



HILLINGDON  
LONDON



# Major Applications Planning Committee

**Date:** THURSDAY, 5 MARCH 2015

**Time:** 7.00 PM

**Venue:** COMMITTEE ROOM 5 -  
CIVIC CENTRE, HIGH  
STREET, UXBRIDGE UB8  
1UW

**Meeting  
Details:** Members of the Public and  
Press are welcome to attend  
this meeting

## To Councillors on the Committee

Eddie Lavery (Chairman)

Ian Edwards (Vice-Chairman)

Peter Curling

Jazz Dhillon

Janet Duncan (Labour Lead)

Carol Melvin

John Morgan

Brian Stead

David Yarrow

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**Published:** Tuesday 3 March 2015

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<http://modgov.hillingdon.gov.uk/ieListDocuments.aspx?CId=325&Mid=2019>

***Putting our residents first***

Lloyd White

Head of Democratic Services

London Borough of Hillingdon,

3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW

[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

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Please enter from the Council's main reception where you will be directed to the Committee Room.

## Accessibility

An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

## Reporting and filming of meetings

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## A useful guide for those attending Planning Committee meetings

### Security and Safety information

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**Recording of meetings** - This is not allowed, either using electronic, mobile or visual devices.

**Mobile telephones** - Please switch off any mobile telephones and BlackBerries before the meeting.

### Petitions and Councillors

**Petitions** - Those who have organised a petition of 20 or more borough residents can speak at a Planning Committee in support of or against an application. Petitions must be submitted in writing to the Council in advance of the meeting. Where there is a petition opposing a planning application there is also the right for the applicant or their agent to address the meeting for up to 5 minutes.

**Ward Councillors** - There is a right for local councillors to speak at Planning Committees about applications in their Ward.

**Committee Members** - The planning committee is made up of the experienced Councillors who meet in public every three weeks to make decisions on applications.

### How the Committee meeting works

The Planning Committees consider the most complex and controversial proposals for development or enforcement action.

Applications for smaller developments such as householder extensions are generally dealt with by the Council's planning officers under delegated powers.

An agenda is prepared for each meeting, which comprises reports on each application

Reports with petitions will normally be taken at the beginning of the meeting.

The procedure will be as follows:-

1. The Chairman will announce the report;
2. The Planning Officer will introduce it; with a presentation of plans and photographs;
3. If there is a petition(s), the petition organiser will speak, followed by the agent/applicant followed by any Ward Councillors;

4. The Committee may ask questions of the petition organiser or of the agent/applicant;
5. The Committee debate the item and may seek clarification from officers;
6. The Committee will vote on the recommendation in the report, or on an alternative recommendation put forward by a Member of the Committee, which has been seconded.

### About the Committee's decision

The Committee must make its decisions by having regard to legislation, policies laid down by National Government, by the Greater London Authority - under 'The London Plan' and Hillingdon's own planning policies as contained in the 'Unitary Development Plan 1998' and supporting guidance. The Committee must also make its decision based on material planning considerations and case law and material presented to it at the meeting in the officer's report and any representations received.

Guidance on how Members of the Committee must conduct themselves when dealing with planning matters and when making their decisions is contained in the 'Planning Code of Conduct', which is part of the Council's Constitution.

When making their decision, the Committee cannot take into account issues which are not planning considerations such as the effect of a development upon the value of surrounding properties, nor the loss of a view (which in itself is not sufficient ground for refusal of permission), nor a subjective opinion relating to the design of the property. When making a decision to refuse an application, the Committee will be asked to provide detailed reasons for refusal based on material planning considerations.

If a decision is made to refuse an application, the applicant has the right of appeal against the decision. A Planning Inspector appointed by the Government will then consider the appeal. There is no third party right of appeal, although a third party can apply to the High Court for Judicial Review, which must be done within 3 months of the date of the decision.

## Agenda

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- 11 Chequers Square, Uxbridge 35214/APP/2014/2232 1-6  
Request for the variation of Heads of Terms of the S.106 agreement, previously agreed by the committee.

**Recommendation: Approval**

## Report of the Head of Planning & Enforcement

**Address:** CHEQUERS SQUARE, UXBRIDGE

**Development:** The consolidation of 15 existing units within the Pavilions shopping centre to create a single, large format retail unit, including reconfiguration works at basement level, insertion of new mezzanine floor and associated works at roof level.

**LBH Ref Nos:** 35214/APP/2014/2232

**Drawing Nos:** N/A

**Date applications approved at Committee** Application heard at 29<sup>th</sup> October 2014 Majors Application Committee. Members resolved to approve the scheme subject to signing of the S106 Agreement.

**S106 Agreement** That the recommendation to allow the removal of Heads of Terms ii) Lift provision and iii) Entrance Design to be approved.

## 1.0 CONSULTATIONS

### 1.1 Internal Consultees

<b>Planning Obligations Officer</b>	<p><b>The following Heads of Terms to be removed:</b></p> <p><b>ii) Secure enhanced access/additional lift provision to car park without access to Pavillions - to ensure access is not disrupted between shops and car park through introduction of store (e.g. phase 3 in the D&amp;A) - timescale for application and provision to be negotiated.</b></p> <p><b>iii) Secure application and implementation for entrance design (including provision of new canopy for this entrance and consistent external treatment of entrances to the shopping centre (e.g. phase 2 in the D&amp;A) - timescale for application and provision to be negotiated.</b></p> <p><b>Head of Term ii) required the applicant to provide a new external lift to the car park. At the time the application was originally heard at Committee, Officers were unsure whether adequate access could be maintained to the car park as a result of the development. The Council's Corporate Property Team also advised at the time that the new lift was required. However, upon drafting the S106 Heads of Terms in became apparent that, as a result of Head of Terms 'v) Link Walkways - Opening Times, Kept Clear etc', adequate</b></p>
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	<p><b>access would be maintained to the lift located within the proposed retail unit.</b></p> <p><b>In terms of Head Of Term iii) Entrance Design, the applicant's Design &amp; Access Statement showed outline sketches of a entrance canopy design to the Pavilions Shopping Centre, and Officers were keen to ensure that this came forward. Following objections from the applicant , Officer's reviewed CIL Regulation 122 and are of the view that the Head of Terms does not meet the three tests set out within it and cannot therefore be sought.</b></p> <p><b>No objections raised.</b></p>
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## **2.0 RECOMMENDATION**

**That the request for Heads Of Terms ii and iii to be removed be approved.**

## **3.0 KEY PLANNING ISSUES**

- 3.1 Please refer to S10 Officer Comments above.
- 3.2 The Council's S106 Officer reviewed the proposal and raises no objection.
- 3.3 Approval is recommended.

## **OBSERVATIONS OF BOROUGH SOLICITOR**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached. Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it

must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

### **OBSERVATIONS OF THE DIRECTOR OF FINANCE**

The report indicates that the costs of the development will be fully met by the developer, and the developer will make a Section 106 contribution to the Council towards associated public facilities. The developer will also meet the reasonable costs of the Council in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed. Consequently, there are no financial implications for this Planning Committee or the Council.

### **Reference Documents**

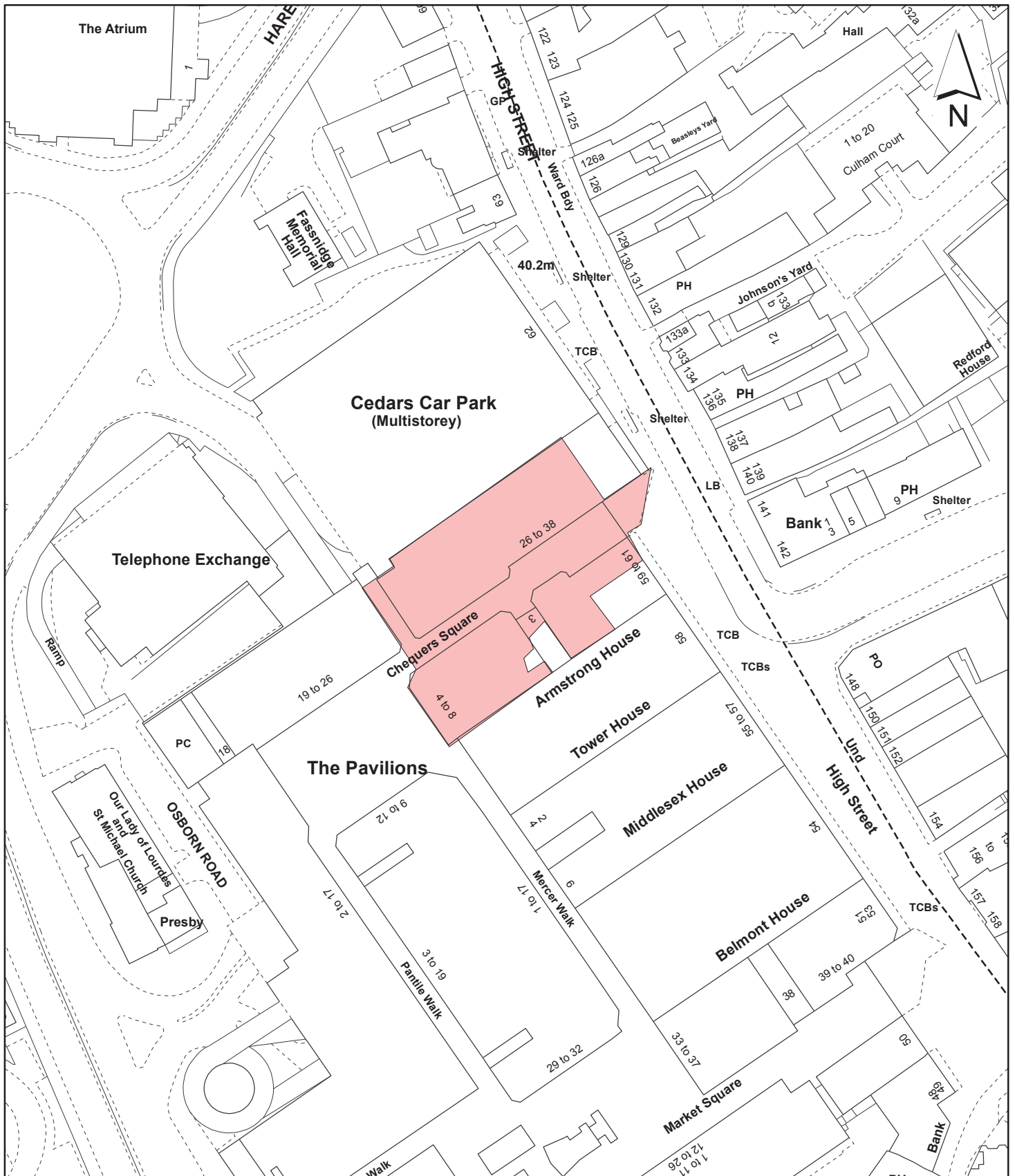
None.

**Contact Officer:** MATT KOLASZEWSKI

**Telephone No:** 01895 250 230

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Site Address

**Chequers Square  
 Uxbridge**

Planning Application Ref:

**35214/APP/2014/2232**

Planning Committee

**Major Page 5**

Scale

**1:1,250**

Date

**March 2015**

**LONDON BOROUGH  
 OF HILLINGDON**

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