

Minutes

Central & South Planning Committee

Monday, 14 November 2011

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

Come into effect on: Immediately



	<p>Members Present: Councillors John Hensley (Chairman) Judith Cooper (Vice-Chairman) Wayne Bridges Janet Duncan Dominic Gilham Robin Sansarpuri Brian Stead Allan Kauffman (In place of Neil Fyfe)</p> <p>Officers Present: James Rodger - Head of Planning, Trading Standards & Environmental Protection Sarah Hickey – Legal Advisor, Matt Duigan – Team Manager – Central & South Team Syed Shah – Highways Engineer Gill Brice – Democratic Services</p> <p>Also Present Councillor Tim Barker</p>	
151.	<p>Apologies for Absence</p> <p>Apologies had been received from Councillor Neil Fyfe with Councillor Allan Kauffman substituting.</p>	
152.	<p>Declarations of Interest in matters coming before this meeting</p> <p>Councillor Wayne Bridges declared a personal and prejudicial interest in Item 6, 7 & 8 132 Ryefield Avenue, Hillingdon as he had been speaking to the objectors to the applications.</p>	<p>Action By:</p> <p><i>Gill Brice</i></p>
153.	<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</p> <p>It was confirmed that all items were marked in Part 1 would be heard in public and all items marked in Part 2 would be heard in private.</p>	

<p>154.</p>	<p>UNIT 3, MILLINGTON ROAD, HAYES 32157/APP/2011/872</p> <p>Mixed use development comprising 7,310 sq.m (gea) industrial/warehousing unit (Use Classes B1c, B2, B8); 7998 sq. m (gea) retail store (use class A1) and petrol filling station, together with associated car parking, landscaping and alterations to adjacent highway.</p> <p>Officers introduced the report to the committee highlighting the changes to the report on the addendum sheet.</p> <p>In accordance with the Council's constitution the agent addressed the meeting.</p> <p>The petitioners in support and objecting to the proposal were not present at the meeting.</p> <p>The agent made the following points:-</p> <ul style="list-style-type: none"> • The recommendation for refusal was on the loss of Industrial land. • The proposal would create employment at a time when unemployment was rising. • There was Community support for the application. • The proposal would provide an opportunity for those visiting the store to visit Hayes Town Centre, whilst doing there main food shop. • The application would enable improvements to an important highway network. • The area was a key Brownfield site with access to the Town Centre • There was a need for a food store in Hayes. • Choice and competition would reduce travel as customers would come from other stores in the area. • The site was well located for a retail use. • The site was close to the Town Centre and customers of the store would be able to walk to the Town Centre shops. • The site was a gateway to Hayes Town Centre and a viable and suitable site to service the Town. • A consultation exercise had been undertaken with local residents and the support was overwhelming. • The proposed development would bring an improvement to the site. • Residents of Albert Road would see an improvement. • This development would bring needed employment to the area from shop floor to Management. • The applicants would work with Uxbridge College to provide any training requirements. 	<p>Action By:</p> <p><i>James Rodger</i> <i>Matt Duigan</i></p>
--------------------	--	--

- If allowed the store would be operational from 2013.

A Ward Councillor provided additional information for consideration by the Committee this was circulated to the committee during the consideration of this item.

In answer to a question raised in relation to the hours of opening officers advised the committee that if the application was approved a condition would be recommended to control the lights and signage as the store was to be open 24 hours. Officers suggested that an informative be added to advise the applicant that any re-submission should seek to restrict illumination of the store at night to protect local residents. The committee agreed to the informative being added.

A member asked whether there would be an increase in air pollution in the area as a result of this application if it was to be approved. A planning obligation would be attached to require air quality monitoring in the area.

A member raised concerns on the affect that this application would have if the application was to be approved. It was not felt that the enhancement of the approach from the site to Hayes Town Centre would not encourage people visiting the store to then visit the town.

Officers advised the committee that the level of harm that would be needed to refuse an application on retail grounds would be the loss or closure of a majority of the town centre shops. The proposed store would not take away that level of trade draw from the town centre. Officers suggested that an informative be added that any re-submission should allow vehicles to park at the site for 3 hours at a time, to allow sufficient time for shoppers to undertake linked shopping trips to retailers within the town centre. The committee agreed to the informative being added.

A member stated that there was no information in the report on the number of traffic movements to and from the site. This information would enable the committee to have an insight into the scale of the problem expected if the application was to be approved.

Offices advised the committee that information had been included in the traffic assessment that had been undertaken by the applicants. Officers provided the vehicle movement figures for the am and pm peak periods. The committee were advised that the proposal would require a number of highway improvements that would reduce the current congestion that occurs.

	<p>The committee still had concerns that the mitigation measures being put forward would not deliver a free flow of traffic in surrounding roads. This was an important Industrial Business Area, which needed to be retained in the current financial and economic situation.</p> <p>The amended officer's recommendation as set out on the addendum sheet with the additional informatives added was moved and seconded. On being put to the vote the amended recommendation was agreed.</p> <p>Resolved</p> <p>A. That the application be referred to the Greater London Authority; and subject to no direction being received from the Greater London Authority that delegated powers be granted to the Head of Planning, Consumer Protection, Sport and Green Spaces to REFUSE the application for the reasons set in the officer's report.</p> <p>B. If a Unilateral Undertaking is received by the Council, securing the planning obligations set out in this report, ahead of the Stage 2 referral response from the GLA, then delegated authority be given to the Head of Planning, Consumer Protection, Sport and Green Spaces to remove refusal reasons 2 and 3.</p> <p>Additional Informatives</p> <p>You are advised that had the Council been minded to approve the application, it would have sought to allow vehicles to park at the site for 3 hours at a time, to allow sufficient time for shoppers to undertake linked shopping trips to retailers in the town centre.</p> <p>You are also advised that had the Council been minded to approve the application, it would have sought to restrict illumination at night on the eastern elevation of the building in order to safeguard the amenity of surrounding properties.</p>	
155.	<p>132 RYEFIELD AVENUE, HILLINGDON 1728/APP/2011/1565</p> <p>Conversion of first and second floors to 2, two-bedroom flats and 1, one-bedroom flat, involving installation of external staircase at rear first floor level and demolition of single storey rear extension, rear store and detached garage to provide space for the creation of a private communal garden and 5 car parking spaces.</p>	<p>Action By:</p> <p><i>James Rodger Matt Duigan</i></p>

In accordance with the Council's constitution a representative of the petitioners objecting to the proposal and the agent addressed the meeting.

The petitioner objecting made the following points:-

- The petitioner advised the committee that he lived adjacent to proposed development and objected strongly to the application.
- Since the public house had been closed residents had, had peace and quite, with no noise and vandalism to their property.
- Youths congregated outside the shop and the owners do nothing to move them on.
- Due to the location of the parking for the flats, it was felt that they would not be used, thus causing more on street parking.
- Ryefield Avenue was a very busy road and a number of near misses have occurred.
- The access road to the parking spaces was un-adopted and the surface had already been broken up.
- There would be overlooking from the proposed flats to gardens surrounding the site.
- The change of use of the shop had happened without permission and with no thought to residents.
- There had been a number of planning enforcement issues that had not been acted upon.

The agent made the following points:-

- The site was empty and dilapidated and was subject to vandalism and graffiti, pigeons and rats prior to the applicant purchasing the site 3 years ago.
- The building would be enhanced and bought back into the community.
- The proposed flats would provide much needed housing in the area.
- The applicant had met all the officer's requirements.
- Asked the committee to approve the application as recommended by officers.

A Ward Councillor addressed the meeting making the following points:-

- The residents had made very valid points.
- Referred the committee to the previous application in July 2010 in relation to conversion to residential.
- There was insufficient level of parking being provided.
- There was unsatisfactory provision made for servicing the shop

	<ul style="list-style-type: none"> • This application was the same as previous refused and asked the committee to consider refusal on grounds of pedestrian and highway safety. <p>The committee raised concerns in relation to the maintenance of the access road and the parking being provided.</p> <p>Officer's advised the committee that the access road was outside of the red line site. The previous owners of the public house had right of access across the road and any maintenance issues would be a civil matter. The parking being provided was close to the front of the site. And there was a condition was also being added to seek CCTV and secure by design.</p> <p>In answer to petitioner comments about the change of use officers advised the committee that the shop use was permitted development and did not require planning permission.</p> <p>The committee felt that due to the location of the parking for the flats it was unlikely that residents would use the allocated parking area. This was likely to increase the pressure for on street parking in the area.</p> <p>Further concerns were raised in relation to the parking as cars would be reversing out into the access road. Visibility splays would be restricted to one of the spaces as it was next to a 1.8m wall.</p> <p>Officers advised that if the committee were concerned a condition could be added to reduce the height of the wall.</p> <p>The committee were not happy with the parking area as proposed and it was suggested that the application should be deferred for a site visit.</p> <p>The committees concerns were in regard to the applicant only having right of access and no control over the area. The committee asked for Legal comments on the access road and comments from the safety by design officer.</p> <p>It was moved and seconded that the application be deferred to enable a site visit; on being put to the vote deferment was agreed.</p> <p>Resolved – That the application be Deferred to enable members of the committee to make a site visit.</p>	
--	---	--

156.	<p>132 RYEFIELD AVENUE, HAYES 1728/APP/2011/1513</p> <p>Installation of chiller units to rear.</p> <p>In accordance with the Council's constitution a representative of the petitioners objecting to the proposal and the agent addressed the meeting.</p> <p>The petitioner objecting made the following points:-</p> <ul style="list-style-type: none"> • The 7 chiller units had already been installed and not all were mounted at floor level. • There were a number of health & safety concerns. • The chiller units cause noise and nuisance to those residents in Midhurst Gardens. • The units do not blend into the surroundings and could be clearly seen from Midhurst Gardens. • The area was a village estate and all development should fit in to the surroundings. <p>The agent had no comments to make on this application.</p> <p>Officers advised the committee that a brick wall was to be built to enclose the chiller units. Officers suggested that a condition be added to ensure that the 1.8m wall was built within 1 month of the permission being granted. Condition 3 was amended to ensure that the noise of the chiller units were kept to a level 5 dB below the existing background noise level at any time.</p> <p>The committee also requested that a condition be added that when the chiller units were no longer required they were removed.</p> <p>The recommendation for approval with 2 additional conditions added and condition 3 amended was moved, seconded and on being put to the vote was agreed.</p> <p>Resolved – That the application be Approved, subject to the conditions and informatives set out in the officer's report, addendum sheet circulated at the meeting and added at the meeting.</p> <p>Additional Conditions</p> <p>The chiller units, and all associated fixtures and cabling, hereby approved shall be removed when no longer required.</p>	<p>Action By:</p> <p><i>James Rodger</i> <i>Matt Duigan</i></p>
------	--	--

	<p>REASON To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).</p> <p>The brick wall to be constructed to the front of the Chiller units shall be constructed within 1 month of the date of this permission.</p> <p>Amended Condition 3</p> <p>The rating level of noise emitted from the chiller units hereby approved shall be at least 5 dB below the existing background noise level at any time. The noise levels shall be determined at the nearest residential property at any time. The measurements and assessment shall be made in accordance with British Standard 4142 Method for rating industrial noise affecting mixed residential and industrial areas.</p> <p>REASON To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007.)</p>	
157.	<p>132 RYEFIELD AVENUE, HILLINGDON 1728/ADV/2011/31</p> <p>Installation of 3 externally illuminated fascia signs to front, a portrait shape advertisement to the left of the shop entrance and an externally illuminated pole sign to front.</p> <p>In accordance with the Council's constitution a representative of the petitioners objecting to the proposal and the agent addressed the meeting.</p> <p>The petitioner objecting made the following points:-</p> <ul style="list-style-type: none"> • The changes to the signage had been made even though the relative permissions had not been given. • Residents had fought hard against the applications on this site. • The applicant has no due regard to the law. • Why had the applicant been allowed to open and make changes without permission? • There were several floodlights and illuminated signs on the front of the shop, which caused problems for those families with children living opposite the site. 	<p>Action By:</p> <p><i>James Rodger</i> <i>Matt Duigan</i></p>

	<ul style="list-style-type: none"> • The signage was not in harmony with the street scene and not in keeping with existing shops. • This was a small community and the signs were over illuminated to the detriment of the area. <p>Officers advised that they do not encourage retrospective applications but through this application the signage had been reduced. All applications had to be determined on their own merits whether they were retrospective or not.</p> <p>The agent made the following points:-</p> <ul style="list-style-type: none"> • Previous signage had been used. • The applicant had complied with the requests to alter/adapt the signage. • There had been some objections to the application. • The committee was asked to accept the recommendation of the specialist officer and approve the application. <p>The committee raised concerns at the floodlights that could be seen on the photographs shown in the officer's presentation. There were concerns about light spillage and it was suggested that an additional condition be added to control the brightness of the illumination.</p> <p>Officers suggested that delegated authority could be given to officers for approval following the provision of a plan showing all signage and showing the floodlights to be removed.</p> <p>The committee had concerns about giving delegated authority as there had been a number of planning breaches on the site. It was suggested that the application be deferred to enable the plan to be submitted.</p> <p>Resolved – That the application be deferred to enable officers to seek a plan showing all signage and showing the floodlighting to be removed.</p> <p>At the conclusion of this item a ten minute adjournment was agreed.</p>	
158.	<p>Enforcement Report</p> <p>The recommendation set out in the officer's report was moved, seconded and on being put to the vote was agreed.</p> <p>Resolved</p> <p>1. That the enforcement actions as recommended in the officer's report be agreed.</p>	<p>Action By:</p> <p><i>James Rodger</i> <i>Matt Duigan</i></p>

	<p>2. That the Committee resolve 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.</p> <p><i>The report relating to this decision is not available to the public because it contains information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; and (b) to make an order or direction under any enactment and the public interest in withholding the information outweighs the public interest in disclosing it (exempt information under paragraph 6 of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</i></p>	
	The meeting, which commenced at 7.00 p.m., closed at 10.20 pm.	

These are the minutes of the above meeting. For more information on any of the resolutions please contact Gill Brice on 01895 250693. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.