

## Minutes

### CENTRAL & SOUTH PLANNING COMMITTEE

28 June 2011



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

	<p><b>Committee Members Present:</b> Councillors John Hensley (Chairman) Judith Cooper (Vice-Chairman) Wayne Bridges Paul Buttivant Janet Duncan Dominic Gilham Patricia Jackson</p> <p><b>Also Present:</b> Councillor Keith Burrows</p> <p><b>LBH Officers Present:</b> James Rodger - Head of Planning, Trading Standards &amp; Environmental Protection Sarah White – Legal Advisor, Matt Duigan – Team Manager – Central &amp; South Team Adrien Waite – Planning Officer - Central &amp; South Team Manmohan Ranger – Highways Engineer and Nadia Williams – Democratic Services</p>	
28.	<p><b>APOLOGIES FOR ABSENCE</b> <i>(Agenda Item 1)</i></p> <p>Apologies for absence had been received from Councillor Brian Stead with Councillor Patricia Jackson substituting. Apologies had also been received from Councillor Robin Sansarpuri and there was no substitute.</p>	<b>Action by</b>
29.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> <i>(Agenda Item 2)</i></p> <p>Councillor Judith Cooper declared a personal interest in Items 6, (121 Cowley Road, Uxbridge), as the application was in her Ward, and remained in the room during consideration of the item.</p> <p>Councillor Janet Duncan declared a personal interest in Items 14, (67 Berrydale Road, Hayes), as the application was in her Ward, and remained in the room during consideration of the item.</p> <p>Councillor Dominic Gilham declared a personal interest in Items 15, (Lock Up Garage Site adj. 91 Pinewood Avenue, Hillingdon), as the application was in his Ward, and remained in the room during consideration of the item.</p>	<b>Action by</b>
30.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE MEETINGS HELD ON 24 MAY AND 7 JUNE 2011</b> <i>(Agenda Item 3)</i></p> <p>The minutes of the meetings held on 24 May 2011 and 7 June 2011</p>	<b>Action by</b>

	were agreed by the Committee as a correct record and signed by the Chairman.	
31.	<b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> <i>(Agenda Item 4)</i>  Item 18, 92 – 104 High Street, Yiewsley on Agenda B was notified as urgent.	<b>Action by</b>
32.	<b>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</b> <i>(Agenda Item 5)</i>  It was confirmed that items marked Part 1 would be considered in Public and all items marked Part 2 would be heard in Private.	<b>Action by</b>
33.	<b>121 COWLEY ROAD, UXBRIDGE 7008/APP/2010/2758</b> <i>(Agenda Item 6)</i>  <b>Change of use from car sales and repair (mixed use sui generis and Class B2) to supermarket (Class A1), involving demolition of existing building and erection of single storey supermarket building, associated car parking and landscaping.</b>  Officers presented the report to the Committee and drew their attention to the amendments in the Addendum sheet.  In accordance with the Council's constitution a representative of the petitioners objecting to the application addressed the meeting raising the following points:  <ul style="list-style-type: none"> <li>• That as a local tradesman, owned a newsagent in Cowley Road and had lived in Chiltern View for 24 years</li> <li>• Was speaking as a representative for the whole community as customers had suggested that he petitioned against the development</li> <li>• Over 300 residents had signed the petition</li> <li>• Concerned about increase in traffic from customers using the proposed development</li> <li>• Concerned about the increase in queue lengths on Cowley Road</li> <li>• Additional traffic would result in disturbances to residents</li> <li>• Late deliveries to the development would result in further disturbances to residents</li> <li>• The development would result in increased pollution and further damage to road surfaces, which were already in a bad state</li> <li>• There were already 8 super markets within the area and the proposed development would have an adverse effect on the local community as well as local shops</li> <li>• Suggested that the consultation process was limited.</li> </ul> In response to a question about where customers come from, the	<b>Action by</b>  <i>James Rodger / Matt Duigan</i>

petitioner responded that customers walked to the shop.

The applicant addressed the meeting in support of the application and raised the following points:

- Had worked on the application over the last 15 months and officers had confirmed that the store would not have an adverse effect on existing stores
- There were no significant or wide range of convenience retail provision
- Was disappointed at refusal on highway grounds
- A proposal had been put forward to install full size right hand turn into the development which fully complied with Government Guidelines. This had been rejected and officers had not explained why
- That it was standard practice usually for 2 deliveries to all Lidl stores and this had been accepted on appeal
- Had discussed the issue of HGV access and egress, which the highways officer had concluded was acceptable
- Was surprised to receive last minute objection on 2 November 2010 about the proposed improvements to the traffic light junction at Cowley Road/Cowley Mill, which TfL had confirmed would lead to improvements
- Only just been informed 15 months later that the Council intended to re-phase the traffic lights
- That re-phasing of traffic light alone would fully mitigate traffic impact
- That S106 had been approved
- That of the 14,000 households that were consulted, 83% supported the application
- The development would stimulate economic generation by creating 30 jobs

In response to a query raised, the applicant advised that the proposed development would be a discount with 60 customers expected per hour.

A ward councillor spoke in objection to the application and made the following comments:

- Fully supported the objections to the development in this particular area
- The area was already suffered from severe traffic congestion
- Suggested that the Lidl store in Hayes was extremely busy
- That the 80% response from household did not give details of customer base and suggested that the majority of the respondents may have been based at Brunel University
- That turning would complete conflict with traffic entering and egressing on to the site
- A majority of vehicles would end up parking in the bus stop
- Expressed grave concerns about the impact on highway traffic the right hand turn lane would have
- Did not oppose such proposal but suggested that this location

- was not suitable for this type of development as the road width would not support buses or large vehicles
- Fully supported local shops in the community as the area would die without such facilities
  - Business from the corner shops would be taken away by the proposed Lidl store which would sell items currently sold by the corner shops
  - Urged the Committee to support officer's recommendation for refusal.

The Chairman sought clarification from the Highways officer about suggestion from the applicant that they indicated that they were satisfied with the application.

The Highways officer advised that objections had been withdrawn on the plan relating to the access in respect of the amended radius to the egress.

Members' attention was drawn to the Addendum sheet which set out the additional comments from the Highways officer in respect of the revised proposed drawing for the right turn lane at the site access.

The Highways officer advised that vehicles entering the site would require 5 to 6 car length into the opposite carriage way, which would result in the area becoming a conflict zone with vehicles leaving the site.

In response to a query that the UDP did not appear to set out how to protect local shops in the way PPS4 did; officers advised that PPS4 was a national guidance which protected town centres and not local providers. The UDP Saved Policy was an intervention method to protect a parade by preventing the change of use from a shop. The applicant was not proposing to change the shop, but the main concern was that the proposed development would draw customers away from local shops.

Officers explained that the main emphasis of the different types of policies was not to look to protect parades, but to look at what the public would need.

A Member queried the suggestion that with only 4% of customer base coming from Yiewsley, the amount of loss would not be significant. Officers advised that they were required to look at competitive relationship, which in this case was between Lidl store and Aldi and ascertained where potential people would be coming from. The analysis was then quantified and the outcome was the loss of the level of trade was 14% which would not result in loss of trade.

In clarifying the chart (attached to the Addendum sheet) outlining the degree of saturation of the performance of the Cowley Road/Cowley Mill Road junction in 2016; it was noted that even with the mitigating works proposed by the applicant, the degree of saturation would not be adequately reduced, which meant that the Council would not have a realistic chance of being able to achieve the required 90% reduction

	<p>level by any further mitigation works, should the applicant carry out the works.</p> <p>A Member asked what impact 60 cars per minute would have on the junction and suggested that officers did not appear to be satisfied with the transport assessment submitted.</p> <p>A member added that should a new application be submitted, the Committee would require a noise impact assessment to be provided.</p> <p>The recommendation for refusal was moved, seconded and on being put to the vote was agreed.</p> <p><b>Resolved – That the application be refused for the reasons set out in the officer's report, and amendments in and to the Addendum sheet circulated at the meeting.</b></p> <p>The Committee asked officers to write to the Appeal Inspectors stating the implication the approval of the Gas Site was having on the Borough, as a result of it having been approved on appeal.</p>	
34.	<p><b>229 - 231 YEADING LANE, HAYES (NOW KNOWN AS 1-36 (INCL) 38 &amp; 40 CORNELIA DRIVE, HAYES) 54/APP/2000/885 (Agenda Item 7)</b></p> <p><b>Demolition of existing industrial units and erection of existing industrial units and erection of 2 three storey blocks of flats (fronting yeading Lane) comprising 4 one bedroom flats, 18 two bedroom flats and 3 three bedroom flats together with 14 two storey houses comprising 10 three storey units and 4 four bedroom units, provision of new means of access together with associated car parking and landscaping.</b></p> <p>Members sought clarification from officers that all obligations had been met and particular concerns were raised about the deed of variation taking away responsibility from the applicant/developer.</p> <p>The Legal Advisor commented that it had been stated in the report that all the obligations had been met. Members were advised that it would be in order for the Committee to ask officers to check and ensure that all obligations had been complied with, prior to agreeing the deed of variation.</p> <p>In response to concerns raised in respect of the planting of trees, the Legal Advisor advised that if 5 years had lapsed since the planting of the trees, this would no longer be an issue.</p> <p>The Chairman directed the Committee to agree the application subject to the evaluation of the obligations.</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><b>Resolved</b></p>	<p><b>Action by</b></p> <p><i>James Rodger / Matt Duigan</i></p>

	<p>a) That the s106 agreement dated 5th November 2001 is varied as follows:</p> <p>b) That Clause 2.14 (page 7) is deleted and replaced with the following:</p> <p>“It is hereby agreed and declared that the obligations contained in this deed shall not be binding upon any mortgagee or chargee of an RSL or receiver appointed by any such mortgagee or chargee or on any person deriving title by through under or from such person company or security trustee or any person acquiring 100% of the equity and the reversionary interest in any Affordable Housing Unit.”</p> <p>c) That the owner meets the Council’s reasonable costs in the preparation of the Deed of Variation and any abortive work as a result of the agreement not being completed.</p> <p>d) That if the Deed of Variation is not finalised within a period of 6 months from the date of this committee resolution, or any other period deemed appropriate by the Head of Planning, Trading Standards and Environmental Protection, then the application may be referred back to the Committee for determination.</p> <p>e) That subject to the above, the application be deferred for determination by the Head of Planning, Trading Standards and Environmental Protection under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.</p>	
35.	<p><b>ROSEDALE COLLEGE, WOOD END GREEN ROAD, HAYES</b>  <b>16034/APP/2011/997 (Agenda Item 8)</b></p> <p>Temporary primary school comprising 3 forms of entry, including nursery, school hall and associated offices, staff room and amenity space.</p> <p>In introducing the report officers drew Members’ attention to the Addendum sheet and to note further amendments.</p> <p>In response to a query relating to the use of the access way leading to Wood End Green Road, officers advised that this access way was not used by parents of secondary school children. It was noted that the school would Marshall drop-off and pick-up.</p> <p>A Member added that a school travel plan would need to be submitted to ensure that there would be no vehicular access into the site. Officers advised that the secondary school would be required to submit a revised School Travel Plan which would need to be in place by September 2011.</p>	<p><b>Action by</b></p> <p>James Rodger / Matt Duigan</p>

The Legal Advisor advised that if Members had real concerns, it would be in order for the Committee to ask for the submission of an interim 3 months Travel Plan.

The Chairman asked for Condition 11 to be amended to require an interim travel plan until the submission of a final plan.

Members directed that Condition 10 should be retained and not deleted as stated in the Addendum sheet, and Condition 2 was amended to include the requirement of a Construction Management Plan.

The recommendation for approval was moved, seconded and on being put to the vote was agreed.

**Resolved – That the application be approved subject to the conditions and informatics set out in the officer's report, retention of and amendments to Condition 10, changes in the Addendum sheet and amendments to the Addendum as follows:**

**Condition 2 (page 5) to read as follows:**

**'The development shall not be carried out otherwise than in strict accordance with the plans and details hereby approved, including the Construction Management Plan, as well as Drawing 26117A101A showing the proposed pedestrian access gate.**

**Reason**

**To ensure that the external appearance of the development is satisfactory, to ensure construction impacts are mitigated and the access gate is appropriate and the site access is properly managed and complies with Policies AM7, AM14, OE1 and BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).'**

**Condition 10 not to be deleted but amended as follows:**

**'Notwithstanding the information submitted, prior to occupation of the development, a Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Traffic Management Plan, including signage, accessway maintenance, marshalling, and other such measures which shall be put in place to manage pedestrian and vehicular traffic associated with the use hereby approved and minimise the impact of the development on Wood End Green Road (particularly close to the primary school's main entrance), as well as the access way leading into to the site, during peak drop-off and pick-up times. The approved plan shall be implemented and shall remain in force for the lifetime of the development.'**

**Reason**

**In the interests of highway and pedestrian safety in accordance with policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).'**

	<p><b>The condition relating to parking for disabled parents (page 6) to read as follows:</b></p> <p>'Prior to occupation of the development a strategy shall be submitted to and approved in writing by the Local Planning Authority, which details how parking for disabled parents and/or parents of disabled children who are dropping-off/picking-up their children will be provided and managed.</p> <p><b>Reason</b></p> <p>To ensure that adequate facilities are provided for people with disabilities in accordance with Policies AM13 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.'</p> <p><b>Condition 11 (in the officer's report) to read as follows:</b></p> <p>'Within 1 month of the date of this consent, an Interim Travel Plan (which sets out the measures to be taken immediately the school opens to encourage the use of sustainable modes of transport and reduce conditions detrimental to highway and pedestrian safety) shall be prepared, and submitted to the Local Planning Authority for approval.. The interim Travel Plan shall be implemented on occupation of the building hereby approved. Within 3 months of the occupation of the building hereby approved, a review of the School's Travel Plan shall be completed and submitted in writing to the Local Planning Authority. The review should outline measures which will continue to encourage and promote the use of sustainable modes of transport as well as strategies to reduce conditions detrimental to highway and pedestrian safety. The schools shall implement the measures set out in the Travel Plan unless otherwise agreed in writing, for the lifetime of the development.</p> <p><b>Reason</b></p> <p>To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with Policies 3C.1, 3C.2 and 3C.3 of the London Plan (February 2008).'</p>	
36.	<p><b>41 PRINCES PARK LANE, HAYES 67590/APP/2011/299 (Agenda Item 9)</b></p> <p><b>Single storey rear extension.</b></p> <p>In introducing the report, officers drew the Committee's attention to the Addendum sheet to note the amendment to the reason for refusal.</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><b>Action by</b></p> <p><i>James Rodger / Matt Duigan</i></p>

The petitioner objecting made the following points:

- The proposed extension would dismantle the already very small gardens at 41 and 43 Princess Park Lane in a local area which was lacking in green spaces
- The size and scale of the development would result in excessive density, as permission has already been granted for the erection of a detached house on part of the rear gardens of 41 and 43 Princes Park Lane
- No objection would have been raised to this application had planning permission not already been granted for the erection of a detached house
- Concerned about the proposed side extension at 43, as this was the main access way by which Thames Water could access the 3 access hatches to the drains located in the side garden No. 43
- Thames Water had been called out 4 times this year already
- Concerned that proposed development would be built on the 3 main hatches
- Proposed development would result in potential new house in the back garden
- Drop kerbs had already been created at 41 and 43
- Previous applications had already been opposed as proposed developments could not be allowed in the back garden.

In response to a point of clarification, the applicant confirmed that the front garden benefited from a concreted drop kerb, which enabled vehicle parking.

The applicant made the following points:

- Could not see how the extension affected the petitioner
- Considerable time had been spent rectifying inconsistencies
- Had been very flexible
- Felt that he should have been initially told that he could not proceed with the application if it was considered to be unsuitable for the site
- The proposal met with UDP requirements
- Had been told at no time that there was a problem
- Concerns were only raised two months after the application process
- Wondered why permission had been granted for No.7 Princes Park Lane

In answer to a question about the concreted front gardens at Nos.41 and 43 Princes Park Lane, the applicant confirmed that cars were not being parked in the front gardens.

A Member asked whether any Permitted Development (PD) Rights were removed when permission was granted on appeal for the erection of a detached dwelling on part of the rear gardens at Nos. 41 and 43. Officers advised that PD Rights had only been removed on the application that was allowed on appeal and that Nos. 41 and 43 still had PD rights.

	<p>A Member asked whether there had been discussions with the applicant about the different planning issues and material planning matters and added that it was unfortunate that this issue had not been addressed by the Planning Inspector at the time it went to appeal.</p> <p>The recommendation for refusal was moved, seconded and on being put to the vote was agreed.</p> <p><b>Resolved – That the application be refused for the reasons set out in the officer’s report, and amendments the Addendum sheet circulated at the meeting.</b></p>	
37.	<p><b>43 PRINCES PARK LANE, HAYES 34778/APP/2011/302 (Agenda Item 10)</b></p> <p><b>Single storey side/ rear extension.</b></p> <p>In accordance with the Council’s constitution a representative of the petitioners as well as the applicant addressed the meeting and raised the points set out in minute 307 above.</p> <p>The recommendation for refusal was moved, seconded and on being put to the vote was agreed.</p> <p><b>Resolved – That the application be refused for the reasons set out in the officer’s report, and amendments in the Addendum sheet circulated at the meeting.</b></p>	<p><b>Action by</b></p> <p><i>James Rodger / Matt Duigan</i></p>
38.	<p><b>BAA EAST MAINTENANCE BASE, HEATHROW AIRPORT 62906/APP/2011/344 (Agenda Item 11)</b></p> <p><b>Replacement and relocation of existing code D ground run pen with a new code F ground run pen.</b></p> <p>In introducing the report, officers asked the Committee to note the changes in the Addendum sheet circulated at the meeting.</p> <p>A Member asked whether the ground run testing of engines were undertaken individually. As officers were unable to respond to this query, the meeting was adjourned for 10 minutes to seek clarification from the applicant who was available and was prepared to provide the information.</p> <p>When the meeting convened, officers advised that the applicant had confirmed that both engines were required to be tested at the same time.</p> <p>The recommendation for approval was moved, seconded and on being put to the vote was agreed.</p> <p><b>Resolved</b></p> <p><b>1. That delegated powers be given to the Head of Planning,</b></p>	<p><b>Action by</b></p> <p><i>James Rodger / Matt Duigan</i></p>

	<p><b>Trading Standards and Environmental Protection to grant planning permission, subject to the following:</b></p> <p>a) That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:</p> <p>i) A contribution £5,000 towards the monitoring of air quality impacts</p> <p>b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.</p> <p>c) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.</p> <p>d) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised within 6 months of the date of this committee resolution, then the application will be referred back to the Committee for determination.</p> <p>e) That if the application is approved, the conditions and informatives set out in the officer's report be imposed.</p>	
39.	<p><b>BAA MAINTENANCE BASE, HEATHROW AIRPORT</b>  <b>50462/APP/2011/342 (Agenda Item 12)</b></p> <p>BA East maintenance base Heathrow Airport Hounslow replacement of existing code E ground run pen with a new code F ground run pen.</p> <p>In introducing the report, officers asked the Committee to note the changes in the Addendum sheet circulated at the meeting.</p> <p>The recommendation was moved, seconded and on being put to the vote was agreed.</p> <p><b>Resolved</b></p> <p>That delegated powers be given to the Director of Planning and Community Services to grant planning permission, subject to the following:</p> <p>a) That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:</p> <p>i) A contribution £5,000 towards the monitoring of air quality impacts</p>	<p><b>Action by</b></p> <p>James Rodger / Matt Duigan</p>

	<ul style="list-style-type: none"> <li>b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.</li> <li>c) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.</li> <li>d) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised within 6 months of the date of this committee resolution, then the application will be referred back to the Committee for determination.</li> <li>e) That if the application is approved, the conditions and informatics set out in the officer's report be imposed.</li> </ul>	
40.	<p><b>WHITE HART PUBLIC HOUSE, BATH ROAD, HARLINGTON 4129/APP/2011/453 (Agenda Item 13)</b></p> <p>Redevelopment of site to include 2 x single storey detached buildings with associated drive through for use as A3 (Restaurants and Cafes) with associated car parking, landscaping, cycle store, bin store, ancillary substation and alterations to existing vehicular crossover to front (involving demolition of the existing public house).</p> <p>In introducing the report, officers advised that the number of car parking spaces exceeded the maximum number of spaces, with some car parking spaces doubling up as areas where loading vehicles would park. A strict management regime would be operated to allow parking for no more than 2 hours at a time with the proposal for one operator to manage the site, which would enable close monitoring of delivery times and would enable them to put cones around the parking area half an hour before. It was noted that there would be three suppliers having daily regular deliveries of food in standard vans.</p> <p>The Committee was asked to note the changes to the proposed hours of operation in the Addendum sheet.</p> <p>The Chairman raised concerns about the potential for the electric charging points being obstructed by delivery vehicles. Officers responded that a condition had been imposed requiring the applicant to provide final details of the location electric charging points.</p> <p>A Member added that the some recognition of the history of the area, such as the coaching inns (which were disappearing) should be preserved. The meeting agreed for an additional condition requiring a commemorative plaque.</p> <p>A Member expressed concerns about entry into the site and enquired whether a slip road could be installed. Officers advised that Transport for London (TfL) (The highway authority for Bath Road) had examined</p>	<p><b>Action by</b></p> <p><i>James Rodger / Matt Duigan</i></p>

the plans in detail and had raised no objection to entry into the site from the road.

A Member commented that the boulevard nature of the Bath Road should be respected and approval would need to be sought for any proposed advertising.

The Chairman added that the Committee could ask for any signage to be determined by the Committee.

In response to concerns raised about the lack of motor cycle designated area, officer's advised that with the high percentage of parking provision, some of this area could be converted, and pointed out that some areas would also be designated for use by Brown Badge holders.

A member commented that opening hours of 6am would be more realistic than 8am. Officers advised that conditions 14 and 16 were imposed to ensure that residents were not affected by noise and light. The Legal Advisor directed the Committee to note the comments from Environmental Services Protection (EPU) in respect of the opening hours and the comments particularly in relation to noise, in order to safeguard the residential amenity of the occupiers and adjoining nearby properties.

The Committee attached an additional condition to ensure parking outside of hours was permitted only for staff. Officers were requested to prepare the wording in consultation with the Chairman and the Labour Lead.

The recommendation set out in the officers' report with the additional conditions for motor cycle parking, recognition of historical nature of the site and traffic & management plan to include details of parking staff parking; additional informative regarding parking for Brown Badge Holders, amendments to changes in the Addendum sheet and Condition 16 was moved, seconded and on being put to the vote was agreed.

### **Resolved**

- 1. That delegated powers be given to the Head of Planning, Trading Standards and Environmental Protection to grant planning permission, subject to the following:**
  - a) That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:**
    - i) The provision of a Sustainable Travel Plan and an undertaking to implement the initiatives therein.**
    - ii) An undertaking to enter into a s278 agreement and to**

fund the cost of off-site highway works deemed necessary by TfL, and specifically for the cross over works on the A4 Bath Road, subject to a detailed design to be approved in writing by the Council prior to the commencement of development.

iii) A contribution of £12,500 to cover the cost of air quality monitoring and analysis made necessary by the development.

iv) A contribution towards the monitoring and management of the legal agreement of 5% of the s106 value.

b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

c) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.

d) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised within 6 months of the date of this committee resolution, then the application will be referred back to the Committee for determination.

e) That if the application is approved, the conditions and informatives be imposed.

#### **Additional Conditions:**

i) 'The development hereby approved shall not be commenced until details of covered motor cycle parking arrangements have been submitted to and approved in writing by the Local Planning Authority; and the development shall not be occupied until the approved arrangements have been implemented.

#### **Reason**

**To ensure that adequate facilities are provided in accordance with Policies AM14, AM15 and the parking standards as set out in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).'**

ii) 'Prior to commencement of the development, a Traffic and Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Traffic and Parking Management Plan shall include such details regarding staff parking arrangements, as well as measures as are necessary to ensure that the parking

spaces are not used for Off Airport Parking and Waiting, any overnight parking, and how parking spaces to be utilised during loading and unloading are to be managed so these are vacant when delivery vehicles attend the site. The approved plan shall be implemented on occupation of the development and shall remain in force for the lifetime of the development'.

For the purposes of this condition, Off Airport Parking and Waiting is defined as vehicle parking or waiting at the site by persons who then go on to travel from, undertake work at or conduct business directly related to Heathrow Airport.

- iii) 'Before development commences, details of a scheme for the interpretation by persons visiting the site of the historical former uses at the site including its use as a public house and coaching house, shall be submitted to and approved in writing by the Local Planning Authority. There after the historical interpretation scheme shall be implemented in accordance with the approved details and maintained for the life of the development.

**Reason**

To promote the historically significant former uses of the site to the public and promote the conservation and protection and enhancement of the heritage of the Borough and to accord with Planning Policy Statement 5 Planning For The Historic Environment and policy Pt 1.7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).'

**Amended Conditions:**

**Condition 14 (in the Addendum sheet) to read:**

'No persons other than staff shall be permitted to be on the premises between the hours of 12 midnight and 06.00 hours.

**Reason**

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).'

**Condition 16 (in the officer's report) to read:**

'The premises shall not be used for delivery and the loading or unloading of goods outside the hours of [08:00] and [22:00], Monday to Friday, and between the hours of [08:00] and [18:00] on Saturdays. The premises shall not be used for delivery and the loading or unloading of goods on Sundays or Bank Holidays.

**Reason**

	<p><b>To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).'</b></p> <p><b>Additional Informatives:</b></p> <ul style="list-style-type: none"> <li>i) <b>You are advised that any subsequent application for the approval of advertising will need to be determined by the planning committee.</b></li> <li>ii) <b>You are encouraged to ensure that a portion of car parking is prioritised for use by Brown Badge Holders.</b></li> </ul>	
41.	<p><b>67 BERRYDALE ROAD, HAYES 64145/APP/2011/858 (Agenda Item 14)</b></p> <p><b>Single storey side extension (Part-Retrospective)</b></p> <p>In introducing report, officers drew the Committee's attention to the Addendum sheet to note the correct description of the proposed development as a single storey side extension.</p> <p>The Chairman asked officers what the size of the garden space was prior to the part completed development. Officers advised that the garden at the front even without the extension was very close to the front. The size of the garden space of the proposed development would be 25sqm and approval was sought on the basis that it was a small house rather than a family accommodation where the standard garden requirement was 40sqm.</p> <p>Members were informed that any further extension would need to be assessed on its merit and would require planning permission.</p> <p>The Chairman added that if the Committee was to agree the officer recommendation, it would be going against the Hillingdon Design &amp; Accessibility Statement (HDAS), thus undermining policy.</p> <p>The Legal Advisor added that an application had been submitted which had raised issues of setting precedent which Committee Members were fully aware of.</p> <p>Officers advised that in terms of garden space, this proposal was below the standard requirement and officers had taken the view that, as the property benefited from a small internal space, on balance, considered that this garden was acceptable.</p> <p>A Member added that no harm would befall adjoining properties except to the owner and occupier of the proposed development.</p> <p>The Legal Advisor drew Members attention to the comments on public consultation in the report which stated that 11 adjoining owners had been consulted, with no comments received.</p>	<p><b>Action by</b></p> <p><i>James Rodger / Matt Duigan</i></p>

In response to concerns raised relating to issues about daylight and overshadowing, officers advised that so long as the dimensions were no more than 3.6m or 3.4m high, the application could be safely approved.

Concerns were raised about the development being very narrow with the proposed extension resulting in a disproportionate effect. Officers explained that the standard garden requirement for a house was 40sqm compared to the proposal in this instance, which was a small house which would result in having a 25sqm garden space.

The Chairman raised concerns about the loss of amenity space which the Committee had always tried to maintain in the HDAS.

It was moved and seconded that the application be refused, and on being put to the vote was agreed that the proposal did not meet the required standard for amenity space and failed to do so by 40%, and would consequently result in overdevelopment of the site and would fail to accord with Policy BE19 and BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and HDAS – Residential Extensions.

**Resolved – That the application be refused for the reasons set out above.**

*Following the decision, it was asserted that the plans before Members may not have been up to date. In this instance, the Legal Advisor advised that if it had been found that the plans in front of Members may not have been up to date; it would be within the Committee's rights to recommend that the previous decision be quashed.*

The Chairman stated that as new information had come to light, the decision that had just been made was not founded.

**Therefore it was proposed seconded and agreed that the decision be quashed and on being put to the vote was agreed.**

It was therefore proposed and seconded that the application be deferred to enable the correct plans to be considered by the Committee, and on being put to the vote was agreed,

**Resolved – That the application be deferred to enable the correct plans to be submitted to the Committee.**

42.	<p><b>LOCK UP GARAGE SITE ADJACENT 91 PINEWOOD AVENUE, HILLINGDON 66014/APP/2009/983 (Agenda Item 15)</b></p> <p><b>Two storey three-bedroom dwelling with associated parking, involving demolition of existing garages.</b></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><b>Action by</b></p> <p><i>James Rodger / Matt Duigan</i></p>
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**Resolved**

- a) The plan referred to and contained in the Statement of Intent shall be replaced by the Plan attached to this Deed at Appendix 1; and
- b) That clause 1.10 of the Statement of Intent dated 10 September 2010 be replaced by the following:

**“1.10 The Owner covenants not to deal with, dispose of, surrender or disclaim any legal interest in the Land (whether existing or prospectively acquired from the date of this Deed) or to assign any interest or create any new interest from the land or mortgage the Land until it has complied with the covenants AND it shall ensure that in any dealings whatsoever with the Land any person acquiring an interest in the Land (including an RSL) the Council in its capacity as housing authority shall have ensured the person other than the Council who shall have that interest shall be legally bound to enter into a legal agreement under section 106 of the Act and pursuant to Section 111 of the Local Government Act 1972, section 2 of the Local Government Act 2000 and Section 16 of the greater London Council (General Powers) Act 1974 (save for individual owner-occupiers or individual tenants of dwellings constructed pursuant to the Planning Permission) in a form which is to the satisfaction of the local planning authority having regard to the extent of the obligation already performed or those which are ongoing before the time of or contemporaneous with the disposal contemporaneous with the disposal of any interest by the Council in the Land.”**
- c) That the owner meets the Council's reasonable costs in the preparation of the Deed of Variation and any abortive work as a result of the agreement not being completed.
- d) That if the Deed of Variation is not finalised within a period of 6 months from the date of this committee resolution, or any other period deemed appropriate by the Head of Planning, Trading Standards and Environmental Protection, then the application may be referred back to the Committee for determination.
- e) That subject to the above, the application be deferred for determination by the Head of Planning, Trading Standards and Environmental Protection under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.
- f) That if the application is approved, it be subject to the conditions and informatics agreed by the Central and South Planning Committee on 3 November 2009 (detailed in

	the Committee report and minutes) and attached to the officer's report.	
43.	<p><b>92 - 104 HIGH STREET, YIEWSLEY 59189/APP/2005/3476</b> (<i>Agenda Item 18</i>)</p> <p>Erection of a four storey building for a mixed use development comprising retail units (Class A1) at ground floor and 54 residential units on the upper floors (Class C3) with basement parking (involving demolition of existing buildings).</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><b>Resolved</b></p> <p>a) That the s106 agreement dated 20 February 2007 is varied as follows:</p> <p>b) That the definition of Affordable Housing Mix be varied as follows:</p> <p style="padding-left: 40px;">"Affordable Housing Mix" means that the Affordable Housing Units shall comprise nineteen Social rented Units."</p> <p>c) That the owner meets the Council's reasonable costs in the preparation of the Deed of Variation and any abortive work as a result of the agreement not being completed.</p> <p>d) That if the Deed of Variation is not finalised within a period of 6 months from the date of this committee resolution, or any other period deemed appropriate by the Head of Planning, Trading Standards and Environmental Protection, then the application may be referred back to the Committee for determination.</p> <p>e) That subject to the above the application be deferred for determination by the Head of Planning, Trading Standards and Environmental Protection under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.</p> <p>f) That if the application is approved, it be subject to the conditions and informatics agreed by the Central and South Planning Committee on 24 August 2006 (detailed in the Committee report and minutes) and attached to the officer's report.</p>	<p><b>Action by</b></p> <p>James Rodger / Matt Duigan</p>
44.	<p><b>ENFORCEMENT REPORT</b> (<i>Agenda Item 16</i>)</p> <p><b>Enforcement Report</b></p> <p>The recommendation set out in the officer's report was moved,</p>	<p><b>Action by</b></p> <p>James Rodger / Matt Duigan</p>

	<p>seconded and on being put to the vote was agreed.</p> <p><b>Resolved</b></p> <ol style="list-style-type: none"> <li>1. <b>That the enforcement actions as recommended in the officer's report be agreed.</b></li> <li>2. <b>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 enforcement notice to the individual concerned.</b></li> </ol> <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>	
45.	<p><b>ENFORCEMENT REPORT (Agenda Item 17)</b></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><b>Resolved</b></p> <ol style="list-style-type: none"> <li>1. <b>That the enforcement actions as recommended in the officer's report be agreed.</b></li> <li>2. <b>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.</b></li> </ol> <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>	<p><b>Action by</b></p> <p><i>James Rodger / Matt Duigan</i></p>
	<p>The meeting, which commenced at 7.00 pm, closed at 10.18 pm.</p>	

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.