

Minutes



MAJOR Applications Planning Committee

18 May 2022

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

	<p>Committee Members Present: Councillors Steve Tuckwell (Chairman), Henry Higgins (Vice-Chairman), Philip Corthorne, Darran Davies, Jas Dhot, Elizabeth Garelick and Tony Gill</p> <p>LBH Officers Present: Chris Brady (Assistant Planning Officer), Nicole Cameron (Legal Advisor), Mandip Malhotra (Strategic and Major Applications Manager), Liz Penny (Democratic Services Officer), James Rodger (Deputy Director of Planning and Regeneration) Alan Tilly (Transport Planning and Development Manager)</p>
123.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Adam Bennett with Councillor Philip Corthorne substituting.</p>
124.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
125.	<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 26 April 2022 be approved as an accurate record.</p>
126.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
127.	<p>TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED INPUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that all items were in Part I and would be considered in public.</p>
128.	<p>SPRINGWELL FACTORY, SPRINGWELL LANE, HAREFIELD - 35376/APP/2020/3275 (<i>Agenda Item 6</i>)</p>

This item was withdrawn by the Applicant prior to the meeting.

129. **LAND AT RAINBOW INDUSTRIAL ESTATE, TROUT ROAD, YIEWSLEY - 38058/APP/2022/64** (*Agenda Item 7*)

Retention of entrance gates and change of use for use class sui generis including container and skip storage; open and closed storage of building, scaffolding and lighting materials; storage of aggregate materials; vehicle storage and sales; and associated installation of portacabins, container stores, transportable silos and other structures for a period of 12 months (retrospective application).

Officers introduced the report and highlighted the addendum which set out proposed new and amended conditions in relation to the application. It was confirmed that there was a complex planning history at the site – a similar application had been refused in 2021 for 3 reasons relating to the impact the proposed use would have on the Grand Union Canal and local residential amenity in terms of noise impact and Air Quality. Members heard that the applicant had undertaken remedial works on site to address the concerns which formed the 3 reasons for refusal. It was also noted that a temporary unauthorised airport car park on the site had been permitted by the Planning Inspectorate.

A petition in objection to the proposal had been received; a petitioner was in attendance and addressed the Committee citing concerns regarding dust and noise. Key points highlighted included:

- Dust was being lifted by vehicles using the site and spread to surrounding areas; the site was dirty and covered in dust as vehicles dragged dust onto the internal road;
- Vehicles leaving the site carrying aggregate material were not routinely covered;
- There were now 2 areas of aggregate on site which exacerbated the situation;
- Residents' health problems were aggravated by the levels of pollution on the site;
- A revised noise assessment had been carried out in January 2022; however, the problems had increased significantly since that time;
- HGVs passing over the ramps made a loud booming sound all through the night which regularly woke local residents and disturbed their sleep; this was having a negative impact on residents' mental and physical health leading to migraines and breathing difficulties in some cases;
- Enforcement action had made no difference and the residents felt abandoned;
- Balconies were filthy and thick with dust;
- It was felt that the dust management plan failed to address these problems and concerns; and
- Enforcement action was requested.

In response to questions from the Committee, the petitioner confirmed that the problems had been going on for many months and were getting worse. The applicant had failed to make contact with residents in an attempt to resolve the issues. Members heard that lorries were entering and exiting the site throughout the night and the site was operational 7 days a week.

A written submission from the applicant had been received and was read out to the

Committee. Key points highlighted included:

- The site had historically been used for industrial/commercial uses and, prior to the Covid pandemic, for airport parking;
- The proposal would provide an active use of the site, local employment, site security and would deter fly tipping;
- Permission for a temporary period of 12 months was sought. The applicant had made several revisions to minimise the impact on neighbours and the Grand Union Canal including moving the aggregate store;
- A condition restricting hours of operation and noise had been agreed to by the applicant;
- A contract had been entered into with the National Road Sweeping Company to sweep the site, including Trout Road, to remove dust and debris. Initially this would be done weekly with scope to increase frequency if required. This would supplement the manual operation. An electric road sweeper had also been purchased and would be used between operations. This approach would be formalised as part of the dust management plan to be agreed with the Council by planning condition;
- The main internal road had been concreted to minimise dust;
- Any noise complaints would be managed with the Council as part of the noise management condition;
- CCTV cameras were proposed; and
- The applicant was keen to work with residents to address any complaints.

Councillor Punja, Ward Councillor, was in attendance and addressed the Committee stating that remedial approaches in relation to the site had been unsuccessful and residents were understandably unhappy and angry. Members were informed that local residents were at times reluctant to open their windows due to the levels of noise, dust and pollution at the site. The noise levels were having a negative impact on residents' health and were causing significant stress and harm. At times it was even impossible to watch TV or have normal conversations which was totally unacceptable.

Members enquired whether the proposed additional conditions would assist in resolving residents' concerns. Councillor Punja noted that the road sweepers would clean the roads but not homes and cars. It appeared that problems were being moved around at the site but not resolved – the Canal would be protected but residents would not. It was felt that the problems at the site were getting worse hence anger was rising.

Councillor Abby, Ward Councillor, addressed the Committee in objection to the application, noting that residents were severely affected by the activity on the site. Photographic evidence had been provided in support of his statement. Councillor Abby observed that this was the wrong location for such an operation - the site could be put to better use as a health centre instead. At present operational hours were not being respected and work was carried out both day and night. Health and safety concerns were reiterated - the health of one young child with a heart condition and breathing difficulties was a particular concern. A site visit was proposed.

The Deputy Director of Planning and Regeneration addressed the Committee reminding Members that the application was for the temporary use of the site and a large number of planning controls were proposed to mitigate harm. It was noted that enforcement action could take many months. The application was recommended for approval as officers wished to take control of the situation through the imposition of conditions. A dust mitigation plan was proposed which had worked well on other sites and additional conditions were set out in the addendum. It was anticipated that the

restricted hours would have a significant impact.

The Legal Advisor informed Members that the Council had two powers of control – the imposition of conditions and the Environmental Protection Act 1990 (EPA). It was noted that, should the Committee be minded to refuse the application, refusal reasons would need to be very clear. If the matter were to go to appeal, it was possible that the Inspector could delete / dilute some of the proposed conditions. It was felt that the imposition of conditions could be a safer approach.

In response to questions from the Committee, it was confirmed that tarmac was currently in place along the majority of the haul road though there were some un-tarmacked pockets. In relation to the noisy ramp, it was noted that a reduction in its height could reduce noise but might result in increased vehicle speed. Members suggested that an external off-site ramp would potentially cause less harm – this option would be further explored by officers.

Councillors suggested the introduction of vehicle bays to reduce dust levels, but it was felt this would be an unviable option. At the request of the Committee, it was agreed that wheel washing, mandatory covers on trucks and road washing would be beneficial. It was felt that the reduced hours of operation could negate the need to lower the ramps.

Members expressed concern regarding the effectiveness of enforcement action if the applicant were to choose not to comply with the imposed conditions. In response to this, it was noted that the applicant had already agreed to all the recommended conditions including those in the addendum. Officers were confident that the applicant would agree to any further conditions imposed. However, if conditions were not complied with and problems persisted, the Council had powers under the EPA to abate these. A Members' Enquiries system was in place through which Ward Councillors could encourage the Council's ASBET Team to implement their powers of enforcement. The applicant would be obliged to comply once a notice had been served.

At the request of Members, it was agreed that delegated authority be granted to the Deputy Director of Planning and Regeneration, in consultation with the Chairman, to tighten all conditions and explore the feasibility of vehicle reversing beacons being switched off to reduce noise disturbance. It was further agreed that Condition 7 be strengthened to control daytime delivery of bulk aggregate to limit dust pollution.

The Committee enquired whether the haul road could be widened to enable two HGVs to pass each other. However, the Legal Advisor observed that a request for road widening would not meet the reasonableness test given all the other conditions already proposed to mitigate dust.

The Committee requested a site management scheme (On-Site Logistics Plan) to control the movement of vehicles at the site. It was agreed that delegated authority be granted to the Deputy Director of Planning and Regeneration, in consultation with the Chairman, to draft an additional condition in relation to this.

A site visit was suggested prior to a final decision being reached; however, officers suggested this would only serve to delay things further. The site visit proposal was moved, seconded and, when put to a vote, rejected with 3 Councillors voting in favour and 4 against.

In summary, it was proposed that delegated authority be granted to the Deputy Director of Planning and Regeneration, in consultation with the Chairman, to draft additional conditions in relation to wheel washing, haul road dampening, an On-Site Logistics Plan and compulsory covers on vehicles carrying aggregate; explore options in relation to vehicle reversing beacons and raised tables; and strengthen Condition 7 to include dust mitigation measures when bulk aggregates were delivered to the site.

The officer's recommendation (subject to the agreed new/amended conditions) was moved, seconded and, when put to a vote, approved with 6 Councillors voting in favour and 1 abstaining.

RESOLVED:

1. That the application be approved +S106;
2. That delegated authority be granted to the Deputy Director of Planning and Regeneration, in consultation with the Chairman, to draft additional conditions in relation to wheel washing and haul road dampening down;
3. That delegated authority be granted to the Deputy Director of Planning and Regeneration, in consultation with the Chairman, to explore options in relation to vehicle reversing beacons and raised tables;
4. That delegated authority be granted to the Deputy Director of Planning and Regeneration, in consultation with the Chairman, to strengthen Condition 7 to include dust mitigation measures when aggregates were delivered to the site; and
5. That delegated authority be granted to the Deputy Director of Planning and Regeneration, in consultation with the Chairman, to draft an additional condition requiring an On-Site Logistics Plan.

130. **FLC CAR SALES, FALLING LANE, YIEWSLEY - 692/APP/2021/4071** (*Agenda Item 8*)

Reserved Matters Application regarding appearance and landscaping, as required by Condition 2 of outline planning permission ref. 692/APP/2017/749 dated 11-03-2019 (Erection of a 2-4 storey building comprising 30 no. studio, 1, 2 and 3-bedroom apartments (Use Class C3) with associated access, car parking and refuse/recycling store, involving demolition of the used car sales garage).

Officers introduced the application which was recommended for approval. Members heard that 75 surrounding properties had been consulted and there had been no objections in relation to the proposal. It was noted that outline consent had been granted previously and the current application related to Reserved Matters only.

To ensure cyclist and pedestrian safety, Members suggested that the boundary wall should not exceed 0.6 m in height. It was agreed that delegated authority be granted to the Deputy Director of Planning and Regeneration to draft an additional condition in relation to this.

The officer's recommendation was moved, seconded and, when put to a vote, unanimously approved.

RESOLVED: That the application be approved subject to the addition of a condition stating that the boundary wall must not exceed 0.6m in height.

The meeting, which commenced at 6.00 pm, closed at 7.32 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250636 or email (recommended): epenny@hillington.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.