

## Minutes

### BOROUGH PLANNING COMMITTEE

10 May 2023

Meeting held at Committee Room 5 - Civic Centre



	<p><b>Committee Members Present:</b> Councillors Henry Higgins (Chairman) Steve Tuckwell (Vice-Chairman) Farhad Choubedar Ekta Gohil Gursharan Mand Jagjit Singh Tony Gill</p> <p><b>LBH Officers Present:</b> Glen Egan, Head of Legal Services Roz Johnson, Planning Services Manager Dr Alan Tilly, Transport Planning and Development Manager Max Smith, Planning Team Leader Haydon Richardson, Principal Planning Officer Katie Crosbie, Planning Team Leader Sehar Arshad, Legal Officer Steve Clarke, Democratic Services Officer</p>
122.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Raju Sansarpuri with Councillor Tony Gill substituting.</p>
123.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>Councillor Gohil declared a non-pecuniary interest in item 9 as a friend owned a neighbouring property. Councillor Gohil left the room for item 9 and did not take part in the debate or vote on this item.</p>
124.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING</b> (<i>Agenda Item 3</i>)</p> <p>This item was taken following item 7 on the agenda.</p> <p><b>RESOLVED</b> That the minutes of the meeting dated 05 April 2023 be agreed as an accurate record.</p>
125.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>There were none.</p>
126.	<p><b>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE</b></p>

**CONSIDERED IN PUBLIC AND THE ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE** (*Agenda Item 5*)

It was confirmed that all items of business were marked Part I and would be considered in public.

127. **65 BERWICK AVENUE, HAYES - 35085/APP/2022/2548** (*Agenda Item 6*)

Officers introduced the application and delivered a detailed representation outlining the proposals noting that the application was recommended for refusal based on the five reasons stated in the officer report.

A petition objecting to the application had been received and the lead petitioner had submitted a statement which was read out to the Committee ahead of their deliberations. Key points raised in the statement included:

- Petitioners had concerns about the HMO property and noted the frequent turnaround of tenants and a history of anti-social behaviour from previous tenants. Petitioners sought to object to the application increasing the 6 person HMO to a 10 person HMO.
- The increase in tenants would bring about an increase in the issues experienced with the property and would impact on the safety of neighbouring residents.
- Incidents of noise disturbances and anti-social behaviour were already common and an increase in tenants would result in an increase of these issues.
- Concerns were raised regarding waste, refuse and litter from the property, which would inevitably increase should the application be granted.
- A lack of parking provision would put further pressures on local on-street parking and have the potential to increase instances of inconsiderate parking.

The Committee were in agreement that an increase from a 6 person to a 10 person HMO would cause a significant level of harm to neighbours in the form of increased noise and parking pressures. Members were supportive of the five recommended refusal reasons provided by officers and sought to explore a further refusal reason regarding inadequate provision for waste and refuse storage and collection.

The officers recommendation, in addition to the further reason for refusal discussed, was moved, seconded, and when put to a vote, unanimously agreed.

**RESOLVED:**

- 1) **That the application be refused; and,**
- 2) **That an additional reason for refusal be given with regard to inadequate provision for waste and refuse storage and collection.**

128. **BLACK HORSE PH, HIGH ROAD - 271/APP/2022/1443** (*Agenda Item 7*)

Officers introduced the retrospective application and delivered a detailed presentation outlining the proposals. The application was recommended for refusal.

Both the applicant and the agent for the application were present, the agent addressed the Committee, key points of their address included:

- It was highlighted that the unique style of Kenyan Karoga cooking had been a

vital part of the Black Horse's business since 2012 and without this part of the business, it was deemed that the business would not be viable.

- The applicant had erected the outdoor canopy and tv screens for the benefit of patrons and the garden had long been an established part of the business, used most frequently in the summer months when the weather was better.
- The agent noted that the suggestion that the erection of the canopy would increase activity in the garden, therefore impacting on neighbouring properties, was not true as the presence of the canopy and tv screens did not increase capacity beyond what already existed.
- The retractable canopy was a form already used commonly in many pub gardens.
- It was confirmed that the tv screens were used as a visual format only, and would never be used for audio, therefore causing no further impact regarding noise. There had been an outdoor tv screen in operation since 2012 and there had been no issue.
- In summary, the proposals were deemed modest and not out of character with the operations of a pub.

The Committee were informed that the speakers on the television screens had been disabled and could therefore not be used at any point and there was no intention to use the speakers in future. It was also confirmed by the agent that an acoustic report of the garden had not been carried out, it had not been deemed necessary as there were no additional noise generating capacities being introduced as a result of the proposals.

Members sought clarification over whether the proposals were essential in facilitating the Karoga style of cooking that was pivotal to the business. It was confirmed that Karoga was an outdoor style of cooking meaning the canopy could facilitate this part of the business in inclement weather, a factor deemed vital given the frequency of rainy weather.

The Committee noted that they wanted to see pubs performing well, especially given the current climate, and they wanted to facilitate this but it would not be at the expense of local residents. Officers noted that there was no concern regarding the retractable canopy but there were concerns regarding the raised television screen and the gazebos structures, however the application needed to be considered as a whole and therefore, officers had recommended the application for refusal. The Committee highlighted that there was a solution to be had but the current proposals were not deemed appropriate.

The officers recommendation was moved, seconded, and when put to a vote, unanimously agreed.

**RESOLVED: That the application be refused as per officers recommendations.**

129. **LAND ADJACENT TO 5 ALBERT ROAD/NORTH HYDE ROAD, HAYES - 42985/APP/2022/2336** (*Agenda Item 8*)

Officers introduced the application and delivered a detailed presentation outlining the proposals. It was highlighted that an appeal on the grounds of non-determination had been received and therefore the decision making powers had passed from the Local Planning Authority over to the Planning Inspectorate. However, should an appeal not have been received, the application would have been recommended for refusal.

A petition had been received objecting to the application and the lead petitioner had

submitted a statement to be read to the Committee. Key point raised in the statement included:

- It was highlighted that 155 people living within the adjacent vicinity of the site had signed the petition objecting to the proposals.
- There was parking provision for only two vehicles on site, meaning occupiers and visitors would inevitably add to the parking pressures experienced on Albert Road causing more congestion and inconvenience.
- The proposed entrance and hallway to Flat C of the proposals from North Hyde Road was protruding from the existing building lines of both Albert Road and North Hyde Road properties.
- The proposals would permanently remove the existing green area which was deemed harmful to the environment.
- The refuse bin store for the proposed Flat A would be situated on the front building line of number five Albert Road which was deemed unhygienic and would cause a bad odour to adjacent occupiers.
- The proposals would result in a loss of natural light to the occupiers of number five Albert Road.

The applicant and the agent were in attendance and addressed the Committee. Key points raised in their address included:

- To give the site some context, it was highlighted to be opposite a large supermarket store and on a street where there was no breakup of the properties. It was also deemed that the loss of the green area that the site was situated on would be deemed acceptable to provide housing as required.
- The sub-terranean dwelling was unique in design and the applicant had endeavoured to ensure the property utilised as much of the land as possible whilst retaining as much of the greenery of the site as possible, whilst also attempting to ensure the property was in keeping with the context of the local area.
- With regard to the recommended refusal reason based on the harm caused due to the adjacent approved development, it was deemed that this was slightly unfair as this application had been submitted almost six months before the application of the adjacent approved development.
- On the matter of an oversupply of parking, the applicant was happy to omit the provided parking given the good PTAL score of the area.
- The applicant was happy to also provide a basement impact assessment.

The Committee discussed the levels of privacy and overlooking between the proposed dwellings, to which the applicant noted that amendments could be made to the plans in order to mitigate these impacts. Officers noted that there was a concern with the principle of developing the site in terms of its effect on adjacent dwellings and the openness of the site, this view was also held by the Planning Inspectorate through earlier appeals which had been received with regard to this site. It was also noted that any small amendments would not overcome these larger scale concerns.

Members discussed the proximity of the basement dwelling to the nearby railway line and sought clarification on whether there could be a vibration or noise issue upon future occupants. Officers confirmed that, given the separation distance between the proposed dwelling and the railway line, they were satisfied that there would be no undue harm in terms of noise or vibrations caused.

	<p>The Committee highlighted that given the application in front of them, they were in agreement with the officers recommended reasons for refusal, specifically noting the potential flood risk and the lack of basement impact assessment and, as a whole, they were unable to support the proposals. The officers recommendations for refusal were proposed, seconded, and when put to a vote, unanimously agreed.</p> <p><b>RESOLVED: That should an appeal on the grounds of non-determination not have been lodged, that the application would have been refused as per officers recommendations.</b></p>
130.	<p><b>2 NORTHBROOK DRIVE, NORTHWOOD - 56315/APP/2022/2504</b> (<i>Agenda Item 9</i>)</p> <p>Councillor Gohil had declared a non-pecuniary interest in this item and removed themselves from the room for the duration of the item.</p> <p>Officers introduced the application and gave an outline of the proposals highlighting that the application was recommended for approval.</p> <p>A petition in objection had been received against this application. The lead petitioner had submitted a statement to be read out to the Committee. Key points raised in the petitioner’s statement included:</p> <ul style="list-style-type: none"> <li>• The lead petitioner thanked planning officers for their consideration of the concerns raised in the petition.</li> <li>• It was deemed that the original concerns raised in the petition had been dealt with both reasonably and fairly, and as such they were in agreement with the recommended conditions suggested by officers.</li> <li>• It was requested that, should the Committee be minded to grant planning permission, they should seek to include all of the recommended conditions.</li> </ul> <p>The Committee congratulated planning officers on their hard work on this application and addressing the concerns raised by local residents. It was noted that the lead petitioner was now happy that their concerns had been addressed, therefore the officers recommendation was proposed, seconded, and when put to a vote, unanimously approved.</p> <p><b>RESOLVED: That the application be approved as per officers recommendations.</b></p>
131.	<p><b>4 CHURCH CLOSE, WEST DRAYTON - 27891/APP/2022/2859</b> (<i>Agenda Item 10</i>)</p> <p>Councillor Gohil re-joined the meeting before the commencement of this item.</p> <p>Officers introduced the application and gave an overview of the proposals highlighting that an appeal on the grounds of non-determination had been received and as such, decision making powers had been passed from the Local Planning Authority over to the Planning Inspectorate. Should an appeal on the grounds of non-determination been received, the application would have been recommended for refusal.</p> <p>The Committee noted that a petition objecting to the proposals had been received. The officers recommendation to refuse the application, should an appeal on the grounds of non-determination not have been received, was moved, seconded, and when put to a vote, unanimously agreed.</p> <p><b>RESOLVED: That should an appeal on the grounds of non-determination not</b></p>

	<p>have been lodged, that the application would have been refused as per officers recommendations.</p>
132.	<p><b>18 IVER LANE, COWLEY, UXBRIDGE - 19016/APP/2023/20</b> (<i>Agenda Item 11</i>)</p> <p>Officers introduced the application and delivered a detailed presentation outlining the proposals noting that the application had been deferred for a site visit. It was highlighted that the application was recommended for approval.</p> <p>Members noted that the site visit had been useful exercise in understanding the application's relationship with the local conservation area. The Committee agreed that the proposals had no negative impact on the conservation area and now that the proposals had an attached Section 106 agreement, it was generally felt that the application was now deemed acceptable. Members sought to clarify whether the minor infringement of the 45-degree sight line would be considered a reason for refusal, however officers noted that the infringement was insignificant and that the proposals were deemed acceptable.</p> <p>The officers recommendation was proposed, seconded, and when put to a vote, agreed with six votes for and one abstention.</p> <p><b>RESOLVED: That the application be approved as per officers recommendations.</b></p>
	<p>The meeting, which commenced at 7.00 pm, closed at 8.39 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact [democratic@hillington.gov.uk](mailto:democratic@hillington.gov.uk)  
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