

## Minutes



**CENTRAL & South Planning Committee**

**6 February 2019**

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

	<p><b>Committee Members Present:</b> Councillors Ian Edwards (Chairman), David Yarrow (Vice-Chairman), Shehryar Ahmad-Wallana, Mohinder Birah, Nicola Brightman, Roy Chamdal, Jazz Dhillon and Janet Duncan</p> <p><b>LBH Officers Present:</b> Meghji Hirani (Planning Contracts &amp; Planning Information), Armid Akram (Highways Development Control Officer), James Rodger (Head of Planning and Enforcement), Liz Penny (Democratic Services Officer) and Glen Egan (Office Managing Partner - Legal Services)</p>
182.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Alan Chapman.</p>
183.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
184.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING</b> (<i>Agenda Item 3</i>)</p> <p>It was noted that there was an error in the minutes of the C&amp;S Planning meeting dated 21 November 2018. The resolution regarding item 11 on the agenda (Worcester Road) needed to be amended to read 'deferred' rather than 'refused'. Members approved this correction.</p> <p>The minutes of the meeting dated 10 January 2019 were agreed as an accurate record.</p> <p><b>RESOLVED That:</b></p> <ol style="list-style-type: none"><li><b>1. The resolution in the minutes of the C&amp;S Planning meeting dated 21 November 2018 be amended to read 'deferred' rather than 'refused' (item 11 - Worcester Road).</b></li><li><b>2. The minutes of the meeting dated 10 January 2019 be agreed as an accurate record.</b></li></ol>
185.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>

186.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE</b> (<i>Agenda Item 5</i>)</p> <p>It was confirmed that the items of business marked Part I (items 1 - 14) would be considered in public and the items of business marked Part II (items 15 - 18) would be considered in private.</p>
187.	<p><b>201 SHAKESPEARE AVENUE, HAYES - 29319/APP/2018/3498</b> (<i>Agenda Item 6</i>)</p> <p>Officers introduced the application which sought planning permission for a single storey outbuilding to the rear of the property for use as an office and storage (Retrospective). Members were informed that a Certificate of Lawful Development had previously been granted but, when built, the outbuilding had exceeded the maximum height limitation and had included the installation of a waste water pipe which discharged into the adjoining Park. The applicant had now submitted a revised scheme which included a reduced height and the removal of the waste pipe. The proposed outbuilding adjoined Green Belt land and would have a maximum height of 2.5m which would be just above the height of the existing boundary wall.</p> <p>Councillors expressed concern regarding the impact on the adjoining Green Belt land and were informed that the 2.5m boundary wall was deemed to be acceptable in this case. In response to questions from the Committee, it was confirmed that there were no trees to shield the view of the outbuilding from the park and planting would not be possible due to lack of space. Members were informed that there were other similar outbuildings already in existence in the immediate area which exceeded the recommended 2m height. However, it was suggested that the Council should not be seen to be encouraging the building of 2.5m walls around the perimeter of the park.</p> <p>Members were mindful of the need to avoid setting a precedent for future similar applications. They proposed that the officer's recommendation be overturned and the application be refused on the grounds of height and the visual impact on Green Belt land.</p> <p>A motion to overturn the officer's recommendation was moved, seconded and, when put to a vote, approved with six Members voting in favour and one abstention.</p> <p><b>RESOLVED That:</b></p> <ol style="list-style-type: none"> <li><b>1. the application be refused due to the adverse impact on Green Belt land;</b></li> <li><b>2. the wording of the reasons for refusal be delegated to the Head of Planning and Enforcement.</b></li> </ol>
188.	<p><b>CARDINAL BUILDING, HIGHPOINT VILLAGE, STATION APPROACH, HAYES - 10057/APP/2018/2257</b> (<i>Agenda Item 7</i>)</p> <p>Officers introduced the application and highlighted the addendum. The application sought planning permission for a change of use of the mezzanine level used as an office (Use Class B1) to provide 1 x studio flat and the change of use of the ground floor from retail (Use Class A1) to Mixed Use (A1, A2, A3, B1 and D1) involving alterations to elevations.</p> <p>Members were informed that the proposed studio flat complied with regulations in terms of size and outlook and the application was therefore recommended for approval.</p>

An additional condition had been included in the addendum to control the hours of use of the ground floor premises to reduce any potential impact on the residential occupants above.

Councillors sought clarification regarding the car parking arrangements at the premises and were informed that no additional spaces would be required as a result of the change of use. Members were advised that the location was close to bus stops and a train station and on street parking was available in the area. Committee Members commented that parking around the station was very limited since cameras monitored the area and residents / visitors would be penalised if they attempted to park there. Councillors were advised that, since the ground floor of the application site was already used as a retail unit, it was felt that there would be no significant increase in the need for parking provision as a result of the change of use.

The officer's recommendation was moved, seconded and, when put to a vote approved with five Members voting in favour and two abstentions.

**RESOLVED That: the application be approved subject to the additional condition in the addendum.**

189. **159 CHARVILLE LANE, HAYES - 4734/APP/2017/4236** (*Agenda Item 8*)

Officers introduced the application and highlighted the addendum. The application sought planning permission for the erection of a replacement bungalow with associated access, parking and landscaping works (Part Retrospective). The application site was located within the Green Belt. Members were informed that there had been a long history of applications and refusals at the site. With regards to the current application, it was considered that the impact on the street scene was acceptable as the proposed building would not extend beyond the adjacent properties to the front. An additional condition detailed in the addendum sought to ensure that a permanent staircase serving the loft space would not be installed; this would avoid the possibility of future building to the first floor.

Councillors expressed concern regarding the potential impact on the Green Belt as there was hardstanding to the rear of the site with little landscaping. Members were informed that this area of hardstanding would be reduced and largely replaced by a rear garden. The Committee commented that the condition restricting access to the first floor could be difficult to enforce but this was unavoidable.

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

**RESOLVED That: the application be approved subject to the addendum.**

190. **UNIT 5 HAYES BRIDGE RETAIL PARK, 1-3 UXBRIDGE ROAD, HAYES - 51733/APP/2018/3424** (*Agenda Item 9*)

Officers introduced the application which sought approval for the change of use from retail to a 24 hour flexible retail/gym/fitness centre use. Members were informed that a condition had been incorporated in the report which restricted future use to retail or a gym/fitness centre only.

Members raised no objections to the application. The officer's recommendation was moved, seconded and, when put to a vote, unanimously approved.

**RESOLVED That: the application be approved.**

191. **37 BIRCHWAY, HAYES - 61976/APP/2018/3935** (*Agenda Item 10*)

Officers introduced the application which sought planning permission for the conversion of a two storey dwelling into 3 x self-contained studio flats, porch to front, single storey outbuilding to rear for use as a communal workspace, associated amenity space, cycle and bin storage (Part retrospective).

Members were advised that the proposed flats complied with Council standards and would provide one parking space per unit. It was agreed that The Head of Planning and Enforcement would add an additional standard parking condition.

Members raised no objections to the proposal. The officer's recommendation was moved, seconded and, when put to a vote, unanimously approved.

**RESOLVED That: the application be approved subject to an additional parking condition to be added by the Head of Planning and Enforcement.**

192. **78 CENTRAL AVENUE, HAYES - 73859/APP/2018/4019** (*Agenda Item 11*)

Officers introduced the application which sought planning permission for a first floor rear extension. Members were advised that the application complied with Council standards in terms of size and appearance. The item had been referred to Committee by the Ward Councillor.

The Committee requested that a condition be added restricting the use of the dwelling to a single family dwelling so it could not be used as a House in Multiple Occupation (HMO). It was agreed that the wording of said condition be delegated to Meghji Hirani, the Planning Contracts Manager.

**RESOLVED That:**

- 1. the application be approved subject to the addition of a condition limiting the use of the property to a single family dwelling;**
- 2. the wording of the above condition be delegated to the Planning Contracts Manager.**

193. **LAND REAR OF 65-75, WORCESTER ROAD, COWLEY - 73918/APP/2018/3038** (*Agenda Item 12*)

Officers presented the application and highlighted the addendum. The application sought planning permission for the demolition of garages and the erection of 4 x 3 bedroom dwellinghouses with associated parking and landscaping. It was confirmed that this application had been presented to Committee on 21 November 2018 but was deferred for a site visit. Further to the site visit, the officer's report had been amended to address the concerns raised by Members regarding waste collection. In addition to this, three arboricultural officers had visited the site and a full report had been prepared. The Committee was shown an overshadowing impact diagram which indicated that the development would result in some shadowing for a limited period during the day. It was confirmed that a tree plan had been prepared; some trees would be removed while some would be protected.

Councillor Mills, Ward Councillor for Brunel, spoke in objection to the application claiming that the issues raised previously had not been resolved satisfactorily.

Councillor Mills stated that the overshadowing diagram clearly indicated that there would be a detrimental impact on residents and expressed concern that the development would abut directly up to the rear of residents' gardens. The Committee was informed that the garages had not been in use for approximately 18 months therefore the proposed development would result in a significant increase in traffic.

Committee Members enquired how the potential for an increase in traffic could be determined. It was confirmed that there was no set benchmark for this. Officers looked at what was historically associated with a given site and then considered the impact of a proposed development. In this case, it was estimated that there would be less trip rates associated with the proposed development than with the existing garages.

Members expressed further concern regarding overshadowing and the proximity to current houses. In places there was a distance of only 15m between habitable properties which it was claimed would lead to a perception of overlooking. Further clarification was requested regarding the rules relating to overshadowing. It was confirmed that, to constitute a reason for refusal, the impact of overshadowing would need to apply for a considerable part of the day rather than only for a couple of hours. It was confirmed that the overshadowing impact diagram had been completed accurately and complied with BRE guidance.

Members commented that the application appeared to be policy compliant on the whole but was very dominant nonetheless. The 2m height variation between Worcester Road and Clammas Way and the boundary treatment at the site were additional areas of concern. It was suggested that a boundary wall would be more efficient than the proposed wooden fence. Councillors expressed concern that the difference in levels meant the development would impact the residents of Worcester Road considerably more than those in Clammas Way. Members were reassured that the development site itself was flat and level; the proposed houses would be built at the current level.

The Legal Advisor confirmed that it would be difficult to justify over-dominance as a sole reason for refusal if the development was policy compliant.

Members proposed that the officer's recommendation be overturned and the application be refused on the grounds of scale, height, bulk and impact on the existing residents of Worcester Road.

A motion to overturn the officer's recommendation was moved, seconded and, when put to a vote, approved unanimously.

**RESOLVED That: the application be refused.**

194. **29 FAIRFIELD ROAD, UXBRIDGE - 6435/APP/2018/4036** (*Agenda Item 13*)

Officers introduced the application and highlighted the addendum. The application sought planning permission for a two storey two-bed detached dwelling house with associated parking and installation of a vehicular crossover to the front. It was considered that the proposal would fail to preserve or enhance the North Uxbridge Area of Special Local Character and would not be in keeping with the surrounding area. The application was recommended for refusal. Members agreed with the officer's recommendation and raised no issues.

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

	<b>RESOLVED That: the application be refused.</b>
195.	<p><b>57 PIPPINS CLOSE, WEST DRAYTON - TPO 776</b> (<i>Agenda Item 14</i>)</p> <p>Officers introduced the report which related to TPO 776 (Previously TPO 771). It was recommended that the Tree Preservation Order be confirmed.</p> <p>Members raised no objections. The officer's recommendation was moved, seconded and, when put to a vote, unanimously approved.</p> <p><b>RESOLVED That: the tree preservation order be confirmed.</b></p>
196.	<p><b>ENFORCEMENT REPORT</b> (<i>Agenda Item 15</i>)</p> <p><b>RESOLVED:</b></p> <p><b>1. That the enforcement action as recommended in the officer's report was agreed unanimously.</b></p> <p><b>2. That the Committee resolved to release their decision and the reasons for it outlined in the report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.</b></p> <p><i>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).</i></p>
197.	<p><b>ENFORCEMENT REPORT</b> (<i>Agenda Item 16</i>)</p> <p><b>RESOLVED:</b></p> <p><b>1. That the enforcement action as recommended in the officer's report and highlighted in the addendum was agreed unanimously.</b></p> <p><b>2. That the Committee resolved to release their decision and the reasons for it outlined in the report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.</b></p> <p><i>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).</i></p>
198.	<p><b>ENFORCEMENT REPORT</b> (<i>Agenda Item 17</i>)</p> <p><b>RESOLVED:</b></p> <p><b>1. That the enforcement action as recommended in the officer's report was</b></p>

agreed unanimously.

**2. That the Committee resolved to release their decision and the reasons for it outlined in the 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).*

199. **ENFORCEMENT REPORT** (Agenda Item 18)

**RESOLVED:**

**1. That the enforcement action as recommended in the officer's report was agreed unanimously.**

**2. That the Committee resolved to release their decision and the reasons for it outlined in the 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).*

The meeting, which commenced at 7.00 pm, closed at 8.20 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250185. 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.**