

Minutes



HILLINGDON
LONDON

NORTH PLANNING COMMITTEE

12 April 2016

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

	<p>Committee Members Present: Councillors Eddie Lavery (Chairman), John Morgan (Vice-Chairman), Peter Curling (Labour Lead), Jem Duducu, Duncan Flynn, Raymond Graham, Henry Higgins, John Morse and John Oswell</p> <p>LBH Officers Present: James Rodger (Head of Planning, Green Spaces and Culture), Mandip Malhotra (Interim Major Applications Manager), Syed Shah (Principal Highway Engineer), Sarah White (Legal Advisor) and Jon Pitt (Democratic Services Officer).</p>
168.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
169.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Higgins declared a non-pecuniary interest in items 8 and 9, the Old Orchard, Park Lane, Harefield as he was a customer of the premises. Cllr Higgins remained in the room while the items were discussed.</p>
170.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 3</i>)</p> <p>No matters had been notified in advance or were urgent.</p>
171.	<p>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 (<i>Agenda Item 4</i>)</p> <p>It was confirmed that all items on the agenda were Part I and would be considered in public.</p>
172.	<p>10 JACKETS LANE, NORTHWOOD - 70543/APP/2016/154 (<i>Agenda Item 5</i>)</p> <p>3 x two storey, 5-bed detached dwellings with habitable roof space and 1x two storey, 4-bed, detached dwelling with associated parking, amenity space and landscaping with installation of vehicular crossovers and demolition of existing dwelling.</p>

Officers introduced the report and referred Members to the addendum sheet circulated. The application site was located on the northern side of Jackets Lane, which was a traditional country lane. The site contained two trees that were subject to Tree Preservation Orders (TPO) and was not in the green belt. Neighbouring property, 12 Jackets Lane was a Grade II listed building.

The existing property comprised a large, detached dwelling with significant garden space. The application proposed demolition of the existing property and the construction of three, two storey, 5-bed detached houses and one, two storey, 4-bed, detached houses. Each property would have two vehicle parking spaces, private amenity space and landscaping. Each site had an integrated garage with off street parking in front of the garage. Highway works on Jackets Lane were also proposed.

Changes that had been highlighted in the addendum were brought to the Committee's attention. A verbal update was requested to condition 11, 2c to delete reference to refuse storage. Details of hard landscaping needed to be amended to include reference to the landscape buffer zone in the plot boundary that adjoined 4 Glynswood Place.

An amendment to the recommendations was proposed in order to make details of the proposed highway works clearer. These works included resurfacing of Jackets Lane, the potential installation of a lighting column on Jackets Lane, creation of footways on Hurst Place and trimming of hedgerow on Jackets Lane. The Conservation and Design Team had raised concerns about the relationship of 4 Glynswood Place to one of the proposed dwellings. Further comments had been provided in relation to the revised plans. The position of the house had been moved further back and the internal layout changed so that there was only one obscure glazed window on the first floor of the side elevation. There was plenty of room in the front garden for planting, which would screen the house from number 4. There had also been a change to the approved plans for consistency and accuracy. Two of the proposed new dwellings would front on to Jackets Lane and two would front on to Hurst Place.

A previous application had been submitted and refused in 2015. The application currently under consideration was seeking to address the reasons for refusal. Plot number 1 at the proposed development site was 2.5 metres from the boundary of 12 Jackets Lane. The visual separation of the elevations had been improved, including a cat slide roof, which would adjoin number 12. The application now contained the visual separation for the application to be considered to be appropriate in terms of separation distance. Crown roofs had been removed from the proposed plans to make the proposals more consistent with the surrounding area. Due to the changes made to the proposals, the Conservation and Design Team now had no objection to them.

It was noted that the application proposed only one additional unit at the application site. An appeal decision had allowed two new residential units next door. The applicants had submitted quantitative transport information about the increase in vehicle and pedestrian movements at the site. While the Highway Team would have liked to see an adopted road adjacent to the application site, this would mean the cutting back of hedges and trees due to the required width of an adopted road. Bearing this in mind, the Transport

Team considered that the works proposed by the applicant were an acceptable alternative.

Officers confirmed that the Landscaping Plan had been through extensive consultation, with the Landscaping Officer having no concerns. Concerns had been raised during the public consultation with regard to the impact on neighbours. An additional plan had been provided by the applicant as there had been some concern with regard to separation distances. The separation distance from the upper floor window of plot 4 to the ground floor of 4 Glynswood Place was 21 metres. Objectors to the application had raised concerns that the distance was actually 20.4 metres. This discrepancy was likely to be as a result of measurements having been taken from different points of the proposed building. Officers considered that the separation distances were acceptable. A separation distance of three metres had been secured to the boundary of number 4 Glynswood Place.

Overall, the application was considered to be acceptable. There had been concerns raised over whether it amounted to a backland or garden grabbing type of development. Based upon London Plan policies and MPFF practice, given the arrangement of the site, it was not considered to be backland.

In accordance with the Council's Constitution, a petitioner addressed the Committee in objection to the application.

The petitioner made the following points:

- The single track Jackets Lane was one of the last remaining true country lanes in Northwood ward. The gardens of three properties, 8 - 12 Jackets Lane abutted green belt to the rear, forming a critical part of the semi-rural street scene of the area.
- The proposed scheme clearly breached the Council's garden and backland development policy, DMH6. The policy stated the need to maintain the local character and in exceptional circumstances, limited development may be acceptable. This application did not make an exceptional case.
- The scheme would increase the density of properties to 13, a growth of 63%, compared to the current eight properties in the street. The proposals were not of a limited scale and fundamentally changed the rural outlook and character of the area.
- The officer report had referenced the MPFF in support of the scheme. The MPFF encouraged the reuse of brownfield land. The Government definition of brownfield land specifically stated that this excluded land such as private residential gardens. Therefore, the application site was not brownfield. The MPFF also stated that planning authorities should resist inappropriate development of residential gardens.
- The addition of four large detached houses would radically and fundamentally change the feel and street scene of the neighbourhood and would therefore be inappropriate.
- The scheme would also breach sub criteria two of the Backland Policy, which required that neighbouring residential amenity and privacy of existing homes and gardens must be maintained.
- The proposed plot 4 would result in zero privacy for the garden of the house at 4 Glynswood Place. The building would also be within the minimum separation distance of 21 metres and would breach the 45

degree angle guideline. This was acknowledged in the officer report. This made no account of the three metres of private patio to the rear of the property which fell within a separation distance of only 18.5 metres.

- The proposed plot 4 would have a direct line of sight into the petitioner's master bedroom, lounge, kitchen, patios and small garden.
- The previous application had been refused on account of planning policy, BE24. This stated that the design of new buildings should protect the privacy of occupiers and their neighbours. The revised scheme had moved the 30ft high, 2,800 sq ft, five bedroom house 441 millimetres from the refused position. The case officer had now deemed BE24 to be not relevant for consideration. The petitioner believed that BE24 was still relevant and that the development would be in breach of it. The officer's own words stated that the private dwelling "will compromise the amenity of the neighbouring property. There are also issues of privacy, site line and outlook. The revisions do not address the prior reasons for refusal or impact upon the neighbouring property."
- The petitioner said that the officer's report incorrectly stated that the site currently benefited from natural screening by trees and hedging. These had already been removed by the applicant. Backland policy sub-section 5 had also been breached.
- The application directly breached planning policy BE21, which stated that planning permission would not be given by reason of citing, bulk and proximity that would result in the significant loss of residential amenity.
- The location of the proposed plot 4 would totally over dominate the rear of the petitioner's home and garden and cause a total loss of privacy. Plot 4 would cause a total loss of direct sunlight to all the rear amenity and habitable homes from mid afternoon to late evening. This was in breach of planning policy, BE20. This coupled with the close proximity and scale would result in an overbearing, overlooked and depressing outlook.
- The 17.3 inches re-siting and minor design changes compared to the refused application played no part to resolving the breach of planning policy BE21. The scheme also failed policies DMH6, BE20, BE24 and BE23 - paragraph 5.30.
- The scheme failed to meet the minimum distances of separation in respect of privacy to key rooms and outside patios and gardens. Given the number of breaches of the policies and significant impact of the scheme to the area and neighbouring properties, the petitioner requested that the application be refused and not returned to delegated authority.

A Member asked the petitioner if he knew when hedgerows and trees had been removed from the application site. The petitioner said that these were shown on the applicant's plan as trees that they proposed to remove. They had all been removed, with the petitioner believing that this had taken place prior to November 2015.

In accordance with the Council's Constitution, the applicant addressed the Committee in support of their application

The applicant made the following points:

- Council officers were thanked for engaging with the applicant over a period of time. This had resulted in a number of amendments being made to the application. The amendments had been informed by Council officers, heritage consultants and highway consultants. This had led to the introduction of a cat slide roof at plot 1 to lessen any impact on the listed building at number 12 Jackets Lane.
- Plot 4 had been positioned further away from number 4, Glynswood Place. This had allowed for a landscape buffer between the two properties. There had been some tree removal along the boundary, which would be replaced with landscaping. This would be secured by the proposed condition 11 of the officer report.
- There would only be a net gain of one property at Jackets Lane as two had already been approved at appeal. The applicant proposed to touch up and resurface part of Jackets Lane. This had been deemed acceptable by Council officers.
- The Cabinet Member for Planning, Transportation and Highways had been consulted about the proposal and had indicated that he would not wish to see the lane made up, in accordance with the Conservation Officer's advice. The Conservation Officer had amended comments in relation to the scheme, as shown in the addendum. The proposals were compliant with the Hillingdon new residential layouts, paragraphs 4.11 to 4.13.
- There would be no habitable windows within 21 metres at a 45 degree angle of 4 Glynswood Place.
- Members were thanked for their time in considering the application.

In accordance with the Council's Constitution, Cllr. Scott Seaman-Digby addressed the Committee.

Councillor Seaman-Digby made the following points:

- Officers had engaged well with the developer but engagement with the petitioner had not been good. The petitioner had struggled to get officers to visit him on site.
- An officer had visited after being provided with a formal written request to do so, but they had not had information in relation to the previous applications. There had been other administrative errors.
- The petitioner had made good points in relation to the bulk, density and inappropriateness of the proposals, which should be seen as being backland development.
- Cllr. Seaman-Digby requested that the Committee undertake a site visit as the area was the last vestige of the countryside in Hillingdon.
- In the event that the application was approved, mature screening conditions should be added to ensure adequate screening of windows from the petitioner's house.
- Cllr. Seaman-Digby did not agree that the separation of the ridge would be 21 metres at 45 degrees. Further conditions should be considered post site visit.
- Most of the issues faced by the petitioner could be overcome by a slight realignment of the properties and it was not felt that the application had been handled as effectively as it could have been.

The Chairman drew Members' attention to the fact that the conservation comments referenced by residents were referenced in the addendum. The Committee was asked to consider how the proposed buildings had moved in comparison to the previously submitted plans. Privacy at the rear of 4 Glynswood was also an issue that needed consideration.

Officers advised that the number of windows at first floor level along the boundary had been reduced from three to one. This window would be serving non habitable space and would be glazed. This proposal would not breach the 45 degree angle rule and there was a separation distance of 21 metres from the centre point of the window to the bottom of the ground floor rear projection of the property. This was an original part of the building and was not an extension. The mature trees referenced by Cllr. Seaman-Digby could be placed in the area between the two buildings due to the separation distance having increased. The need to provide an appropriate landscaping scheme had been identified in the addendum.

It was confirmed that the 21 metre separation did not include the patio area. However, it was not considered that including patios within the separation distance would be defensible upon appeal. This was because it was common for rooms within houses to overlook the patios of neighbouring properties.

The Committee asked officers to provide commentary on the effect that the proposal would have on sunlight available to surrounding properties and the shadowing that would result. Officers advised that given the separation, there may be an element of shadowing in the evening and also that plot 4 of the proposals may overshadow plot 3 to the south.

A Member expressed their concern about the size and bulk of the proposed properties if they were to be built on a single site and also, the potential for shadowing and loss of sunlight. The proposals could amount to overdevelopment, with the Member being inclined to agree that a site visit should be undertaken.

Officers were asked to confirm how much higher the building line of the proposed buildings was when compared to the existing adjacent buildings. The exact height of the buildings could not be confirmed, but the increased height was not considered to be overly substantial.

A Committee Member agreed with previous comments that the size of the development was changing the character of the area and on that basis, he would favour a site visit.

Another Member asked for confirmation that officers agreed with the details shown in the plans presented by the petitioner. It was confirmed that officers would dispute whether they were entirely accurate. The Member stated that the part of Northwood that the application related to was quite rural and he would not wish to see rural parts of the Borough being concreted over. He also agreed that a site visit would be helpful.

It was suggested by a Member that if Hurst Place did not already exist, that the Committee would consider the proposals to amount to a 'land grab' and would reject them. Some garden space would be lost to the development, in particular within plots 3 and 4. The Member had concerns about the bulk of

the development and agreed with the proposal to undertake a site visit.

Officers advised that the height of plot 1 was approximately 1.5 metres higher than number 12 Jackets Lane, but the height of the buildings in Hurst Place was not known.

The Chairman asked for the measurements to be re-checked on site. This was to confirm whether the separation distance between the proposed development on plot 4 and the existing dwelling at 4 Glynswood Place was actually 21 metres or less, as stated by the objectors.

A Member was concerned about the removal of hedgerow and trees that had taken place and wanted stronger protection given to TPO trees within the conditions in the event that the application was ultimately approved. The Member also felt that there were too many buildings being proposed as part of the development. The Chairman said that the wording of conditions in relation to landscaping would be key if the application was approved.

Officers advised that if the scheme were to be deferred for a site visit, the applicant could be asked to submit a plan showing the landscaping. Approving a plan that specified landscaping would be preferable to conditioning landscaping without being able to specify the precise details of the landscaping.

The recommendation for the deferral of the application to enable a site visit to take place was moved, seconded and upon being put to a vote, was approved unanimously.

Resolved: That the application be deferred to enable a site visit to take place.

173. **178 - 182 HIGH STREET RUISLIP - 28388/APP/2015/3834**
(Agenda Item 6)

Change of use of first and second floors from Use Class A1 (Retail) To Use Class C3 (Residential) to form 3 x 2-bedroom and 3 x 1-bedrom self contained flats involving first floor rear extension, glazed balustrades to form private/communal terraces to rear, external alterations and internal refuse bin and cycle storage (Resubmission).

Officers introduced the report in relation to 178-182 High Street, Ruislip and referred Members to the addendum sheet circulated.

The application site was currently a retail unit, located within a retail parade. The building was currently in use for retail at ground, first and second floor level. The application proposed to retain the retail use at ground floor level, while converting the upper floors into two, three bedroom units and three, one bedroom units to create six residential units in total.

A small extension to the building was proposed at first floor level, which would serve as lobby access to residential units at upper floor level. An existing staircase leading up to the first floor would be retained and utilised to enable the subdivision of the property. The main frontage to the High Street would not be changed. A small portion of the rear section of the retail unit would be used to provide storage for residential refuse and bicycles.

The application did not propose the creation of any car parking spaces. Two existing parking spaces to the rear of the site would be retained as part of the development. These would serve the retail unit, rather than the residential units. The application site was within walking distance of a number of bus routes and of Ruislip Station. On that basis, it was considered appropriate for the development to not have any residential parking spaces. It was noted that an application in relation to a car free development on the opposite side of High Street had been lost at appeal as the inspector had considered it acceptable for there to be a car free development in such a location. For this reason, officers considered that any refusal due to the proposals currently under consideration being car free would likely to be lost at appeal.

The initial plans submitted proposed a bin and cycle store in the location of the two existing off street parking spaces. Due to concern about the loss of the parking spaces, the refuse and cycle storage areas had been relocated. These changes to the proposals had been included in the addendum.

Concerns had been raised about the loss of retail use at the site. It was noted that there were national policies that required the provision of more mixed use town centres. Recent permitted development changes allowed offices above retail units to be converted automatically to residential usage without the need for planning permission. The premises were one of the few retail units in the area that extended above first floor level. The loss of retail use at first and second floor level was considered to be acceptable as it would provide much needed housing within the town centre location and it was not considered that such a reason for refusal would be substantiated upon appeal. Accordingly, officers recommended that the application be approved.

Members asked whether the communal roof terrace was considered to be large enough for the six flats proposed. Officers advised that the Residential Layouts guidance was flexible with regard to private amenity space for flats above retail units. There was no requirement for any space to be provided. It was, therefore, an additional benefit that there was this amenity space and a private patio for one of the flats. The size of the amenity space was not something that could be considered at appeal.

A Member stated that they did not have an issue with the development and noted that there was a park around a ten minute walk from the site. There was also sufficient access to public transport and there were other amenities in the local area. Another Member had no problem with the proposal as they were normalising what was happening elsewhere.

It was stated by a Committee Member that they did not normally favour a change of use from commercial to residential. He was pleased that some retail use would be retained, but was slightly concerned that no parking would be provided for the flats. This concern was shared by others, but on balance, it was felt that the need for extra residential provision was more important and also that the lack of parking provision was not likely to be defensible at appeal.

Due to A1 (retail) usage calculations only considering ground floor level use, there would not be a policy reason to refuse to application. Officers advised

that they could find no valid planning grounds for refusing the application. In response to Member questions about the height of walls adjacent to roof terrace, private patio and stairs, the Chairman proposed that this be covered by planning conditions. There were no parking management schemes within the area so it would not be possible to specify that the occupants of the flats could not apply for parking.

The recommendation for approval of the application was moved, seconded and upon being put to a vote, was approved unanimously.

RESOLVED: That:

- 1. The application be approved as per the officers' recommendation, subject to the conditions and informatives set out in the officer's report and the addendum sheet circulated.**
- 2. That delegated authority be granted to the Head of Planning to, in conjunction with the Chairman and Labour Lead, amend condition number 4 in relation to the walls adjacent to the roof terrace and balconies.**

174. **LAND BETWEEN 64A & 74 AND LAND BETWEEN 44 & 76 PEERLESS DRIVE, HAREFIELD - 71520/APP/2016/145** (*Agenda Item 7*)

Land between 64a & 74 and land between 44 & 76 Peerless Drive, Harefield.

Officers introduced the report and referred Members to the addendum sheet circulated. It was noted that a canal ran to the west of the site and that there was vehicular access to Peerless at the front of the site. The addendum referred to the principal loss of open space that would result if the application were approved. The application site provided informal recreation space for the neighbouring estate. The Council's Open Space Strategy did not define this area as being a formal recreation area, but there were policies in place to protect informal recreational space. The proposed reason for refusal number 5 had been amended to object to the loss of this space.

The application proposed the construction of two detached houses on the site. The houses would be two storey and would each have off street parking. It was noted that a previously refused application at the site had proposed to block off the public access to the canal. The current application proposed to maintain public access to the canal. Some amenity space would be retained adjacent to the existing estate, but this was substantially smaller than the open space that currently existed.

The proposed development was considered to be of an unacceptable scale. There were also concerns regarding the separation distances from existing properties, which was likely to result in a loss of privacy. The application was recommended for refusal.

A verbal change was requested to the officer report to remove reason for refusal number 7. This related to there being a 75 metre walking distance from one of the properties to the proposed refuse drop off point. However, the distance had been reduced to around 35 metres through the addition of two parking spaces. Therefore, the distance was no longer considered to be a reason for refusal.

The Chairman advised that one of the ward Councillors for Harefield, Councillor Jane Palmer, had asked it to be publically stated that she strongly objected to the proposals.

The Committee questioned what legal basis there was for the area of open space being considered as an informal recreational area. Officers advised that it was both Council and national policy that applications that proposed development on land considered to be informal recreational space could be refused. The Committee also questioned whether it could be conditioned to ensure that the parking spaces could only be used by occupants of the proposed dwellings. Officers clarified that conditions could only be added in the event that the Committee was minded to approve the application.

The recommendation for refusal was moved, seconded and upon being put to a vote, was refused unanimously.

RESOLVED: That: the application be refused for the reasons set out in the officer report, subject to the removal of reason for refusal number 7 and the amendments set out in the addendum.

175. **THE OLD ORCHARD, PARK LANE, HAREFIELD - 3499/APP/2015/4269**
(Agenda Item 8)

Single storey detached outbuilding to be used to serve food and beverages (Revised and Resubmission).

Officers introduced the report, which was presented to the Committee in conjunction with agenda item number 9, 3499/APP/2015/4600.

The application proposed the erection of a single storey, detached outbuilding at the Old Orchard. The outbuilding would be used to serve food and beverages in an outdoor environment. There was an existing outdoor shelter within the rear garden, with seating. The application had been referred to Committee for determination because it was a minor development within the green belt. One local resident had objected to the application.

The proposals were considered to be acceptable in terms of design and did not have an impact on the openness of the green belt. It was noted that some landscaping was proposed and also some hard paving in order to provide level access to the site. There had been previous extensions at the site, but none of the extensions that had previously been approved or the applications currently under consideration resulted in the addition of more than 50% of floorspace.

There was an existing marquee that housed the current offer of food and beverages. The design of the proposals would reflect the design of the existing smoking shelter. Accordingly, the application was recommended for approval.

The Chairman drew Members' attention to the proposed condition number 4. The permissible operating hours that this condition proposed were considered to be unduly restrictive. The existing condition, as proposed by the Environmental Protection Unit, stated that the barbecue and food

preparation area could only be used from 10 am to 10 pm Mondays to Fridays and between the hours of 10 am 11pm on Saturdays. Use on Sundays or Bank Holidays would be prohibited. These restrictions were not considered to be viable as Sundays and Bank Holidays would be important trading times for the premises. It was therefore proposed that the condition be amended to enable use of the facility between the hours of 10 am and 11 pm seven days per week, including Bank Holidays.

The recommendation for approval of the application was moved, seconded and upon being put to a vote, was approved unanimously.

RESOLVED: That: The application be approved as per the officers' recommendation, subject to the conditions and informatives set out in the officer's report and subject to amendment to condition number 4 to specify that the detached outbuilding 'should only be used between 10 am and 11 pm on any day.

176. **THE OLD ORCHARD, PARK LANE, HAREFIELD - 3499/APP/2015/4600**
(Agenda Item 9)

Single storey side extension to provide a disabled toilet (Revised).

Officers introduced the report, which was presented to the Committee in conjunction with agenda item number 8, 3499/APP/2015/4269.

The application proposed the provision of a new disabled toilet at ground floor level. The impact of the extension to accommodate the toilet was considered to be limited and to not have an impact on the openness of the green belt or on the visual appearance of the existing building. One local resident had objected to the application.

There had been previous extensions at the site, but none of the extensions that had previously been approved or the applications currently under consideration resulted in the addition of more than 50% of floorspace.

Accordingly, the application was recommended for approval.

The recommendation for approval of the application was moved, seconded and upon being put to a vote, was approved unanimously.

RESOLVED: That: The application be approved as per the officers' recommendation, subject to the conditions and informatives set out in the officer's report.

177. **S.106/278 PLANNING AGREEMENTS - QUARTERLY FINANCIAL MONITORING REPORT** (Agenda Item 10)

RESOLVED: That: the report be noted.

The meeting, which commenced at 7.00 pm, closed at 8.17 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Jon Pitt on 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the

Public.