

Minutes

## NORTH PLANNING COMMITTEE

16 April 2013

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



HILLINGDON  
LONDON

	<p><b>Committee Members Present:</b> Councillors Eddie Lavery (Chairman) Allan Kauffman (Vice-Chairman) David Allam (Labour Lead) Jazz Dhillon Carol Melvin John Morgan David Payne Raymond Graham</p> <p><b>LBH Officers Present:</b> Matthew Duigan, Planning Services Manager Meghji Hirani – Planning, Contracts and Information Manager Syed Shah, Highways Nicole Cameron, Legal Advisor Nadia Williams, Democratic Services</p> <p><b>Also Present:</b> Councillor Cllr Douglas Mills Councillor Susan O'Brien</p>	
45.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>No apologies were tendered for this meeting.</p>	
46.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>Councillor Jazz Dhillon declared a pecuniary interest in relation to item 7 - 9 Truesdale Drive, Harefield, as the applicant was known to him. Councillor Dhillon withdrew from the meeting and did not take part in the decision of this item.</p>	
47.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE MEETINGS HELD ON 7 AND 26 MARCH 2013</b> (<i>Agenda Item 3</i>)</p> <p>The minutes of the meetings held on 7 and 26 March 2013 were agreed as accurate records and signed by the Chairman.</p>	
48.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>There were no matters notified in advance or as urgent.</p>	

49.	<p><b>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</b> (<i>Agenda Item 5</i>)</p> <p>It was confirmed that all items would be considered in Part 1 public.</p>	
50.	<p><b>FORMER RAF WEST RUISLIP, HIGH ROAD, ICKENHAM 38402/APP/2012/1033</b> (<i>Agenda Item 6</i>)</p> <p><b>Erection of 55 tailored care living units (extra care accommodation) with communal facilities and car parking (variation of 38402/APP/2008/2733) and the erection of 25 retirement living (category ii type) sheltered apartments with communal facilities and car parking.</b></p> <p>Officers introduced the report and directed Members to note the changes in the addendum circulated at the meeting. Since deferral from the application at the meeting on 3 January 2013, Members had been provided with the greater clarity on how the level of planning obligations had been justified. Members had also received training on how Financial Viability Appraisals were assessed as part of planning applications.</p> <p>The Chairman welcomed the information provided and requested that the details regarding the level of planning obligations should be included as part of the introduction in future reports. In addition, review mechanism should be built in S106 agreements to take account of the changes in financial situation.</p> <p>Officers advised that permission relating to this application was 3 years, but should be looked at on an individual application basis.</p> <p>The legal advisor commented that the use of the review mechanism was useful and regularly used. For example, this mechanism was used in the 20 Blyth Road agreement and did not create any problems.</p> <p>The recommendation for approval was moved, seconded, and on being put to the vote, was unanimously agreed.</p> <p><b>Resolved</b></p> <p><b>That delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission, subject to the following:</b></p> <p><b>1. That the Council enter into a legal agreement with the applicants under Section 106/Unilateral Undertaking of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:</b></p> <p><b>(i) Health contribution: a financial contribution to the sum of £17,333.60.</b></p>	<p><b>Action by</b></p> <p>Matthew Duigan Meghji Hirani</p>

	<p>2. That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised by 21/06/13, or any other period deemed appropriate that delegated authority be given to the Head of Planning, Sport and Green Spaces to refuse the application for the following reason:</p> <p>'The applicant has failed to provide a commensurate package of planning benefits to maximise the health and social benefits of the scheme to the community. The proposal therefore conflicts with Policy R17 of the Hillingdon Local Plan (November 2012)'.</p> <p>3. That the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement and any abortive work as a result of the agreement not being completed.</p> <p>4. That subject to the above, the application be deferred for determination by the Head of Planning, Sport and Green Spaces under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.</p> <p>5. That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.</p> <p>6. That on completion of the S106 Agreement, the application be deferred for determination by the Head of Planning, Sport and Green Spaces under delegated powers.</p> <p>7. That if the application is approved, the conditions and informatives set out in the officer's report be attached, and subject to the changes in the addendum of a review mechanism clause within the S106 agreement.</p>	
51.	<p><b>9 TRUESDALE DRIVE, HAREFIELD 4749/APP/2013/140</b> (<i>Agenda Item 7</i>)</p> <p><b>Part two storey, part single storey side/ rear extension and porch and canopy to front involving demolition of existing outbuildings to side.</b></p> <p>Councillor Jazz Dhillon left the room for the duration of this item.</p> <p>Officers introduced the report and directed Members to the addendum to note the comments that had been received from the agent. The Committee were advised that with reference to the query regarding the existing porch and canopy, should Members find this acceptable, reason two from the reasons for refusal would need to be deleted.</p> <p>In accordance with the Council's constitution, a representative of the petition received in objection to the proposal address the meeting and raised the following points:</p> <ul style="list-style-type: none"> <li>• The proposed Velux windows would result in overlooking at No.7 and seven of these windows had been proposed, which</li> </ul>	<p><b>Action by</b></p> <p>Matthew Duigan Meghji Hirani</p>

	<p>would also be out of keeping with the area.</p> <ul style="list-style-type: none"> <li>• Extra windows had been installed at the front.</li> <li>• The original plans had hipped end roof design which had now been changed to gable.</li> <li>• The original brick work had been stripped and the brick work on the newly installed wall was out of keeping with the area.</li> <li>• All the red roof tiles had slates which were out of keeping.</li> <li>• Asbestos had been removed and dumped in the garden for a year.</li> <li>• Asbestos had been place around the footers of the wall.</li> <li>• Trees were felled and not replaced.</li> </ul> <p>Comments had been received from the agent, as he was not able to attend the meeting. These were set out in the addendum circulated at the meeting.</p> <p>Members indicated that the Committee would consider the application that had been submitted, and noted that the proposal was too big and overdominant.</p> <p>The recommendation for refusal was moved, seconded, and on being put to the vote, was unanimously agreed.</p> <p><b>Resolved that the application be refused as per officer recommendation and the changes outlined in the addendum sheet.</b></p>	
52.	<p><b>51 THE DRIVE, ICKENHAM 21977/APP/2012/2194 (Agenda Item 8)</b></p> <p><b>Two storey building with habitable roofspace to create 5 x self-contained flats with associated parking and landscaping and installation of vehicular crossover, involving demolition of existing detached dwelling.</b></p> <p>Officers introduced the report and stated that the application had been reported to Committee twice before and no changes had been made to the scheme. The main concern for Members had centred around the impact on the adjoining properties. Officers also directed the Committee to note the changes in the Addendum circulated at the meeting, which included details about a recent petition that had been received for this item.</p> <p>In accordance with the Council's constitution, a representative of the petition received in objection to the proposal address the meeting and raised the following points:</p> <ul style="list-style-type: none"> <li>• The 1832 Prescription Act afforded the access to light in her property where she had lived for over 22 years.</li> <li>• The proposed development would result in breach of light to the property at 49b, particularly the kitchen, breakfast room and upstairs bathroom.</li> <li>• The footprint of the proposed development would spread beyond the foot print of the present house.</li> </ul>	<p><b>Action by</b></p> <p>Matthew Duigan Meghji Hirani</p>

- 49b would barely receive 45% output of light upstairs.
- The kitchen would be especially dark, as the rear faced No. 51 and the window would be 25ft away from the kitchen.
- The issue of light would be further exacerbated by the proposed use of dark bricks instead of white bricks.
- Concerned that with proposed dwelling for 15 people would result in an increase in noise, particularly as the kitchen and dining room would be close to the petitioner's home.
- Proposed Seats for the side planting areas would create even more noise.
- Concerned that even with the proposed obscure windows, occupiers of the proposed development may be able to look into petitioner's home.
- There would be a huge problem with parking, which would not only result in more traffic along the road; it would lead to visitors parking outside the petitioner's home.
- The proposal for hard surfacing would result in extra surface water.
- The proposed refuse facilities would not resolve the issue of additional unpleasant smell.
- The proposed development would be out of keeping with the properties in the road and would set a precedent.
- Urged the Committee to reject the proposal.

The agent spoke about the application and raised the following points:

- Nos. 49b and 51a had obscure windows in the side elevation in order to protect the amenity of neighbouring properties, as well as the main bedroom to No.51.
- There was a deed of covenant attached to 49b, which had inadequate height to the boundary wall.
- 49b had constructed 2 extensions, where the initial single storey extension had resulted in an enclosed window with no record of planning permission being granted for the extension.

The Chairman announced that a Ward Councillor of the application site who was unable to attend the meeting had submitted a statement which was attached to the Addendum. The statement had also been circulated to Members of the Committee prior to the meeting, which had been noted.

In response to the question about the right of light legislation, officers advised that the legislation was not part of the planning process and the Committee could make a decision on the application. Residents wishing to pursue the matter would be required to do so under different legislation.

Having made a site visit, Member expressed concerns about the bulk at the rear of the building which extended 4m beyond the extended property and 2 storeys high, which they considered would result in overlooking. Further concerns were raised about the

	<p>prospects of neighbouring properties just looking at the wall when using their gardens.</p> <p>The Committee raised further concerns about the size and bulk of the car park at the front, which was not in harmony with the street scene.</p> <p>Officers advised that the bulk to the rear of the proposed development was a considerable extension beyond No.49b but did not have such an adverse effect on No.51. It was highlighted that in the impact at the front with hard surfacing and the set back from the site with landscaping at the front this instance, was not unusually the case with frontage parking.</p> <p>The Chairman expressed particular concern about the height, bulk and scale of the proposed development.</p> <p>The legal officer commented that if Members were not satisfied with the height, bulk and scale of the proposal, although this reason for refusal may be weak, it would be arguable on appeal.</p> <p>Officers added that the formal wording for the reason would be drafted outside of the meeting in consultation with the Chairman.</p> <p>It was proposed and seconded that the application be refused and on being put to the vote was agreed.</p> <p>Councillors David Allam and Jazz Dhillon asked for their abstention to the decision to be minuted.</p> <p><b>Resolved</b></p> <p><b>That the application be refused for the following reason:</b></p> <p><b>‘The proposal by reason of its size, bulk and projection to the rear would be detrimental to the amenities of the adjoining occupiers, particularly No. 49b, by reason of over-dominance and loss of outlook. The proposal is therefore, contrary to Policies BE19 and BE21 of the Hillingdon Local Plan: Part Two-Unitary Development Plan Saved Policies (November 2012).</b></p>	
53.	<p><b>LAND TO REAR OF 51 &amp; 53 PEMBROKE ROAD, RUISLIP 66982/APP/2013/109 (Agenda Item 9)</b></p> <p><b>2 x 4-bedroom, detached bungalows with habitable roofspace, associated parking and amenity space.</b></p> <p>In introducing the report, officers stated that there had been two previous appeal decisions relating to this development site (17 June 2011 and 15 June 2012), which were dismissed by Planning Inspectors. Members were also directed to note the change in policy since the appeal decision with the adoption of the Local Plan, which needed to be taken into account when making a decision.</p>	<p><b>Action by</b></p> <p>Matthew Duigan Meghji Hirani</p>

The Committee was directed to note that no houses were fronting the back garden in the road, except that the proposed development would be overly dominant when viewed from the highway.

Members were also asked to note the changes in the addendum, including the comments of the Highways officer (set out in full in the addendum), which had been inadvertently omitted from the officer's report).

Two petitions had been received; one objecting to, and the other, in support of the proposal. The petition representatives addressed the meeting in accordance with the Council's constitution.

The petition representative objecting to the proposed development raised the following points:

- The close proximity of this proposal to the adjoining building site would both be detrimental to nearby residents.
- The proposal would have a detrimental effect on the elderly and infirmed residents who had lived in the neighbourhood all their lives.
- Two previous planning applications had been refused in 2011 and 2012, on the grounds that the development as a whole would unduly harm the character and appearance of the area.
- In September 2012, an application to extend No.51 Pembroke Road was opposed by residents and refused by the Council.
- Application to demolish 51 and 53 was approved in November 2012 - these two bungalows should be replaced by two appropriate developments.
- The bulk and footprint of the proposed development was now twice as large.
- The Ruislip Residents' Association had pointed out that approval of this application would set a precedent for similar developments in the area.
- There was great hostility to this planning application and 160 local residents had sent individual letters asking for the application to be refused.
- The development was garden-grabbing and would result in overdevelopment of the area.

The agent spoke on behalf of the petitioners in support of the application and stated that:

- There had been a long history regarding this proposal and it had been a difficult case for officers to deal with.
- There had been 191 people who had signed a petition in support of the application.
- There had been two inspectors' appeals decisions; although the appeals were dismissed, the development was approved.
- The current proposal offered a reasonable proposal.

Two Ward Councillors of the application site spoke about the proposal and made the following comments:

- The application had been dismissed on three occasions and the current application does not address the concerns raised by the previous Planning Inspector.
- This development would result in the loss of private garden area at Nos. 51 and 53, which would have a detrimental impact on the surrounding area.
- Opposed the proposed loss of garden space which would be used for car parking and very concerned that the driveway would extend by 40m from Pembroke Road, which was already an over utilised road.
- The proposed bungalows would be out of keeping with the surrounding area.
- Noted that the majority of signatories to the petition in support of the application did not live in close proximity and would therefore not be affected by the proposed development.
- The people most affected were concerned about the effect the proposal would have on wildlife.
- The proposed development would result in the loss of privacy.
- The proposed development was garden-grabbing and would look to ensure that strategic plans were put in place to end it.
- The local Authority now had the right through the London Plan to not permit overdevelopment and garden-grabbing.
- Regarding the provision of housing, Planning Inspectors would now be able to take into consideration that Hillingdon was well in excess of the annual target of 400 homes and would be able to overturn this application on the ground of need.

Officers advised that with regard to the issue of the petition in support of the application, Members of the Committee would need to take the petition into consideration, as it was a legitimate and valid petition, which was in accordance with the Council's Constitution.

With regard to the issue of garden-grabbing, Policy B1 (set out in full on page 92 of the officer's report) was the most recent policy that was relevant to application. In reference to targets, the Council was in accordance with these and there were a number of large sites in Uxbridge which accounted for the volume of the required amount of housing.

A Member added that gardens were important to the Council, as they provided a huge amount of biodiversity and the proposed development would destroy the usefulness of the habitat. This issue had been reflected in current policies.

The recommendation for refusal was moved, seconded, and on being put to the vote, was unanimously agreed.

**Resolved that the application be refused as per officer recommendation and the changes outlined in the addendum sheet.**



54.	<p><b>'SHANDYS' 64B GREEN LANE, NORTHWOOD 68963/APP/2013/64</b> (Agenda Item 10)</p> <p><b>Change of Use from Use Class A1 (Shops) to Mini-Cab Taxi Office (Sui Generis).</b></p> <p>A petition objecting to this application had been received. Neither the petition representative nor the agent were in attendance at the meeting.</p> <p>Members considered that the proposal was sited in an area that suffered from extreme traffic congestion with limited parking area.</p> <p>The recommendation for refusal was moved, seconded, and on being put to the vote, was unanimously agreed.</p> <p><b>Resolved that the application be refused as per officer recommendation.</b></p>	<p><b>Action by</b></p> <p>Matthew Duigan Meghji Hirani</p>
55.	<p><b>LAND ADJACENT TO 56 &amp; 57 AND 56 &amp; 57 GREYSTOKE DRIVE, RUISLIP 68409/APP/2013/130</b> (Agenda Item 11)</p> <p><b>Two storey, 2-bed, detached dwelling with associated parking and amenity space involving installation of vehicular crossover to side (Resubmission).</b></p> <p>The officer introduced the report and directed Members to note the comments set out in the addendum, which had been received from a Ward Councillor who was unable to attend the meeting.</p> <p>It was announced also that a further Ward Councillor had asked for their objection to the proposal to be noted.</p> <p>In accordance with the Council's constitution, a representative of the petition received in objection to the proposal address the meeting and raised the following points:</p> <ul style="list-style-type: none"> <li>• Urged the Committee to reject the application in its entirety</li> <li>• The applicant had not made any consultation regarding the access to the land.</li> <li>• The proposed vehicle cross-over would become a cross route for access, which would lead to anti-social behaviour, a problem which already existed in the area.</li> <li>• Any building on the proposed piece of land would destroy protected trees on the site.</li> <li>• No changes had been made to this new application compared to the previously withdrawn application.</li> <li>• The proposed development straddled two roads and access for emergency vehicles was not clear.</li> <li>• No clear plans have been shown of where rubbish would be collected.</li> <li>• The proposal was garden-grabbing which would contribute to the loss of amenity space and a loss of safe playing area for</li> </ul>	<p><b>Action by</b></p> <p>Matthew Duigan Meghji Hirani</p>

	<p>children.</p> <ul style="list-style-type: none"> <li>The proposed development was out of keeping with the developments in the area and if approved, would set a precedent for similar developments.</li> </ul> <p>Members noted that the proposed piece of land was already being used as an amenity space.</p> <p>The recommendation for refusal was moved, seconded, and on being put to the vote, was unanimously agreed.</p> <p><b>Resolved that the application be refused as per officer recommendation and the changes outlined in the addendum sheet.</b></p>	
56.	<p><b>S106 QUARTERLY MONITORING REPORT - UP TO 31 DECEMBER 2012</b> (<i>Agenda Item 12</i>)</p> <p><b>Resolved – That the S106 Quarterly Monitoring Report for the period up to 31 December 2012 be noted.</b></p>	<p><b>Action by</b></p> <p>Matthew Duigan Meghji Hirani</p>
	<p>The meeting, which commenced at 7.00 pm, closed at 8.47 pm.</p>	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Nadia Williams on 01895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.