

Minutes



CENTRAL & South Planning Committee

31 October 2017

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

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| | <p>Committee Members Present: Councillors Ian Edwards (Chairman), David Yarrow (Vice-Chairman), Shehryar Ahmad-Wallana, Roy Chamdal, Alan Chapman, Mo Khursheed, Peter Money and John Morse</p> <p>LBH Officers Present: Glen Egan - Legal Advisor; Mandip Malhotra - Pre-applications Manager; Liz Penny - Democratic Services Officer; Manmohan Ranger - Transport DC Consultant; James Rodger - Head of Planning and Enforcement</p> |
| 118. | <p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Brian Stead with Councillor Eddie Lavery substituting.</p> |
| 119. | <p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Members were advised that the petitioner for item number 8 on the agenda had introduced himself to Councillor Yarrow at a North Uxbridge Residents' Association meeting. No subsequent conversation had taken place therefore Councillor Yarrow would remain in the room during voting.</p> |
| 120. | <p>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING (<i>Agenda Item 3</i>)</p> <p>RESOLVED: That the minutes of the meeting on 10 October 2017 be approved as a correct record.</p> |
| 121. | <p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p> |
| 122. | <p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THAT THE ITEMS MARKED PART 2 WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that agenda items 1 -12 were marked at Part I and would be considered in public. Agenda item 13 was marked as Part II and would be considered in private.</p> |
| 123. | <p>7 ABBOTT'S CLOSE, COWLEY - 73074/APP/2017/2843 (<i>Agenda Item 6</i>)</p> |

Officers introduced the report and provided an overview of the application which sought planning permission for the erection of a single storey rear extension 3.6m deep x 6.6m wide x 3m in height. Officers highlighted the addendum and recommended that the application be approved. It was explained that the property was lawfully in use as an HMO and was situated within an article 4 area which restricted HMOs; however, this HMO had been licensed and registered since 2001 therefore pre-dated the Council's article 4. Hence, for the purposes of determining the application, the property had to be considered a C3 dwelling house rather than an HMO. Members were advised that the proposed size and scale of the rear extension were acceptable and there was a condition in the addendum restricting the number of occupants to six. If the number of occupants were to exceed six, planning permission would be required to change the use from a dwelling house to an HMO. It was confirmed that there was sufficient parking space for three vehicles.

A representative of the petitioners was not present at the meeting. The applicants addressed the Committee in response to the petition received and confirmed that the property was licensed as an HMO. It was also stated that the proposed extension would be at a distance of 900mm (36 inches) from the closest property. Petitioners had expressed concern regarding the high turnover of tenants; however, the applicants confirmed that they had owned the property for 5 years and had only had 3 groups of tenants living in the property in that time. Members were informed that neighbours had the applicants' contact details and had never complained about any issues regarding excessive noise at the property. The applicants further advised the Committee that they had been in receipt of threats from a neighbour regarding their planning application but were not proposing to do anything unlawful.

Comments received from Councillor Mills, Ward Councillor, were read out to Members. Councillor Mills expressed concern regarding the application as he believed it would become an overdevelopment of the property and would provide six letting rooms with only one small bathroom and a small shared living space. Moreover, Councillor Mills stated that he believed the property would be let to six individual groups of people which would result in excessive movement to and from the house and would inconvenience neighbours. Finally, Councillor Mills expressed concern regarding parking and vehicular movement in the cul de sac.

Members requested clarification of the number of parking spaces available at the property and were informed that the minimum requirement was three and this had been met. Councillors also sought clarification regarding the number of letting rooms available at the property and it was confirmed that there were four single letting rooms and one double room available with an occupancy level of six people. The Committee also requested further clarification regarding the status of the property as an HMO. The Head of Planning and Enforcement reminded Members that, without planning permission, six people could live at the property lawfully and the extension complied with all planning regulations. If more than six people were to live there in the future, the Council would look more closely at planning and other issues.

Members queried the depth of the extension which was shown as 4 metres on the plans rather than 3.6 metres and it was suggested that, rather than removing the location plan altogether, authority could be delegated to the Head of Planning and Enforcement to correct the dimensions to ensure they matched the applicant's intentions (3.6m). The Committee also asked for further clarification regarding the sizing of the rooms on the first floor and were advised that the rooms met the standards required by planning. Finally, Members sought clarification regarding concerns raised by Councillor Mills relating to increased people movement at the property. Officers advised that, under permitted development rights, six people could occupy the

premises; therefore it was comparable to a single dwelling house of the same size. The planning department were considering the rear extension alone rather than the comings and goings of the residents but had added a condition to restrict numbers to six with this in mind. It was believed that no additional harm would be caused.

The officer's recommendation was moved, seconded and, when put to a vote, seven Members voted in favour with one abstention.

RESOLVED:

- **That the application was approved subject to agreed conditions.**
- **That authority was delegated to the Head of Planning to correct the dimensions in the site plan to correspond with the applicant's intentions.**

124. **LAND FORMING PART OF 84 CHURCH ROAD, HAYES - 72944/APP/2017/2083**
(Agenda Item 7)

Officers introduced the application which sought planning permission to build a two-storey, two-bed detached house. Officers explained that the property was in Church Road but access would be via Churchfield Close. Members were informed that the proposed internal floor areas within the building did not meet the national standard requirements. Moreover, private amenity space was sub-standard for a 2-bedroom property. Comments regarding the loss of the tree to the front of the property had been received from the Council's arboricultural officer stating that the tree had been considered for a TPO but had not been considered to be of merit. Officers highlighted the addendum and recommended that the application be refused.

The petitioners were not present at the meeting. The applicant spoke in response to the petition received and stated that their proposed development would be in line with the other properties built by the Council within the gardens of houses in Church Road. The applicant confirmed that the original plans showed a 600mm gap to the boundary at either side of the property which gave an internal floor area of 76 square metres. Their architect had since submitted a revised plan on the recommendation of the planning officer leaving a one metre gap to the boundary resulting in a smaller house with a floor area of 64.8 square metres. This was deemed to be too small hence the officers' recommendation for refusal. The applicant requested that Councillors consider granting permission based on the original plans submitted and stated that, although the gaps to the boundary would be smaller, the property would not be out of character with others in the area. The applicant confirmed that every effort would be made to minimise parking problems during construction and the new property would have two allocated parking spaces. Members were advised that the tree mentioned by officers was leaning to one side, was overgrown with ivy and presented a security issue.

Members were reminded by the Chairman that, despite the applicant's request, the Committee could only consider the plans presented to them at the meeting as part of the application and were unable to consider previously submitted plans.

The officer's recommendation was moved, seconded and unanimously agreed by the Committee.

RESOLVED: That the application was refused.

125. **8 BAWTREE ROAD, UXBRIDGE - 18278/APP/2017/1876** (Agenda Item 8)

Officers presented the report and provided an overview of the application. The application related to the deepening of an existing basement, single storey rear extension, installation of a rooflight and realignment of the internal floor levels. Officers explained that this item referred to an appeal against non-determination. Officers highlighted the addendum which pointed out that the Planning Inspectorate would be the decision maker on the case and the Committee were considering the officer recommendation to refuse the scheme and that would form part of the Council's appeal statement. Anomalies in the plans were pointed out; the floor plan showed that on the first floor the back bedroom had a window facing out onto the garden, whereas the elevational drawings indicated that there was no window - only a skylight. Officers drew attention to a Certificate of Lawful Development approved on the site and mentioned in the addendum and explained that there had been a dismissed appeal on the site previously. Officers confirmed that the application was recommended for refusal for two reasons; the rear elevation failed to harmonise with the proportions of the existing building and there was insufficient head height in the back bedroom which provided poor outlook.

The lead petitioner spoke in objection to the application. He stated that the buildings in question were built in 1835 and were some of the oldest buildings in North Uxbridge. The petitioner's main concern related to the effect of the proposed development on the property's foundations and he believed it would affect not only the structural stability of 8 Bawtree Road, but also that of his own adjacent property. He commented that such works could cause flooding and created dust and noise which impacted on neighbours. Moreover, the petitioner felt that further ground water evaluation was required to determine the effect of heavy rain. He stated that the proposed basement extension would create a dam which would trap water and make his own cellar even damper. The petitioner voiced further concerns regarding a lack of natural light in the proposed extended basement and felt that the proposed section of glazed panels below the existing bay window would be insufficient and would not illuminate the large room. He also questioned the ventilation and fire safety aspects of the new development.

The applicant spoke in response to the concerns raised. He stated that the application sought to address all the issues brought to light in his previous application. He referred to the Certificate of Lawful Development already granted on the property. The applicant believed that the development would be of benefit to the Borough and addressed some of the Homes for Life conditions placed on new properties. The design was intended to ensure that elderly relatives would be able to access the property and have full use of bathrooms etc. The applicant stated that he had a mechanical ventilation heat recovery unit prepared for the site which would address some of the ventilation issues. With regards to the rear bedroom, he claimed that the floor levels could be tweaked in response to the issues raised. The petitioner felt that the issues raised and reasons given for refusal could be addressed with two other conditions and proposed that the application could then be recommended for approval. He stated that the Flood Water Management Officer had no concerns and the structural side of things would be managed by Building Control and a party wall agreement.

Members sought clarification regarding the structural engineer's comments on this application. The applicant confirmed that his structural engineer had worked on many basement extensions and bunkers for politicians, therefore understood the issues involved. The Chairman commented that the Committee could only consider material planning considerations and could not take into account structural matters relating to the party wall agreement as this was controlled by other legislation; namely the party wall act.

Officers reminded Members that a planning application on this property had already

gone to appeal in which the Inspector dealt with the same basement but with a different extension. The Inspector had stated categorically that the drainage issues raised could be dealt with by a planning condition but had concerns regarding the rear extension proposed. The Head of Planning and Enforcement confirmed that the party wall process had already commenced which meant there were surveyors involved and both parties were getting professional advice. Therefore the main consideration for the Committee was the rear extension. Moreover, the applicant's request would effectively involve re-drawing the plans and therefore Members were advised to only consider the plans before them. With regards to the Certificate of Lawful Development, it was confirmed that the Certificate only covered work which could be carried out within permitted development; in this case the proposed rear extension was too large to be considered a single storey rear extension therefore did not fall within the remit of PD.

Members sought clarification regarding the statement that the Council would not support basement developments which extended the full width or length of the site. The Head of Planning and Enforcement confirmed that the quotation related to a policy in the emerging Part II Local Plan which was not yet being used by the Council for development control purposes.

The officer's recommendation was moved, seconded and unanimously agreed by the Committee.

RESOLVED: That the application was refused.

126. **BANNERMAN CENTRE, BRUNEL UNIVERSITY, KINGSTON LANE - 532/APP/2017/2147** (*Agenda Item 9*)

Officers introduced the report and highlighted the addendum. The application sought to refurbish a coffee shop and enlarge it into existing office space. Members' attention was drawn to the informative in the addendum relating to restrictions on signage. Members were also informed that an additional informative was to be added relating to food hygiene.

The Committee moved, seconded and unanimously voted in favour of the officer's recommendation.

RESOLVED: That the application was approved subject to the addition of a food hygiene informative.

127. **2 ST MARGARETS AVENUE, HILLINGDON - 69131/APP/2017/2934** (*Agenda Item 10*)

Officers introduced the report and highlighted the addendum. The application sought to develop 2 x two-storey 3-bed semi-detached and 1 x two-storey 3-bed detached dwellings and was recommended for refusal.

Members were informed that a previous application had been refused in 2017 as the proposal was considered to constitute over-development of the site. The current proposal had failed to address the reasons given for the previous refusal.

It was confirmed that comments in objection to the application had been received from the Ward Councillor, Councillor Richard Mills. Councillor Mills had expressed concern regarding the proposed cramped development which sought to build on the garden of the existing property. Further concerns had been raised by Councillor Mills regarding a lack of amenity space for future occupiers and the fact that the proposed properties

would not be in keeping with other properties in the road and would impact negatively on the street scene.

The officers' recommendation was moved, seconded and, upon being put to a vote, unanimously agreed.

RESOLVED: That the application was refused.

128. **5 FIELD CLOSE, HARLINGTON - 33279/APP/2017/3120** (*Agenda Item 11*)

Officers introduced the application and highlighted the addendum. The proposal sought approval for a first floor rear extension with a new rear window.

Members moved, seconded and voted unanimously in favour of the officers' recommendation.

RESOLVED: That the application was approved

129. **5 FIELD CLOSE, HARLINGTON - 33279/APP/2017/3121** (*Agenda Item 12*)

Officers introduced the report and highlighted the addendum. The application sought internal alterations to an existing outbuilding to include new bathroom and boiler room and insertion of a new window to the rear elevation and was recommended for approval.

Members were advised that a planning appeal decision in 2012 had granted authority for the annexe to be built as it was considered to be ancillary to the main house and was not self-contained. The proposed alterations did not include a kitchen therefore Members were assured that the users of the annexe would continue to utilise the facilities in the main dwelling house. Members were advised that, for the aforementioned reason, the outbuilding was considered ancillary to the host building, based on the previous appeal decision.

Members moved, seconded and unanimously voted in favour of the officers' recommendation.

RESOLVED: That the application was approved subject to addendum changes.

130. **ENFORCEMENT REPORT** (*Agenda Item 13*)

RESOLVED:

- 1. That the enforcement action as recommended in the officer's report was agreed.**
- 2. That the Committee resolved to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.**

This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local

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| | <i>Government (Access to Information) Act 1985 as amended).</i> |
| | The meeting, which commenced at 7.00 pm, closed at 8.18 pm. |

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250185. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.