

Minutes

BOROUGH PLANNING COMMITTEE

05 April 2023

Meeting held at Committee Room 5 - Civic Centre,
High Street, Uxbridge UB8 1UW



	<p>Committee Members Present: Councillors Steve Tuckwell (Vice-Chairman, Chairing) Philip Corthorne Kishan Bhatt Farhad Choubedar Gursharan Mand Raju Sansarpuri Jagjit Singh</p> <p>Officers Present: Roz Johnson, Planning Services Manager Katie Crosbie, Planning Team Leader Max Smith, Planning Team Leader Haydon Richardson, Principal Planning Officer Richard Michalski, Highways Engineer Glen Egan, Legal Advisor Ryan Dell, Democratic Services Officer</p> <p>Also Present: Ward Councillor Reeta Chamdal Councillor Roy Chamdal</p>
111.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Henry Higgins with Councillor Philip Corthorne substituting. Apologies were also received from Councillor Ekta Gohil with Councillor Kishan Bhatt substituting.</p>
112.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>Councillor Philip Corthorne declared a non-pecuniary interest in item 10 and left the room for this item.</p>
113.	<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 09 March 2023 be agreed as an accurate record.</p>
114.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>It was noted prior to item 1 that item 8 had been withdrawn from the agenda prior to the</p>

	meeting.
115.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THE ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that all items of business were marked Part I and would be considered in public.</p>
116.	<p>BRANDON LIFT & TOOL HIRE LAND OFF HAYES END ROAD, HAYES - 74089/APP/2022/1960 (<i>Agenda Item 6</i>)</p> <p>Retrospective application for the proposed use of Storing/ Displaying/ Selling of Cars/ Light Goods Vehicles within land off of Unit 1 and Unit 2, Hayes End Road, Hayes.</p> <p>Officers introduced the application.</p> <p>The lead petitioner attended and addressed the Committee. The petitioner noted that proposals included “storing/ displaying/ selling of cars/ Light Goods Vehicles within land off of Unit 1 and Unit 2, Hayes End Road” and was a retrospective application. It was suggested that the application had been submitted under false pretences as the stated start date was 07 March 2022, whilst there was evidence that problems had been experienced since 29 August 2020. The petitioner noted two to three years of evidence, and that residents suffered on a day-to-day basis.</p> <p>The proposal would increase usage of Units 1 and 2, and there was a potential fire hazard, and lorries often parked in the main road due to over-capacity on-site. Vehicles often parked on Hayes End Road, although it was acknowledged that some vehicles may belong to other units. Furthermore, delivery vehicles often parked for 60-90 minutes at a time. The resulting noise and air pollution was negatively affecting residents, including children, and the overspill of parking generated a bottleneck. Reference was made of over 100 vehicles at the back of the site at any one time. Despite double yellow lines, there remained issues for emergency services, and one occasion on 23 July 2022 where an ambulance was stuck for seven minutes was noted.</p> <p>Reference was made to the Mayor of London’s London Plan Policy 7.18 – Protecting Open Space and Addressing Deficiency. There was already steady flow of traffic at peak times such as 08:00-09:00 and 17:20-18:00, excluding large delivery lorries from Hayes End. If approved, this would rubber-stamp what is already happening.</p> <p>Members noted that this was not a wide road, but noted that from the images in the presentation, the exact number of vehicles was difficult to determine. It was noted that parking enforcement often led to subsequent retrospective applications, and the petitioner confirmed that this was the case. It was further clarified that vehicles from the site had parked in front of emergency gates/ broken the padlocks on these gates and used the area as a thoroughfare.</p> <p>Members noted the nearby nursery, which the petitioner confirmed was directly opposite the site. The petitioner noted that parking in front of the private nursery entrance often led to conflicts with residents, and it was noted that several vehicles were parked on the double yellow lines on the previous day alone.</p>

The applicant attended with a representative and disagreed with the points raised by the petitioner. It was highlighted that the issues with breaking padlocks was due to other businesses on Newport Road and not relevant to the current application. A nearby shisha lounge was noted as a possible cause of some of the parking issues. The applicant and their representative noted that the entrance and exit to their site was on Hayes End Road, not on Newport Road. There were previous owners of the current site who had acted carelessly towards residents. The current owners had only been in place for roughly six-eight months. The applicant and representative noted that they used only the space on their site (up to 40 vehicles) and were not to blame for excessive parking.

A statement from Councillor Davies as Charville Ward Councillor was read out. Through the statement, Councillor Davies commended the residents of Hayes End Road and surrounding area for their large petition. Councillor Davies completely agreed with the officer's recommendation of refusal and believed that residents would suffer further were planning permission to be approved. Over the last 18 months, there had been numerous emails, phone calls, and letters from Charville residents complaining about the anti-social behaviour and noise nuisance from this site. As the Conservative Ward Councillor for Charville, Councillor Davies had seen first-hand the impact that this site had had on the local highway infrastructure and also the impact on the noise levels brought by the anti-social hours of operation. Residents, on a daily basis, had to suffer large Heavy Goods Vehicles blocking their roads, or parking outside their homes with the engines running, or unloading vehicles at all hours even blocking pavements, resulting in mothers with pushchairs having to walk in the road. Councillor Davies had received a report from one resident who stated that she had approached the landowners about a Heavy Goods Vehicle blocking the pavement and was met with aggression and abuse. Residents should not have to deal with this and should not feel unsafe when walking along their road. Since the opening of this site, residents had seen a large increase in vehicles parked along Hayes End Road, Hayes End Drive, and Mellow Lane East. Clearly these vehicles were from the Brandon Tool Hire site because the cars were parked with seat liners and floor covers. While completing street surgeries, Councillor Davies had witnessed people leaving the Brandon Tool Hire site and showing potential customers to a car for a test drive. This application was originally submitted by the landowner stating that there would be no more than 40 cars at this site, at any one time. Currently, to date, there were 62 vehicles parked at the Brandon Tool Hire location. Residents had had to wait for over 12 months for this hearing due to the disorganisation and mismanagement by the current owners of the Brandon Tool Hire site. As their Conservative Ward Councillor, Councillor Davies had put in a Member's Enquiry to look in to see if any further action can be taken on this site legally to protect residents.

The Chairman summarised that the main issues were air quality, access for emergency vehicles and the number of vehicles currently at the site. Members endorsed the comments in Councillor Davies' statement and questioned the scale of the issue and whether a parking plan had been submitted. Officers noted that this was a crammed site with no scope for manoeuvring. It was noted that the Highways team would usually require a parking management plan, but this had not currently been submitted.

Members referenced the applicant's note that a nearby shisha lounge may be partly to blame for the parking issues. Members asked if officers had looked into neighbouring businesses and how responsible they may be for congestion on the local roads. Planning officers further clarified that the planning submission was not very detailed,

noting the lack of parking plan. There was not currently sufficient evidence to approve the application with conditions.

Members noted the impact on highways; that the Committee was not anti-business; and supported officers' recommendations.

Members thanked the speakers and noted the congestion in and around the site, and also noted that planning officers had only little information to work with and further noted the lack of parking plan. Members noted the over-crowded nature of the site and supported officers' recommendations.

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

RESOLVED: That the application be refused.

117. **HILLINGDON HOUSE, BANQUETING SUITE, WREN AVENUE, UXBRIDGE - 77108/APP/2022/691** (*Agenda Item 7*)

Retrospective Application for the use of the ground floor as a banqueting suite, with associated ancillary facilities at basement level for private civil ceremonies, weddings and parties (Sui Generis).

Officers introduced the application.

The lead petitioner attended and addressed the Committee, noting that 113 petitioners strongly opposed this application. The petitioner noted that the Council's website stated that to apply to host weddings/ civil ceremonies, applicants had to be the proprietor or a trustee of the premises. The applicant, as tenant, was neither. The site currently held planning permission for class A3 restaurant or café use only and the petitioner referenced a pending investigation (ENF83719) relating to unauthorised usage. The venue's website had already been advertising its permitted use for weddings/ civil ceremonies. This noted their disregard for their current permitted use. The volume of traffic on St Andrews Road was referenced, and that this was a small private road which was the only vehicular entrance/ exit point to the site. This could cause potential issues for emergency vehicle access.

A number of further points of objection were noted including double parking and illegal parking on yellow lines and pavements; noise pollution as events were held seven days a week; music played beyond permitted hours; the right to a private/ family life due to hired security guards loitering in the area; safety, due to the site's use of fireworks coinciding with its location within the Northolt flight path; deliveries and waste collections being made outside of permitted hours; and the effects that each of these had on children's welfare. The application was unsuitable for its location within the area of a quiet, residential road, and was not in line with the Council's strategy (updated in November 2022) of putting residents first; and to safeguard the neighbourhood and the wellbeing of residents. Therefore, the application should be refused.

Photos and a video had been submitted by the petitioner which were shown to the Committee.

Members thanked the petitioner for their petition and sought some cultural context. Members asked if there were mainly Asian weddings taking place at the venue, which

the petitioner confirmed was the case. This had a negative impact on traffic as large numbers of vehicles all arrived and exited at the same time, often late at night. It was noted that vehicles entered via Vine Lane. It was noted that Wren Avenue had pedestrian access on only one side, while cars park on both sides of the road.

Members clarified that there was only one road for vehicular access to the site (Wren Avenue), and Vine Lane was also affected. Members noted that this was a retrospective application, and the petitioner noted that issues had been ongoing since 2019.

A written representation from the applicant was read out, making the following points:

- The pre-existing use of the ground floor of the property had planning permission for use as a restaurant as part of the hybrid consent for the wider St Andrews Park Site.
 - The subject of the application was very similar to the existing authorised use as a restaurant.
 - Apart from the planning conditions, there was no specific restriction on the existing authorised use as a restaurant.
 - The current application was therefore very similar to the existing use and previous authorised use was a “fallback” position, which was a material planning consideration.
 - The principle of the application accorded with local and national policies, there was therefore no objection to the use.
 - The Council’s Highway Officer was satisfied with the proposal, subject to appropriate planning conditions.
 - A Noise and Odour assessment report had been submitted to justify the proposal.
 - Since submission of the noise report, the mode of operation of the use of the ancillary kitchen had significantly reduced due to the use of outside caterers, who supply cooked food to the premises.
 - Food was only heated up in the kitchen, if necessary. For this reason, steps recommended by the initial report were not strictly relevant.
 - The Council’s Environmental Health Officer had no objection to the proposal, subject to imposition of appropriate conditions.
 - The only objection was from the Conservation Officer who wished to see the details of the suggested measures in the consultant’s initial report up front.
 - The applicant considered that these matters could be addressed by imposition of appropriate conditions. In case conditions were not discharged or details were unsatisfactory, the Council had powers to take enforcement against breach of condition(s), against which there was no right of appeal.
 - The applicant considered that the use of the kitchen has substantially decreased due to the involvement of outside caterers. Members were requested to take this material consideration into account.
 - Notwithstanding this, the applicant was willing to submit a revised Acoustic and Odour Assessment Report based on the changed circumstances, which could be achieved by an appropriate planning condition.
- THIRD PARTY REPRESENTATIONS:**
- A significant number of local people supported the application.
 - The Council’s Environmental Health Officer had no objection to the proposal, therefore other third-party objections were not sustainable.
 - Any other information/ details required could be addressed by appropriate planning conditions.

CONCLUSION:

- There was no objection to the principle of the development.
- There was no material difference between the existing authorised use of the site as a restaurant and the subject of the application.
- Whilst the Environmental Health Officer had no objection (subject to imposition of conditions), the application was being recommended for refusal due to the comments of the Conservation Officer, who wished to see the details upfront.
- The applicant considered the Conservation Officer's concerns could be addressed by appropriate planning conditions.
- Planning applications were decided on balance having regard to all relevant policies and material planning consideration. On balance, the application should be approved.
- Members were requested to approve the application which would preserve 20 jobs (directly or indirectly).
- As an alternative to refusal, Members were requested to defer the application to enable the applicant to submit a revised Acoustic and Odour Assessment Report based on the changed circumstances to address the matters of dispute.

Councillor Reeta Chamdal attended as Hillingdon West Ward Councillor. Councillor Chamdal noted that the Committee was not deciding on a new application, but on an existing situation, where issues were already happening. Hillingdon House had been in use as a banqueting hall since 2019. The applicant had not demonstrated any regards to residents, or to the permitted use. The report noted permitted times and permitted use and the site was ignoring these. This was demonstrated by a previous visit to the site which had taken place on a Sunday. Highways had noted that there were 40-50 parking spaces for 150-160 guests. The noise issues persisted all night. The use of outside caterers would only add to the existing issues. The use of an outside music system would also add to existing issues. A previous occasion of the use of a horse and cart, which was not cleaned up after, was noted. Residents were already experiencing all of these issues.

Members asked about engagement with local residents, and it was confirmed that no recent engagement had taken place, although reference was made to discussions with former Ward Councillors. The Chairman noted that this was a prior approval application.

Members noted that the current reasons for refusal, on residential amenity grounds, appeared light and suggested an additional reason for refusal on Highways grounds. Officers noted that, while it was clear that the above-mentioned activities were taking place, the Council would have to be able to effectively defend a reason for refusal on Highways grounds, should one be added, in the event of an appeal. Officers further noted that if they were in a position to recommend that the application be approved, that conditions would be applied, such as hours of use. However, officers were not currently adequately satisfied, on the grounds of noise issues, to be able to recommend approval, as further details would need to be received in order for this to be the case. Officers further noted that should an additional refusal reason be added on Highways grounds, there was a possibility of a cost award being granted against the Council should it be deemed, on appeal, that the refusal reason was unreasonable. Officers noted that the site's lawful use as a restaurant had been considered. Officers noted the National Planning Policy Framework (NPPF) paragraph 111, which stated "*Development should only be prevented or refused on Highways grounds if there would be an unacceptable impact on Highways safety or the residual cumulative impacts on the road network would be severe*".

Members agreed with strengthening the reasons for refusal. It was noted that the site had full capacity of 200, for which the current parking was insufficient. The cultural context was also important. Officers noted that each vehicle attending would likely hold more than one person, and so the likely number of vehicles on site would likely be less than the number of people.

Members questioned possible conditions around hours of use, to which officers noted that as the site had been operating without planning permission, there was some doubt as to whether conditions would be complied with. It was noted that previous non-compliance was not in itself a reason for refusal.

The Head of Legal Services noted that they would be reluctant to advise the Committee to refuse planning permission solely on Highways grounds. It was noted that there had been little cooperation from the applicant, and that although a refusal on Highways grounds may be reasonable, there was also a risk of costs in the event of an appeal. It was suggested that highways information from the applicant would be difficult to receive.

The Chairman asked whether a traffic management plan had been received, and officers noted that a form of traffic management plan had been submitted. NPPF paragraph 111 was again noted.

Members noted that they were not suggesting a Highways refusal reason alone, and suggested the Committee would not lack evidence for this. Members suggested the possibility of a site visit. The Chairman suggested that a site visit would not add much information that the Committee was not already aware of. Members further highlighted that residents were having to walk on the road to avoid parked cars; and that this was a retrospective application where issues had persisted since 2019. In relation to this, the Chairman referred back to the Head of Legal Services' comment regarding the potential costs that could be incurred in the event of an appeal. Officers noted that Members had suggested that the current use of the site had resulted in parking stress and congestion which was not in the best interests of highway safety and could not be adequately controlled through the imposition of conditions or other mitigation, as was consequently contrary to the development plan and relevant highways policies.

The Chairman summarised that the retrospective planning permission that had been sought had resulted in parking stress and associated congestion to the detriment of pedestrian highway safety as well as amenities of local residents. These issues could not be satisfactorily resolved through the planning conditions and therefore were contrary to a number of policies that had been outlined.

The Head of Legal Services noted that residents were suffering and had been for a number of years. The additional refusal reason was not unreasonable, but any appeal would require resident engagement. It was agreed that wording for an additional refusal reason on Highways grounds would be agreed by with the Chairman, Head of Legal Services and Planning Service Manager. It was noted that any conditions would have to be by agreement and that the applicant may not engage.

The officer's recommendation with additional refusal reason on Highways grounds was moved, seconded and, when put to a vote, unanimously agreed.

RESOLVED: That the application be refused.

118.	<p>2 NORTHBROOK DRIVE, NORTHWOOD - 56315/APP/2022/2504 (<i>Agenda Item 8</i>)</p> <p>Demolition of existing dwelling and erection of 4 x self-contained units including 1 x studio unit, 2 x 1-bed units and 1 x 3-bed unit with associated landscaping, parking, refuse and recycling.</p> <p>This item was withdrawn from the agenda prior to the meeting, to be deferred to a later meeting.</p> <p>RESOLVED: That the application be deferred.</p>
119.	<p>18 IVER LANE, COWLEY, UXBRIDGE - 19016/APP/2023/20 (<i>Agenda Item 9</i>)</p> <p>Erection of new 3-bedroom bungalow with dormers and roof lights serving accommodation in the roof on land to the front of existing dwelling; garden and bike stores in garden.</p> <p>Officers introduced the application.</p> <p>Officers highlighted an addendum, which noted that one additional letter of objection had been received objecting on the grounds of loss of privacy.</p> <p>A representative of the petitioner addended and addressed the Committee. The representative noted that there were concerns with this re-application, and that there had been limited resident engagement. It was raised that none of the neighbours had received letters about the application, and only a chance meeting outside the development notified residents about the application. Officers clarified that while letters had been sent out in the usual manner, once officers had been notified that residents had not received these, letters were re-sent. The 45-degree line was infringed for No. 16 Iver Lane. Parking manoeuvres were not sufficiently demonstrated, especially for the disabled parking bay, which was close to the footpath. Some of the obscured glazed windows on the side elevations were non-opening at 1.8M above ground level, which was a concern. It had been noted that the site was not within 20 meters of a river – it was clarified that this was not correct as the River Pinn was within 12 meters, and no flood risks assessment had taken place. There was a concern over increased noise levels, and a semi-detached house would be more suitable than the current application.</p> <p>Members questioned if the petitioner could look out of the window, and it was clarified that the window in question was an obscured glazed window, which allowed some daylight but there was no outlook.</p> <p>A statement from Councillor Burrows as Ward Councillor was read out. Councillor Burrows fully supported the residents of Iver Lane in their objection to the application, as the bulk and design, although changed, did not change anything from the previous objections and refusal by this Committee. The bulk size would not improve the quality of the public realm or respect the current local character of this area and the current dwellings. There would still be issues for Number 16 Iver Lane. It must also be remembered that this area was in the Colne Valley Archaeological priority area and the Cowley Lock conservation area to the south and this application would still impact upon them. This area was already pressured for space and this development would only add to this. Councillor Burrows' statement urged the Committee to side with the residents and refuse this new application and not accept the approval being put forward.</p>

Councillor Burrows' statement also drew attention to a typo in the report, which referred to:

"Completion of a legal agreement to ensure that future residents of the three units not being provided with on-site parking cannot apply for a permit to join any parking management scheme".

Officers clarified that this should have read:

"Completion of a legal agreement to ensure that future residents of the three units being provided with on-site parking cannot apply for a permit to join any parking management scheme".

The Chairman noted the five refusal reasons on the previous application.

Members suggested there was little difference between this application and the previously refused application. Officers noted the three windows and the reduced size compared to the previous application. Also, the dormer was noted, and the roof line was 1.2 meters higher on the previous application. Members also asked about the impact on the conservation area. Officers noted that the site was not in the conservation area, but directly opposite it. The application would not adversely affect the street scene. Members also asked about the occupied land change in size. Officers noted that the footprint doubled in size, although the existing site had a small footprint and neighbours have a similar size to the proposed development, so there were no concerns. It was noted that the flat roof was a change to the original proposal.

Members questioned the loss of light and overlooking nature, and if these were material considerations. Officers noted the 45-degree line for 16 Iver Lane. It was noted that there was no amenity reason for refusal. It was further noted that there was a condition around side windows, so there would be no overlooking. The condition of *"the west facing side windows to the ground floor of the development are to be non-obscure glazed"* was noted. On windows, there was a condition that *"the first floor side facing windows shall be glazed with permanently obscured glass to at least scale four on the Pilkington scale and be non-opening below a height of 1.8 meters taken from internal finished floor level for so long as the development remains in existence."*

The Chairman noted that there was roughly a 7.22% reduction in square metres; a height reduction from 9.5 to 8.5 meters; the width was unchanged; and the dormers were removed, compared to the previously refused application. In relation to proximity to the nearby river, officers noted that the Environment Agency had been consulted and reported no issues, and there was a condition on drainage. It was further noted that the changes from the previously submitted application had meant that bulk size was no longer a valid reason for refusal. In reference to parking provision, officers noted that the proposal was in line with the London Plan standard.

Officers suggested a site visit in order to see the site in relation to the nearby conservation area.

Deferring for a site visit was moved, seconded and, when put to a vote, unanimously agreed.

RESOLVED: That the application be deferred pending a site visit.

120.	<p>32 KINGSEND, RUISLIP - 9894/APP/2022/3871 (<i>Agenda Item 10</i>)</p> <p>Demolition of existing house and garage and construction of a block of seven purpose-built apartments.</p> <p>As Councillor Corthorne had declared an interest in this item, he left the room for this item.</p> <p>Officers introduced the application and noted the recommendation of refusal for the six reasons state in the report. It was also highlighted that there was an addendum on this item.</p> <p>A statement from Councillor Smallwood as Ruislip Ward Councillor was read out. Through the statement, Councillor Smallwood noted that they were concerned about the privacy of surrounding neighbours as the reports outlines that the plans would be 'dominating' and therefore not acceptable to those who lived nearby. The Committee should also note that Kingsend had already seen a large amount of flatted development over the last decade and was already over the 10% threshold laid out in the Hillingdon Local Plan. This was an even more solid ground for refusal. (An addendum on this item clarified that the interpretation of planning policy was nuanced. In the interests of consistency of approach in this specific location, the 14.9% of flatted developments within Kingsend stated within the resident's representation was agreed. Notwithstanding the calculation, the recommendation remained unchanged. The percentages clearly exceed the 10 percent threshold specified in Policy DMH 4. Accordingly, the first reason for refusal remains unchanged as set out in the Committee Report.) The application failed to provide a relevant heritage assessment and its very scale would impact the conservation area both visually and through the loss mature of tress. This application had attracted 62 responses from residents in Ruislip overwhelmingly opposing. It was also opposed by the local resident association and Ruislip Village Conservation panel.</p> <p>Members thanked officers for the thorough report. And noted the number of refusal reasons; the intrusion of privacy of neighbours; and that this application represents over-development.</p> <p>The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.</p> <p>RESOLVED: That the application be refused.</p>
121.	<p>53 LAVENDAR RISE, YIEWSLEY - 46236/APP/2023/54 (<i>Agenda Item 11</i>)</p> <p>Erection of a single storey extension to the rear and side and erection of porch.</p> <p>It was noted that this was an application by a sitting Councillor.</p> <p>Officers presented the application. It was highlighted that there was an addendum on this item.</p> <p>Members noted that this was a straightforward application.</p> <p>The officer's recommendation was moved, seconded and, when put to a vote, unanimously agreed.</p>

	RESOLVED: That the application be approved.
	The meeting, which commenced at 7.05pm, closed at 9.30 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Ryan Dell at democratic@hillingdon.gov.uk. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.