

Minutes

HILLINGDON PLANNING COMMITTEE

5 September 2024

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



HILLINGDON
LONDON

	<p>Committee Members Present: Councillors Henry Higgins (Chair), Adam Bennett (Vice-Chair), Roy Chamdal, Keith Burrows, Elizabeth Garelick, Gursharan Mand, and Jagjit Singh</p> <p>Officers Present: Katie Crosbie (Area Planning Service Manager – North), Ed Laughton (Area Planning Service Manager – Central and South), Chris Brady (Planning Team Leader), Eoin Concanon (Planning Team Leader), Alan Corcoran (Deputy Team Leader), Dr Alan Tilly (Transport & Aviation Team Manager), Jimmy Walsh (Legal Advisor), Natalie Fairclough (Legal Advisor), and Ryan Dell (Democratic Services Officer)</p>
22.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies.</p>
23.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
24.	<p>TO RECEIVE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 3</i>)</p> <p>RESOLVED: That the minutes from the meeting on 16 July 2024 be approved.</p>
25.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
26.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THE ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that all items would be heard in Part I.</p>

It was confirmed that item 7 had been withdrawn from the agenda.

27. **36 MOOR PARK ROAD, NORTHWOOD - 77170/APP/2024/1240** (*Agenda Item 6*)

Officers introduced the application and noted the addendum, which referred to a submission made by a Ward Councillor.

Officers added a verbal amendment to Condition 4, which related to restricted permitted development rights. There was a reference in the condition to the third floor of the building being restricted but it was clarified that the restriction would cover the entirety of the building.

The lead petitioner addressed the Committee and made the following points:

- The petitioner thanked the Committee for giving them the opportunity to explain their position
- The petition reflected the concerns of a large number of petitioners, many of whom had been living in the neighbourhood for decades
- The applicant had attempted to airbrush the use as comparative to a family dwelling, but this was not true
- The proposal would have a significantly detrimental impact on noise both inside and outside of the property; parking; congestion; trip generation; CO2 emissions; and disturbance to neighbours due to comings and goings during the day and also during evenings and weekends
- The report stated that the property would cater for up to four children with emotional and behavioural difficulties with a staff ratio of two adults to one child. This implied up to eight carers plus managerial staff
- The report assumed there would be only three car users. This overlooked the 2:1 ratio
- There could be 14-16 people in the property at any one time
- Further footfall from social workers, support workers, parents and friends of the children had not been accounted for
- All of this would add to the noise, parking, traffic and CO2 emissions
- The report's conclusions, that were based on three carers rather than eight, were hence flawed
- The application stated that there would be three parking spaces in front of the property and two additional spaces which were essentially a garage. However, once two cars were parked in the garage it would be difficult, if not impossible, to open a car door to get out of a vehicle. This was impractical
- One of the bays was blocked by another bay
- The report stated that the site can potentially accommodate in excess of half-a-dozen vehicles arranged in an informal fashion. The safety impact of jamming cars into the driveway had not been considered. There was no consideration for emergency vehicles to access the building. Displaced on street parking was therefore inevitable
- On noise, the application stated that the children would have behavioural and emotional difficulties, and acknowledged that despite meticulous planning and care, the children's behaviour may occasionally fall below acceptable standards. Staff may need to use restraint techniques. This would cause noise and disturbance
- The noise control plan was merely words. It gave an email address to register a complaint which would aim to be resolved within three working days. The

Council did not investigate domestic noises

- In addition to the noise, there would be disturbance from the comings and goings to the property by four children; up to 8 carers; social workers; health workers and four sets of friends and family.
- Petitioners disagreed with paragraph 7.32 of the report. Footfall and vehicular traffic would lead to the property having a feel of a commercial enterprise rather than a family dwelling. This would cause significant disturbance to the locality in increased carbon emissions
- The property had a PTAL (Public Transport Accessibility Level) score of 0 as per the transport assessment report. Public transport was not a viable or convenient alternative. Care home staff and visitors would have to rely on their own private vehicles, thereby increasing the vehicle trips
- The nearest shops were 15 minutes away by foot, or a bus or car ride away
- Moreover, there were no state schools for children aged 11 plus in Northwood. The nearest schools were in Northwood Hills, Pinner, or Watford. Not only would this give rise to more vehicles, but was this location even an appropriate location for a care home for 12 and 16 year olds?
- There was a profound and extensive opposition and concern from residents to the proposal which did not comply with the Local Plan
- Petitioners requested the Committee put residents' interests first, as per the Hillingdon motto, and not the interests of a for-profit company.
- This proposal would alter the fabric of the neighbourhood

The applicant's representatives addressed the Committee and made the following points:

- The representatives thanked the Committee for giving them the opportunity to share their views
- The directors of the children's home had extensive experience working with children and families
- Collectively they had over 35 years of experience working in various roles within social care
- This experience demonstrated their commitment to promoting the welfare and safeguarding of children
- They also had insights and the ability to understand what contributed to positive outcomes for children looked after
- They understood the journey of the child and often the trauma they had experienced before coming into care
- Children looked after came from diverse cultures and backgrounds and for various reasons were unable to live with their birth families. Therefore, the applicants had made it their responsibility to ensure they had the opportunity to thrive, find happiness and lead fulfilling lives
- The goal was to provide children looked after with practical and emotional support to help them map out their clear route to a prosperous, independent future
- New Chapters Homes were driven to ensure that the children in their care feel valued and safe, and they aimed to give them a childhood where they were no longer experiencing significant harm
- They had reviewed the information shared within the petition
- They empathised with residents and recognised that the unknown can be daunting
- The petition referenced children looked after being linked to increases in antisocial behaviour and personal risk. In the professional capacity of the

applicant, children looked after were often vulnerable and did not present a greater risk to adults or children around them

- With the right support and environment, they can have the same outcomes as children who were not in care
- The applicant wished to work with residents and not against them
- The representatives highlighted the lived experience of a young person currently living in a children's home, whose name had been anonymised:
 - *My name is Lily and I'm 12 years old*
 - *I feel scared at home sometimes and don't always know how the adults in my life are going to treat me*
 - *I'm worried about being at home, but I don't want anyone to know*
 - *Every night I would lie awake, dreading the sound of my bedroom door creaking open*
 - *They told me to keep quiet, blaming me for everything, so I stayed silent at school*
 - *At school I watched other kids laugh, feeling like there was a wall between us*
 - *I pretended everything was OK, even though I was falling apart inside*
 - *One day, a teacher noticed how I flinched when someone touched me*
 - *She kept asking me questions, showing kindness I hadn't felt in a long time*
 - *Eventually I broke down and told her everything. I was terrified she would blame me, but she didn't*
 - *She held my hand and told me it wasn't my fault, that I was brave for speaking up, and that's when I met my social worker*
 - *I moved in with a foster family, but they didn't understand me, and I felt uncomfortable in someone else's home*
 - *I hurt myself and ended up in hospital*
 - *My social worker told me after that it would be difficult for me to be given a placement with a foster family again*
 - *I felt like it was my fault and that I didn't deserve anything good*
 - *I was moved to a children's home and was really scared when I saw the house. I'd never been in a house this big and quiet*
 - *I didn't feel like I belonged in this home or the area, and I wanted to run away when I first got there, but I knew I couldn't go home to my family*
 - *I was given a key worker who helped me feel a little bit more at home and I was able to have my own room and choose what colour the room would be and now things are still hard but I'm not alone anymore*
 - *I'm learning that my past doesn't define me and that I deserve to laugh and be happy too*
 - *I now have adults around me that I can trust at the home, But I miss my home and hope to go back one day*

Members asked about the staff numbers and ratios presented in the application. Clarification was sought on the expected number of staff during the busiest days. The representatives explained that while the capacity was for up to four children, it was unlikely to have four children at once due to the need for matching and considering the children's needs. It was not expected for there to be more than four staff members in the day, including senior management. Members replied that one of the petitioner's concerns was the number of car journeys, especially given the PTAL rating of 0. Members asked for further clarification on numbers of staff. The representatives noted that due to the complexity of the children it was unlikely that there would be four children at one time. It would be important to ensure that from the time the first young

person was received in the home, any additional young people had to be matched. If a young person had a high level of need and needed a staff ratio of 2:1 or 3:1, it was very unlikely that the home would be able to take on another child.

Members asked for more clarity on the number of staff if there were four children. The representatives noted that if there were four children, it would have to be four children with low level needs where they could have a 1:1 worker or no worker. Children came with different complexities. For example, a child who struggled with sleeping at night but was able to function in the day may not require a 1:1 worker. If there were children of this nature then there could be up to four children and it would only require two to three members of staff in the day. A child with more complexities may require 1:1 or 2:1 support. The work with children would involve things such as art therapy, music therapy, talking therapy and this required space.

Members asked about the parking provision, noting concerns about accessing certain bays when other bays were occupied, and the impact on local traffic. The representatives explained that any on-site parking issues could be resolved as all staff working there would know each other, similar to at a family home.

Members asked how the number of staff would translate into parking and vehicle movements. The Highways officer noted that they would expect, and asked for a condition for, the parking layout to be revised to ensure five usable spaces. Officers referred to the development plan to determine how many car parking spaces proposals can provide. The London Plan was silent on care homes, in which case officers had referred to the Local Plan. The Local Plan would require two car parking spaces plus one space per warden. It was taken that there would be three wardens. A minimum of two spaces plus three for wardens gave five spaces. Therefore, officers took the view that five was the maximum amount of car parking spaces that the policy would allow. If the demand for parking exceeded supply, consideration would have to be given to parking displacement. It was noted that this would not raise highways concerns.

The Chair noted that there were some parking restrictions on the road and it was congested during school times.

The Chair noted the comments from Councillor Lewis as Ward Councillor which had been noted within the addendum.

There was a need nationally and locally to look after vulnerable children. There was a need for this type of accommodation and the challenge was to ensure that it was the right development for the area and that residents' concerns were listened to.

Members asked about the possibility of conditioning the ratio of parking to the occupancy of the home and level of need of the children. Officers noted that it would be unreasonable to condition the car parking on the basis of staff numbers. There was a condition on a maximum of four children. A parking management plan could be considered.

Members asked about potential noise and disturbance from the facility, particularly during staff shift changes. Officers noted that conditions related to noise and disturbance were typically covered by other legislation and may not be enforceable through planning conditions.

Members further asked if conditions could be imposed on timing of staff shift changes.

	<p>Conditions would need to be enforceable and precise. A condition on this would be difficult to enforce.</p> <p>It was highlighted that the parking scheme was nearby, not in the road in question. These restrictions had been provided for road safety purposes such as double yellow lines on the corners, the keep clear markings outside the school and the 20mph speed limit.</p> <p>Members noted some confusion around a number of aspects including the number of staff and the parking provision. The Chair suggested that a site visit may help to ascertain the parking situation. Members queried how a site visit would clarify the numbers of staff. It was noted that if the item was deferred in that there was not full information in front of Members, an additional benefit would be a site visit.</p> <p>The petitioner had noted that the Council did not investigate domestic noise complaints and Members asked if this would constitute domestic noise. It was noted that these types of noise issues were covered by separate legislation and this would be outside of planning legislation.</p> <p>It was summarised that Members wanted additional information on how many staff were going to be on site, and shift times.</p> <p>The proposal to defer for further information and to undertake a site visit was moved, seconded and when put to a vote, agreed.</p> <p>RESOLVED: That the item be deferred</p>
28.	<p>39 PARKFIELD ROAD, ICKENHAM - 24825/APP/2023/81 (<i>Agenda Item 7</i>)</p> <p>This item was withdrawn from the agenda.</p>
29.	<p>37 EDWARDS AVENUE, RUISLIP - 65680/APP/2023/2256 (<i>Agenda Item 8</i>)</p> <p>Officers introduced the application. It was important to note that the assessment of the proposal placed before Members for determination was restricted to the proposed amendments and not matters which had already been benefited from planning consent.</p> <p>The lead petitioner addressed the Committee and made the following points:</p> <ul style="list-style-type: none"> • The petitioner noted the 2011 application (65680/APP/2011/36) • The current application reference was 65680/APP/2023/2256 • It was disappointing that only the two conditions were being considered and not the full application • Residents had a lot of interest in this application given the history of the site • The site was derelict and untouched • One of the key points was that the parking management scheme should not be negatively affected <p>Councillor Steve Tuckwell addressed the Committee as Ward Councillor and made the following points:</p> <ul style="list-style-type: none"> • It was fully understood that the current application was on the basis of determining the variation of Condition 5 and the removal of Condition 18 from the parent planning permission that was granted in April 2011 • The Committee can only determine what was presented to it

- However, points needed to be raised for public record and for clarification
- Residents believed that their opportunity to raise legitimate concerns using the petitions process about the overall application has been denied. For this reason, planning officers were asked to outline the following points:
 - What was the underpinning logic of granting the Certificate of Lawful Development on the 17 July 2024?
 - What weight was applied to the planning application document contained within today's application that expressly referenced that the development of the site did not commence until the 01 May 2014, one month after the 2011 planning consent expired?
 - Given that this petition was submitted by residents in September 2023 expressing concern over the overall development, why was the Certificate of Lawful Development granted before the matter was brought before this Committee this evening?
- Residents believed that the original planning application had expired and that the new application with the full adherence to updated planning policies, should have been submitted for full determination
- Whilst the Committee can only determine the variation and removal of conditions, not having the ability to determine the full application render this application devoid of the updated and refreshed planning policies, such as the provision of family homes and electric charging points, air quality and the excessive size of the dropped curb

Officers advised that they accepted an application for a certificate of lawfulness before determining the current application because the more robust way to address the extent of the original application was for the applicant to formalise and submit an application for officers to consider all the information. This was done and granted in July 2024.

In terms of the weight given to this current application documents, the application form did state that the dwelling had been demolished in May 2014. This was presumed to be an error and it was corrected to the date of 01 April 2014 and that was submitted on 01 July 2023. The applicant had submitted the certificate of lawfulness.

Regarding the logic for granting the certificate of lawfulness, the planning permission was granted in April 2011 and that was for the demolition of the bungalow and construction of four back-to-back dwellings. All pre-commencing conditions were discharged with the exception of Condition 18, which was being considered this evening. Condition One on that planning permission required that the development would have to begin within three years of that date, which brought it up to 04 April 2014. In terms of determining whether the development with the planning permission had commenced, officers needed to evaluate, on the balance of probability, when the existing bungalow had been demolished and had it been demolished prior to 01 April 2014. This was the evidence that the applicant submitted for the certificate of lawfulness.

To clarify what was assessed when looking at certificates of lawfulness, paragraph six of the MPG stated that in the cases of applications for existing use, if a local planning authority had no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there was no good reason to refuse the application provided the applicant's evidence alone was sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. As part of the evidence that the applicant had submitted, they submitted a statutory declaration from a local estate agent which stated that the demolition commenced on

17 March 2014. The application form also said this. A second statutory declaration from the applicant also confirmed when the site was purchased and that the sale of the site included a demolition method statement which confirmed that the demolition of the dwelling was programmed for the week commencing 17 March 2014. The demolition method statement itself was also submitted. In respect to the Council's own records and whether there was anything that was contrary to this, there were building control records from an e-mail received on 14 April 2014, which advised that the demolition had already commenced. While that date is slightly over, it did not contradict that the demolition had happened during the week of 17 March 2014. It was noted that it was not standard practise for the Council to also consult residents, but officers did post letters to a significant number of residents within the street and the adjoining street to see if anyone had any other evidence that would be contrary to the applicant's version of events. There was nothing that did contradict it. On the balance of probability, it was determined that the bungalow was demolished before 14 April 2014, and therefore the planning permission was valid. The application being considered this evening was a variation, and it was not possible to revisit things that were already considered in the determination of the original application, only the differences.

Members referred to the appendix, which referenced a time limit deleted condition. Members asked for clarification of this. The time limit referred to the demolition having to have commenced within three years of the permission. As it had already commenced, the condition was deleted.

Members asked about Condition 18, noting other recent applications where it had been specified that future occupants could not have access to parking permits if there was a parking management scheme in the street. Members asked why this was not the case for the current application. Officers noted that the parking that would be provided as part of the application was four parking spaces for the four x two bed units, so one parking space for each dwelling. This was a minor over-provision and so was considered, on balance, acceptable. In terms of the mechanism, it would not meet the test of the condition which would ordinarily be secured through legal agreement, which had not been done at the time.

Members referred to the history of planning, noting an application approved in September 2014. Members asked what the difference was between this and the application approved in 2011. Officers clarified that the 2014 application related to the discharge of conditions of the application that was approved in 2011. In order to demonstrate that the development had been commenced, the applicant would have to have discharged the pre-commencement conditions and this was the application which came in in 2014 and was approved.

Officers' recommendations were moved, seconded and when put to a vote, agreed.

RESOLVED: That the application be approved

30. **ATLAS LODGE - 585/APP/2024/1558** (*Agenda Item 9*)

Officers introduced the application.

Members highlighted the need for affordable housing.

Members asked about the legal definition of primary occupants, and whether the development would be restricted to over 55s only or just be primarily for over 55s. It

	<p>was noted that the previous scheme had a similar arrangement whereby the primary occupier was restricted to being a person needing assisted living. The current arrangement would work in a similar way.</p> <p>Officers' recommendations were moved, seconded and when put to a vote, unanimously agreed.</p> <p>RESOLVED: That the application be approved</p>
31.	<p>3 ST MARGARETS AVENUE - 59652/APP/2024/1459 (<i>Agenda Item 10</i>)</p> <p>Officers introduced the application.</p> <p>Officers' recommendations were moved, seconded and when put to a vote, unanimously agreed.</p> <p>RESOLVED: That the application be approved</p>
	<p>The meeting, which commenced at 7.00 pm, closed at 8.35 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Ryan Dell at democratic@hillington.gov.uk. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.