 04-11-2016 (Redevelopment of the site to provide a new three storey building containing 26 flats (Class C3) with associated parking, balconies, landscaping and rear communal amenity space) to relocate the bin storage area and to introduce an additional studio unit with associated elevation, parking and landscaping alterations). Officers highlighted the addendum and made a recommendation for refusal.

Three petitioners spoke in objection to the application for a total of five minutes, and in summary, submitted that the residents at Snowdon Avenue would be adversely affected by noise and odour if this development were to go ahead. Car exhausts fumes and odour towards the kitchen existed. One of the properties had a kitchen air vent which faced the proposed bin area which was less than six metres away. This was wholly inappropriate and living space would be ruined if the application was approved. Petitioners were disappointed with the 30 m limit for rubbish in transit and considered that the scheme represented a massive hurdle for disabled residents. There was also an issue with foxes in the area which could affect waste bins. Petitioners were encouraged by the fact that officers made a recommendation for refusal. The relocation of cycle store, expansion of the car park and loss of the soft space would bring unacceptable noise and disturbance. It would endanger what remained of the trees on the site and, if approved, would revert back to the cramped overdeveloped area. The layout of the car park seemed to differ to the approved land. The process had been stressful for petitioners. Petitioners asked for the application to be refused.

The agent addressed the Committee and made the following points. The agent referred to a briefing note that had been circulated earlier to all Members, the petitioners and officers. The agent asked Members to consider the facts, have regard to the suggested planning conditions and asked for them to support this application. This application was a minor amendment to an approved scheme which was now under construction and substantially complete. It was submitted that the officer's report raised no objection to the additional housing unit, waste officers confirmed the acceptability of the bins location, highways officers supported the application for additional car and cycle spaces and the design and the window, door and size were all supported. The agent referred to national planning policy guidance where it was stated that in cases where conditions could be suitably imposed, planning permission should not be refused. The agent noted the refusal reasons and commented on them each individually. The agent submitted that, in light of the need for more housing in urban areas and the suggested planning conditions, this application should be approved.

Members questioned whether the refusal reason on the trees and whether the suggested conditions could overcome the refusal reasons. Officers explained that the purpose of lodging the planning application was to ensure that there were no uncertainties. In this case, there had been no assurances that there would not be a detrimental impact on the tree. The onus was on the Council to protect the trees and in this case, there was insufficient evidence to suggest that refusal reason two should be removed.

Members noted that the current developed site was already above the density of the London Plan. Members questioned whether this was going to be higher and could this be another refusal reason. Officers explained that refusal reasons were formed based on the actual issues and that could be defended at appeal. It was confirmed that the density was rising but was not enough to form a refusal reason as this was outweighed

by the need for more affordable housing.

Members commented that it was a nice development, however accepted the petitioners concerns regarding noise and odour. Members also considered that the design in relation to the location and distance of the bins did not serve all residents of ages and accessibility. Officers clarified that accessibility issues were included in building regulations.

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

**RESOLVED – That the application be refused as per officer's recommendations.**

56. **15 - 17 HIGH ROAD, ICKENHAM - 57069/APP/2018/1779** (*Agenda Item 8*)

Officers introduced the report and provided an overview of the application. Planning permission was sought for the erection of a three storey building comprising 3x1 bed, 6x2 bed and 3x3 bed flats with associated parking, cycle and amenity space. Officers highlighted the addendum and made a recommendation for approval and sec 106.

A petitioner spoke in objection to the application. The petitioner asked for this site to be developed as it had been derelict for the past 14 years. However, the petitioner submitted that this high density application should not be approved. The petitioner gave a history of previous applications on the site and refusal reasons. The petitioner raised significant concerns about the pedestrian footpath and the position of the curb for the access road and how it impacted residents in particular children. The density of the development was also a concern as there were 12 flats which counted as 24 bedrooms. Some of the bedrooms would be three bedroom accommodation with no access to amenity space. The car parking space had no turning area. The petitioner explained that this application had not grown much. There was no visitor parking space and the petitioner questioned whether a proper consultation had been carried out. In summary, the petitioner submitted that the pedestrian layout made it unsafe for children to travel. The petitioner asked for the application to be refused.

The agent addressed the Committee and submitted that many of the arguments put forward by the petitioner related to previous applications. Those applications were independent from today's application and the client acquired the site in 2016. Extensive discussions took place with officers about the cottages (which were derelict for approximately 18 years) and a full assessment was undertaken. There was an aim to retain the cottages, however they could not be retained. A consultation period had been carried out. Parking standards, amenity and flats complied with standards and this was a reasonable scheme maximising the ability to provide housing on this site. The applicant was offering the Council £115k in affordable housing contributions and £20k due to off site sustainable measures. The applicant had been generous with affordable housing. The scheme was a reasonable proposal, meeting all standards and the agent asked for approval.

At the outset, the Chairman reminded the Committee would only be able to consider comments and changes in relation to the consented nine unit scheme. This application had to be determined in on its own merits. The Head of Planning commented the 2004 application related to 12 units however it had many different aspects to its application, which he highlighted to the Committee.

Members noted that planning permission existed for this block of nine flats and also that the street appearance appeared relatively the same. The changes were all policy

complaint in terms of amenity space and size and use.

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

**RESOLVED – That the application be approved as per officer's recommendation and subject to any variations in the addendum.**

57. **ST JOHNS SCHOOL, POTTER STREET HILL, NORTHWOOD - 10795/APP/2018/149**  
(Agenda Item 9)

Officers introduced the report and provided an overview of the application. Planning permission was sought for the demolition of the existing sports hall and construction of a replacement sports hall to provide indoor PE and sports facilities. Officers highlighted the addendum and made a recommendation for approval and sec 106.

A petition was submitted in objection of the application. A petitioner and nominated representative spoke in objection of the application. The petitioner explained that this development concerned an application in a green belt for which there was clear judicial authority and case law. Need meant required for the public and community as a whole, it did not mean need or desire for a private interests. Unmet need alone was unlikely to constitute very special circumstances, and the hurdle to prove this was very high. Even in cases involving children's education, family housing and human rights, applications were denied given the substantial weight given to greenbelts. Openness and visual impacts were two distinct concepts. Loss of openness added further substantial harm and could not be mitigated against. Other factors also needed to be considered, there was no legal indoor requirement for physical education and the petitioner explained what the legal requirements were. The petitioner submitted that Sports England was only a statutory consultee, they were unable to dictate the size and design of the sports hall. A robust and up to date assessment of the need in the area had not been done. The correct height of the hall was 9.6 metres. The PE timetable was a total of eight hours divided into 14 lessons which was less than 50% of the sports hall capacity. A real requirement had not been demonstrated for the replacement of the school gym.

School, parents and even Ofsted had said that the provision for a sporting performance was already excellent in the school. Current sports resources were under utilised and it did not make sense to develop this building when the area already had accessibility difficulties. The petitioner made reference to paragraph 73 of the NPPF, the fact that legally, changing and shower facilities were only required for children over 11 years old and there were better options for Community Use Agreement in local schools outside the Green Belt. The real question to be answered was whether there were any very special circumstances to justify this development. The nominated representative submitted that in this case there was no requirement in the greenbelt area, the need was questionable and the case was fatally flawed. The mitigation offered did not compensate anything. It was submitted that there was a need to be guardians of the greenbelt as when it is gone it is gone, and hence this application needed to be rejected.

The Headmaster for the school was nominated to speak on behalf of the applicant/agent. He submitted that the school had worked with the LBH for the past three years and provided the opportunity for consultation. Two pre planning applications had been adopted with all of the suggestions and recommendations made during the process. The school welcomed the support from Sports England, the GLA and the Council. The need for a new sports hall would give the school an extended PE curriculum as the current facility was over 30 years old and did not meet today's standards. It was

submitted that an active lifestyle was encouraged, and research showed that daily exercise meant that children were more receptive to classroom learning. Architects had put forward an application that provided a three-court sports hall. Consideration was given to a larger and more usual sports hall but this would have had more of a significant impact on the greenbelt and footprint. The sports hall would be multi purpose including pre and after school care. The site was sensitive but the design did everything it could to minimise impact on the greenbelt and the residents. Consultation was carried out, and local residents were invited to attend and speak to governors and teachers to answer any questions. Access concerns were raised and as a result construction environment action plans would be created. No construction traffic would enter the schools grounds from the Gateshill estate. The school was keen to use this as an opportunity to develop relationships with primary schools and were proposing to green part of the site by converting it into an allotment. The high bar set for greenbelt contractions was fully understood and it was submitted that the very special circumstances test had been met.

In response to a Member questions regarding the community use agreement, the Headmaster confirmed that the facility would be used to work in partnership with primary schools. There was already Taekwondo group that used the facilities for other activities. The current hall did not meet the education requirements due to its size and not big enough, extending it would allow the school to have facility to work inside and outdoors. The hall could be used for sporting and general activities, as there was stage. Outdoor facilities were used for games; there was an astro turf and field.

At the outset of the discussion, the Legal Advisor echoed the statement of the petitioners that once greenbelt is gone it is gone. Therefore, national policy required very special circumstances to justify what would otherwise constitute inappropriate development in the green belt. It was a matter for the Committee's judgement as to what constituted very special circumstances. The case made by the school was that the facility was outdated and needed replacing and residents disagreed. The factors in the report needed to be taken into account, in addition to all the points made by officers, the petitioner the Headmaster, Sports England and the GLA. The Legal Advisor also asked the Committee to take into account the public sector equality duty as outlined in the report. The Legal advisor disagreed with the petitioners' submissions in relation to the test of need, which according to the petitioners was for need to be demonstrated in the public interest . He advised that this related to a case that was originally heard in 2013 but which had been overturned by the Court of Appeal in 2014. The Legal Advisor explained the definition of need which was to establish need in a broad sense, so that the requirement was capable of being met by establishing the existence of a demand for the proposed type of facility which was not being met by existing facilities.

The Committee noted that the sports hall building would be substantially bigger than what was already on the site. It also noted the assertions that once greenbelt had gone, it had gone and empathised with the concerns of residents. The Committee had some reservations about the development being built on the greenbelt. However, the Committee bore in mind the evidence of experts that a need had been expressed. This was an additional building in an already developed site.

Members discussed desire vs need. Members discussed the degree to which the green belt was eroding, and one member wondered whether this application was a desire rather than a need. There were already facilities for the school to carry out physical education activities. A member questioned where the line would be drawn as other schools had similar facilities or had no facilities and used indoor facilities.

Members considered that there was a need for better changing facilities. It was noted that this development was in the best interests of children, which could lead to qualifications and careers. This was echoed by officers and Sports England. For these reasons, after balancing all the submissions put before it, the Committee considered that the need was met and were satisfied there was an acceptable special circumstances argument.

The Head of Planning noted that there had been a lot of discussion and consultation and the proposal had been drawn back in terms of the scale of the facilities. This was drawn back to address earlier concerns, provisions in the plan and to include a green roof.

In summary, Members considered that there was a need for the children. Young children needed exercise and the facility would enhance this. There was also semi public access to other primary schools. The green belt designation had to be considered in the context of it being a built up school site and overall this was not a bad scheme. The Committee came to view that it would be difficult to refuse this as it was complaint and in accordance with planning policies. There was an agreement amongst Members that it was important to get education right from the start for the interests of children.

Members requested an informative be included in relation to a Sport England comment about doors and hinges being flush and not projecting out.

The officer's recommendation was moved, seconded, and when put to a vote, seven voted in favour and one abstained.

**RESOLVED –**

**That the Committee –**

- 1) approve the application as per officer's recommendation and the amendments in the addendum;**
- 2) delegate authority to the Head of Planning, to formulate suitable wording for a condition to ensure maintenance of green roof;**
- 3) an informative be included to include the Sports England comment on hinges; and**
- 4) a more robust accessibility condition be formulated.**

58. **1 - 3 BAKERS ROAD, UXBRIDGE - 8218/APP/2018/2405** (*Agenda Item 10*)

This application was withdrawn prior to the meeting.

The meeting, which commenced at 6.00 pm, closed at 7.42 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.**