

Minutes



MAJOR Applications Planning Committee

20 December 2022

Meeting held at Committee Room 5 - Civic Centre

	<p>Committee Members Present: Councillors Steve Tuckwell (Chairman), Shehryar Ahmad-Wallana, Elizabeth Garelick, Tony Gill, Philip Corthorne and Raju Sansarpuri</p> <p>LBH Officers Present: Michael Briginshaw (Principal Planning Officer) Glen Egan (Legal Advisor) Mandip Malhotra (Strategic and Major Applications Manager) Liz Penny (Democratic Services Officer) Andrew Thornley (Principal Planning Officer) Ian Thynne (Planning Specialist Team Manager) Alan Tilly (Transport Planning and Development Manager)</p>
168.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Henry Higgins, Councillor Adam Bennett (with Councillor Shehryar Ahmad-Wallana substituting), Councillor Darran Davies (with Councillor Philip Corthorne substituting) and from Councillor Jas Dhot (with Councillor Raju Sansarpuri substituting).</p>
169.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Philip Corthorne advised the Committee that he had been contacted by the Ickenham Residents' Association and by the Ruislip Residents' Association in relation to agenda item 6 and by Northwood Hills Residents' Association in relation to item 10; however, he remained impartial and his decisions regarding these two items would not be influenced by the contact. The Legal Advisor confirmed that there were no interests to declare in this case.</p>
170.	<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 dated 9 November 2022 be agreed as an accurate record.</p>
171.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
172.	<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</p>

	<p><i>(Agenda Item 5)</i></p> <p>It was confirmed that all items were in Part I and would be considered in public.</p>
173.	<p>HS2 RAILWAY SIDINGS, BREAKSPEAR ROAD - 75317/APP/2022/3468 <i>(Agenda Item 6)</i></p> <p>HS2 request for approval of Bringing Into Use, under condition imposed by Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017, relating to a temporary railway siding (1.057 kilometres in length) covering an area of 0.75 hectares, commencing approximately 70m west of the bridge carrying B466 High Road over the Chiltern main line, terminating on the bridge carrying Breakspear Road over the Chiltern main line including a bridge over the River Pinn.</p> <p>Ian Thynne, Planning Specialist Team Manager, introduced the application and highlighted the additional information in the addendum. It was confirmed that the application related to the bringing into use of the siding rather than its construction. The location of the siding had already been approved by Parliament hence the focus was on the mitigation of works to reduce the impact on the agreed location.</p> <p>Members heard that there would be one train service per day from Mondays to Fridays - the train would arrive at West Ruislip Station at 23:53 hours and depart at 06:45. It was acknowledged that these were unsociable hours therefore it was important to manage the noise impact. Officers had attempted to negotiate an alternative train path, but this had not been possible. The Committee was informed that it was not possible to secure any additional measures through Schedule 17; however, Schedule 61 allowed for measures to manage the noise of the railway. It was recommended that the application be approved with the addition of conditions to enable the Council to manage noise. Members were advised that fortnightly meetings were held with HS2 to discuss such matters.</p> <p>The Legal Advisor reminded the Committee that the legal implications were set out in the report - options were restricted by the legislation but it was important to manage noise levels by means of conditions.</p> <p>In response to Members’ requests for clarification, it was confirmed that there was no requirement for a public consultation. The normal procedure was to inform residents that an application had been received via social media etc – these processes would be reviewed in the future. Members heard that HS2 had attempted to engage with residents, but it was recognised that there was room for improvement. The Council had a number of fixed noise monitors in the area adjacent to residents’ properties and would act on any concerns or complaints raised. It was confirmed that, under Schedule 61, complaints were dealt with within 24 hours.</p> <p>No further concerns were raised by Councillors. The officer’s recommendation was moved, seconded and, when put to a vote approved unanimously.</p> <p>RESOLVED: That the application be approved subject to the additional information in the addendum</p>
174.	<p>THE ELMS, HARLINGTON - 19758/APP/2021/4628 <i>(Agenda Item 7)</i></p> <p>Demolition of existing buildings and structures and redevelopment of the site to</p>

provide 2,116 sqm of flexible Class E(g)(iii), B2 and B8 use floorspace, along with associated access, servicing areas, car parking and soft landscaping (amended plans received 02.09.22).

Officers introduced the application and highlighted the information in the addendum. It was confirmed that the application had been presented to the Major Applications Planning Committee on 09.11.22 and had been approved at that meeting. On 10.11.22, additional information had been submitted via a Ward Councillor which provided evidence of a historic restrictive condition relating to the permitted hours for loading and unloading within the access road which abutted the eastern and southern boundary and served the units within this location. The application would now be reconsidered afresh, with a focus on the additional new information.

It was confirmed that the use of the site was not under debate and the vegetation surrounding the application site was noted. Members were informed that Condition 4 would be updated to include green wall planting – this had not been included in the report. A new Condition was proposed restricting refuse collection to the hours of 08:00 – 18:00 Monday to Friday only. The Committee was informed that a small section of the site currently had restrictions on loading and unloading hours – the remainder of the site could operate 24 hours a day. Condition 28 set out in the report would restrict loading and unloading of goods to 07:00 – 22:00 Monday to Friday, 08:00 – 18:00 on Saturdays and 08:00 – 13:00 on Sundays. It was also noted that the proposed service road would be further away from residential properties. The application was recommended for approval.

A petition in objection to the application had been received – a petitioner was in attendance and addressed the Committee. Key points highlighted included:

- The site was not a 24-hour site as suggested at the November meeting;
- It was important that the residential amenity of neighbouring properties was safeguarded – this should be the default position of officers;
- The proposal was to increase operating hours by +5 hours Monday to Friday and on Saturdays and Sunday;
- Approval would demonstrate bias towards the developer and would overlook the needs of residents. It would lead to an increase in complaints despite the service road being further away;
- Residents were willing to compromise and proposed a restriction on delivery and service hours for the whole site of +2 hours Monday to Friday (08:00-20:00), +5 hours on Saturdays (08:00-18:00), closed on Sundays and zero hours of operation during public holidays.

In response to questions from Members, the petitioner confirmed that the red area was not the only area subjected to goods' vehicle movements but this was the residential area. It was confirmed that, in reality, the site was not operational 24 hours a day – the only unit which currently operated 24/7 was the veterinary practice whereby a vet was available by phone 24/7 but worked from home.

The agent for the application addressed the Committee. Key points highlighted included:

- Following the previous planning meeting, a restrictive condition limiting loading hours within a small portion of the site had come to light;
- A new Condition had since been agreed with officers limiting the loading and unloading of deliveries across the entire site – this was a belt and braces

response;

- The applicant had been working hard with officers over several years;
- The scheme would deliver many benefits for the area - £8m investment in Harlington, the replacement of the current dilapidated vacant accommodation with modern workspace, some 50 full-time jobs, enhancement of the Green Belt, an uplift in trees and urban greening;
- The application remained compliant with policy and was bolstered by the additional restrictive condition.

Members requested clarification regarding engagement with local residents. It was confirmed that the application had originally been submitted during the pandemic so there had been virtual engagement with residents at that time. There had been no further engagement to date aside from the statutory consultation process.

Ward Councillor June Nelson was in attendance and addressed the Committee. Councillor Nelson expressed her concerns regarding the recommended hours of operation noting that site restrictions had been requested at the previous meeting. The site was currently in use from 06:00-20:00 Monday to Friday, 08:00-13:00 on Saturdays and no operation on Sundays – usage was not 24 hours. The longer hours recommended in the officer's report would negatively affect residents. The following hours of usage were proposed as a compromise – 08:00-20:00 Monday to Friday, 08:00-18:00 on Saturdays and closed on Sundays to give residents some respite. If this were not acceptable, it was requested that a new planning application be submitted. Residents were concerned that the longer hours proposed in the report would be difficult to enforce and the site would end up being operational 24/7. It was noted that Harlington Road as mentioned by the Planning Officer was incorrect and should be Harlington High Street.

Members sought clarity regarding the current operational hours of the site. It was confirmed that the vet was not on site 24/7 and worked by phone. It had never been a 24-hour site.

The Legal Advisor commented that, although the application had been approved a month previously, it was important that Councillors remained neutral and considered each application on its merits. Unfortunately, the information presented in November had been incomplete therefore the application had come back to Committee to enable Members to reach a balanced decision. It was noted that the applicant had accepted the proposed restrictive site-wide Condition but was not obliged to do so. Should Members be minded to recommend further restrictions, it was noted that the agreed restriction may not be imposed on appeal by an Inspector. Members would need to be clear regarding the planning harm they were seeking to address should they wish to restrict further.

Officers apologised for the oversight and confirmed that they had wanted to bring the matter back to Committee as they did not wish to appear to have been attempting to mislead voting Members. It was noted that, at present, the application site had no restrictions and could operate 24 hours a day. There was a restriction on loading, unloading and servicing in part of the site. The proposal would not restrict hours of operation but would restrict hours of unloading, loading and delivery only. In respect of concerns regarding enforcement, the Highways Officer advised the Committee that it was possible to install pneumatic tubes to count vehicles and monitor speed, volume and composition of traffic.

In response to Members' requests for clarification, it was confirmed that traffic surveys

to monitor the movement of vehicles had been undertaken to inform the recommendation regarding proposed loading / unloading hours.

The Committee felt the proposed hours were excessively long and suggested an end time of 20:00 hours. Members also noted that it was important to achieve a balance which would both protect residents and offer commercial benefits. The installation of an acoustic fence alongside the residential area was suggested.

Members agreed that the loading/unloading/servicing hours be revised to 08:00-20:00 Monday to Friday, 08:00-18:00 on Saturdays, 10:00-14:00 on Sundays and delegated authority to officers to amend Condition 28 accordingly. It was agreed that Condition 4 be amended to include reference to mature trees and a green wall and new Conditions be drafted in relation to waste collection times and an acoustic fence.

The officer's recommendation was moved, seconded and unanimously approved subject to the agreed Conditions and the information in the addendum.

RESOLVED: That the application be approved and that delegated authority be granted to officers to draft a new Condition restricting refuse collection to any of the units to 08:00 – 18:00 Monday to Friday only, to update Condition 4 to include the provision of mature tree planting and green wall on the southern elevation of the buildings; to add a new acoustic fence Condition along the western and southern boundary and to amend the timings in Condition 28 to 08:00 – 20:00 hours on Monday – Friday, 08:00 – 18:00 hours on Saturday and 10:00 – 14:00 hours on Sundays.

175. **1-53 CONSTABULARY CLOSE, WEST DRAYTON - 12768/APP/2022/2175** (*Agenda Item 8*)

Repurposing pre-existing store room, contained within the block of flats 1-40 Constabulary Close, to create a one-person studio flat (Retrospective).

Officers introduced the application and highlighted the information in the addendum. It was noted that the proposed development was considered to be acceptable. A Section 106 legal agreement was proposed to secure a £40,000 contribution towards off-site affordable housing. The application was recommended for approval.

A petition in objection had been submitted and the Lead Petitioner addressed the Committee. Key points highlighted included:

- The Lead Petitioner was a leaseholder of a flat at the site and was a Director of the Freehold Management Company;
- The applicant had applied to change a storeroom to a flat; however, in reality, the site in question was already in use as a studio room;
- Residents had been in receipt of mail intended for the occupants of the studio room and had experienced threatening behaviour from the occupants;
- The applicant had now admitted the storeroom had been in use as a studio flat since 2018;
- The flat did not appear to have its own electricity or water meter;
- It appeared the secret flat had been planned when the building had originally been constructed;
- Deceptive development was a material planning consideration which was not addressed in the officer's report;

- The 38 bicycle parking spaces mentioned did not exist and the studio flat would not have access to a space as claimed;
- Private transport was a key consideration in the Borough due to the poor levels of public transport;
- The studio's lease would allow for structural changes which were not permitted to other leaseholders;
- There were serious outstanding breaches of planning control by the developer relating to energy efficiency and energy assessments.

Members noted that they could only consider planning considerations in relation to the application. In response to their questions, the Lead Petitioner confirmed that the information in the report regarding parking space provision was incorrect – bicycle parking spaces did not exist. It was confirmed that the bin store had never been in use as such and had always been used as a flat.

The applicant addressed the Committee informing Members that an internal bin store had been considered unhygienic hence the area had been used for sample kitchens and sample flooring so leaseholders could choose what they wanted.

Ward Councillor Scott Farley was in attendance and addressed the Committee in support of petitioners expressing his concern regarding the retrospective nature of the application and stating that it was unclear what had been happening at the site. He expressed further concern regarding fire safety and access to other properties at the application site.

A written submission in support of petitioners had been received from Ward Councillor Jan Sweeting and was read out to the Committee. Councillor Sweeting expressed concern regarding the retrospective application and noted that it appeared the necessary legal permissions for use as a studio flat had not previously been obtained. It was also probable Council Tax had not been paid to date. Councillor Sweeting asked the Committee to consider that the block of flats in Constabulary Close had been built relatively recently and the area in question had been set aside as much needed storage. The removal of the storage area left the other flat owners and tenants with inferior facilities. The studio flat would also make parking more difficult and some flat owners would have their visual amenity compromised. Councillor Sweeting felt the area had been built as a storage unit and should remain as such.

The Legal Advisor reminded Members that retrospective applications were allowed for in legislation. The Committee had to consider the application on its merits and consider what the planning harm would be if it were to be converted from a bin store to a studio flat. Members were reminded that material planning considerations did not include electricity supply, terms of a lease etc as these were civil matters.

Members commented that there appeared to be no grounds for refusal but requested further information regarding parking provision at the site. It was confirmed that there was no allocated cycle parking provision for the studio flat. The original application for the development had included 28 cycle spaces in the basement car park which amounted to an overprovision hence it had been concluded that there should theoretically be cycle parking provision if required. It appeared that there had been a breach of the original planning permission which would be explored by enforcement officers outside of the meeting. A Condition was proposed allowing for 2 cycle parking bays and delegated authority was granted to officers to draft this.

In respect of Council Tax, it was agreed that the Legal Advisor would refer this matter

to the appropriate enforcement colleagues for investigation.

In response to further questions from the Committee, it was confirmed that, to the knowledge of officers, the space had never been used as a bin store – it had always been either a void space or an office / flat. At the request of Members, it was agreed that delegated authority be granted to officers to draft an additional Condition in relation to an approved fire strategy for this unit and how it complied with the fire strategy for the whole development.

Members raised no further concerns. The officer's recommendation, subject to the agreed additional Conditions, was moved, seconded and, when put to a vote, approved with 5 Members voting in favour and 1 against.

RESOLVED: That the application be approved and that delegated authority be granted to officers to draft a new Condition allowing for 2 cycle spaces, draft an additional Condition in relation to an approved fire strategy for this unit and how it complied with the fire strategy for the whole development, notify the Council Tax Enforcement team that the unit had been lived in since 2019 and notify planning enforcement of a breach in relation to cycle spaces.

176. **PIELD HEATH ROAD AND PIELD HEATH AVENUE, COWLEY - 76760/APP/2022/1889** (*Agenda Item 9*)

Demolition of three dwellings (Nos. 14 and 16 Pield Heath Road and 2 Pield Heath Avenue) and one Bed and Breakfast (No. 18 Pield Heath Road) and the subsequent erection of a part two, part three storey (plus basement) 60-bed care home, with 14 car parking spaces, landscaping and external amenity space.

Officers introduced the application noting that it had been brought before the Committee before but had been deferred for a site visit. It was confirmed that the site visit had taken place on 25 November 2022 and amended plans had been received which had sought to reduce the bulk and height of the proposed building at its northern and south-eastern ends. It was confirmed that both the trees at the site would be retained and a Condition had been added in relation to this. The application was recommended for approval.

Members welcomed the fact that the applicant had made significant amendments to improve relationships on both extremities and the addition of Conditions in relation to the protection of trees and parking management.

In response to requests for clarification from the Committee, it was confirmed that there was a GLA set target for care provision but there was also a local need for elderly care homes in the Borough. A health contribution had been secured to provide additional NHS facilities to cover the additional health requirements of the development. Members heard that social care partners had not been consulted on this application.

Members raised no further concerns. The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.

RESOLVED: That the application be approved.

177. **NORTHWOOD AND PINNER COTTAGE HOSPITAL - 23658/APP/2021/1296** (*Agenda Item 10*)

	<p>Partial demolition, refurbishment and extension of the existing Cottage Hospital to provide a state of the art health centre and the comprehensive redevelopment of the remaining site to provide residential (Use Class C3) accommodation and ancillary works including car parking, cycle parking, landscaping and associated works (Phased Development).</p> <p>Officers introduced the application and highlighted the information in the addendum. It was confirmed that a letter had been received stating that the NHS was committed to the development of a new health centre on the site. The application had been approved at the Major Applications Planning Committee in January 2022 and it had been requested that any changes to the legal agreement be brought back to the Committee for consideration. The only change Members were being asked to consider was a minor change to the energy strategy to enhance the level of on-site carbon reduction the scheme could achieve. The application was recommended for approval.</p> <p>The Legal Advisor addressed the Committee noting that the only change for consideration was in relation to the energy strategy.</p> <p>Members felt this was a positive outcome and raised no concerns. The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.</p> <p>RESOLVED: That the application be approved.</p>
178.	<p>UNIT D, PROLONGIS PARK, STOCKLEY ROAD, WEST DRAYTON - 18399/APP/2022/411 (<i>Agenda Item 11</i>)</p> <p>Installation of plant and equipment to unit DC6 including external plant equipment, external louvres and associated security fencing and landscaping, to facilitate use of the building as a data centre.</p> <p>Officers introduced the application which was recommended for approval.</p> <p>Members noted that data centres consumed a lot of energy and enquired whether this would be an issue in the future. It was confirmed that an infrastructure assessment had been provided. Providers had been consulted and no issues had been raised.</p> <p>The Committee raised no further concerns. The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.</p> <p>RESOLVED: That the application be approved.</p>
	<p>The meeting, which commenced at 7.00 pm, closed at 9.02 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on 01895 250636 or 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.

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