

Minutes



NORTH Planning Committee

20 August 2020

Meeting held at VIRTUAL - Live on the Council's YouTube channel: Hillingdon London

	<p>Committee Members Present: Councillors Eddie Lavery (Chairman), Henry Higgins (Vice-Chairman), Jas Dhot, Carol Melvin, John Oswell, John Morgan, Jagjit Singh and Steve Tuckwell (In place of Becky Haggar)</p> <p>LBH Officers Present: Neil Fraser (Democratic Services Officer), James Rodger (Head of Planning, Transportation and Regeneration), Glen Egan (Office Managing Partner - Legal Services), Zenab Haji-Ismail (Principal Planning Officer) and Alan Tilly (Transport, Planning and Development Manager)</p>
51.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Haggar, with Councillor Tuckwell present as her substitute.</p>
52.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Melvin declared a non-pecuniary interest in respect of item 6, 5-6 Firs Walk, as she had been involved with the original application alongside residents. Councillor Melvin remained in the meeting but took no part in discussion or voting for this item.</p>
53.	<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 held on 14 July 2020 be approved as a correct record.</p>
54.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>It was confirmed that items 6, 7 and 11 had been withdrawn prior to the meeting.</p>
55.	<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 5</i>)</p> <p>It was confirmed that items 1-12 would be considered in public, and that items 13-14 would be considered in private.</p>
56.	<p>5-6 FIRS WALK - 30837/APP/2020/1723 (<i>Agenda Item 6</i>)</p>

Officers introduced the report, confirming that the proposal would provide a net increase in two family dwellinghouses, which was a material planning consideration in favour of the development. However, the weight to be afforded this had been considered in light of the Council's ability to demonstrate a five year land supply.

Officers asserted that the proposal would result in the significant loss of back garden land and the functions it served, in relation to local character, amenity space and the support of biodiversity. The benefit of two additional family dwellinghouses was not felt to outweigh the significant harm caused by the loss of the existing back garden land.

In addition, to enable the internal roads to be completed to serve two of the dwellings, works to the road at the end Foxdell would be required, and such work was not within the ability of the applicant. Instead, this would require intervention by the Council as highways authority. This would need to be the subject of a legal agreement, and while the applicant had submitted a late Unilateral Undertaking, this had subsequently been withdrawn by the applicant.

The addendum was highlighted, which clarified the petitioners' objections to the application.

For the reasons outlined within the Officer's report, the application was recommended for refusal.

A statement was read to the Committee on behalf of the petitioners objecting to the application, key points of which included:

- The petition reflects the concerns of many residents in the Dene Road area, 54 of whom signed the Petition. Additionally, 7 residents submitted individual letters objecting to the Application, raising in total some 24 points of objection.
- These objections are supported by the Dene Road Residents Association representing 120 households, as well as the Northwood Residents Association.
- The Dene Road area has been officially recognised and designated as an Area of Outstanding Local Character.
- The third application for this site within the past two years has changed little from the second application, which was rejected by the North Planning Committee on 17 June 2020.
- The main reasons for the rejection of the second application have not been addressed in the third application, and the report recommends refusal for the same reasons as that of the second application, i.e. loss of gardens at odds with surrounding area, a cramped form detrimental to visual amenity, character and appearance of the area, as well as the lack of a Section 106 agreement for accessing the site from Foxdell.
- The application claims to maintain the building line with adjacent houses in Foxdell and Firs Walk. However, this is at odds with the "Indicative Site Layout Plan" with the houses set to the fore of existing houses.
- The forward-facing garage spurs are also not in line with the garages of the existing houses.
- The plan also shows large crown roofs which are not supported by DMHD 1 (B-viii). This is a non-traditional roofing form and not sympathetic to the traditionally designed houses in the immediate locality.
- The application states that no trees will be affected by the proposal, however three 80-year-old trees were felled on the property no. 6 Firs Walk in April 2018, just before the submission of the first application, and thus there are no guarantees that further environmental destruction will not be carried out.

- Approval of the application would be in contravention of many of Hillingdon's planning policies (e.g. DMH6, DHMB 11, DHMB 14, BE1 section 2 and 9, BE19, EM4) and would also contravene the decisions made by this Committee against the previous two applications and by the Inspector appointed on the appeal of the first application (which was dismissed.)
- The report identifies the lack of a Section 106 Agreement for works required to connect the site to the end of Foxdell, which the application fails to mention. As set out in the report, a Letter before Action was issued to Hillingdon by the owners of nos. 6, 8, 11, and 13 Foxdell on 22 November 2019, giving details of the challenge which is founded on the strong belief that the road between their properties is not part of the public highway.
- The effect of the challenge, if upheld, would be that there would be no public right of way over that section of Foxdell, which would therefore not provide access to the proposed development. The Council has not yet responded to the Letter before Action and arguments such as those set out in the first paragraph of the Report's Section 7.10 have not yet been subject to scrutiny, assessment and counter-argument.
- Access is restricted from Firs Walk, a privately-owned narrow lane that is not a public highway. Its tight 90 degrees turn would render any construction traffic impossible, and any increase in traffic by the development's residents would neither be safe nor permitted by all the owners of the road. Access suitability and safety are a planning consideration (DHMB 12).

Members supported the office's recommendation for the reasons set out in the report. The recommendation was moved, seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be refused.

57.	<p>LAND ADJ TO 38 TORCROSS ROAD - 75724/APP/2020/2194 (<i>Agenda Item 7</i>)</p> <p>Item withdrawn.</p>
58.	<p>26 BROADWOOD AVENUE - 16080/APP/2020/1579 (<i>Agenda Item 8</i>)</p> <p>Item withdrawn.</p>
59.	<p>173 FIELD END ROAD - 39825/APP/2020/1256 (<i>Agenda Item 9</i>)</p> <p>Officers introduced the report, confirming that the proposal would not involve the loss of a retail unit falling into Use Class A1, nor would the application result in an over concentration of public houses uses within the Primary Shopping Area. No external changes were proposed, and any future external alterations would require a separate planning application.</p> <p>The application sought to establish the acceptability of the change of use, and the applicant had confirmed that the pub was not seeking to operate a kitchen. It was recommended that a number of conditions be attached to ensure the proposed change of use did not adversely impact on neighbours' amenity.</p> <p>The addendum was highlighted, which proposed to omit Condition 5 (cycle parking), as this condition was considered onerous for the scale and nature of the development proposed.</p> <p>For the reasons set out in this report, the application was recommended for approval.</p>

Members supported the officer's recommendation for the reasons set out in the report. The recommendation was moved, seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be approved.

60. **77A SWAKELEYS ROAD - 75522/APP/2020/1195** (*Agenda Item 10*)

(Councillor Morgan joined the meeting)

Officers introduced the report, confirming that whilst the proposed development would result in the loss of a residential unit, it would retain and improve a health service use in a town centre location, and as such, the proposal was considered to be acceptable in principle. The majority of the works were internal and the proposed external alterations were modest in scale, and would not impact on the appearance of the existing building or the character of the Conservation Area, nor would the proposal harm the amenity of the neighbouring properties. For the reasons set out within the officer's report, the application was recommended for approval.

Members supported the officer's recommendation for the reasons set out in the report. The recommendation was moved, seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the application be approved.

61. **LAND AT 59 NORTHWOOD WAY - 75677/APP/2020/2064** (*Agenda Item 11*)

Item withdrawn.

62. **LONDON BOROUGH OF HARROW - LAND REAR OF 53-55 CUCKOO HILL ROAD, PINNER - 39703/APP/2020/2159** (*Agenda Item 12*)

Officers introduced the report, and confirmed that application had the potential to impact the London Borough of Hillingdon as the site was constrained and the proposed plans failed to show adequate access to the site.

The proposal relied on a public footpath was narrow and unlit. The red line plan appeared to be incorrect, and the applicant appears to have failed to serve notice on the landowner responsible for the footpath that would provide access to the site. The proposed development would result in the loss of garden area for an existing residential property and it is an uncharacteristic form of development that would be harmful to the character and appearance of the street scene and the wider area.

For these reasons, officers recommended that an objection be raised to the application, and a request be made to the London Borough of Harrow that the application be refused.

Members supported the officer's recommendation for the reasons set out in the report. The recommendation was moved, seconded, and when put to a vote, unanimously agreed.

RESOLVED: That the London Borough of Hillingdon formally object to the application.

63.	<p>ENFORCEMENT REPORT (<i>Agenda Item 13</i>)</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the enforcement action, as recommended in the officer's report, was agreed; and, 2. That the Committee resolved to release their decision and the reasons for it outlined in the report, into the public domain, solely for the purposes of it issuing the formal beach of condition notice to the individual concerned. <p>This item is declared as exempt from publication as it involves the disclosure of information in accordance with Section 100(A) and paragraphs 1, 2 and 7 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that the report contains information relating to any individual, information likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and that the public interest in withholding the information outweighs the public interest in disclosing it.</p>
64.	<p>ENFORCEMENT REPORT (<i>Agenda Item 14</i>)</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the enforcement action, as recommended in the officer's report, was agreed; and, 2. That the Committee resolved to release their decision and the reasons for it outlined in the report, into the public domain, solely for the purposes of it issuing the formal beach of condition notice to the individual concerned. <p>This item is declared as exempt from publication as it involves the disclosure of information in accordance with Section 100(A) and paragraphs 1, 2 and 7 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 (as amended), in that the report contains information relating to any individual, information likely to reveal the identity of an individual and information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and that the public interest in withholding the information outweighs the public interest in disclosing it.</p>
	<p>The meeting, which commenced at 6.00 pm, closed at 6.31 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Democratic Services on Telephone 01895 250636 or email (recommended): democratic@hillingdon.gov.uk. 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.