

Minutes



MAJOR Applications Planning Committee

14 November 2018

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

	<p>Committee Members Present: Councillors Eddie Lavery (Chairman), Ian Edwards (Vice-Chairman), Alan Chapman, Janet Duncan, John Morse, John Oswell, Devi Radia, Steve Tuckwell and David Yarrow</p> <p>LBH Officers Present: James Rodger (Head of Planning and Enforcement), Mandip Malhotra (Strategic and Major Applications Manager) and Alan Tilly (Transport and Aviation Manager)</p>
79.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>None.</p>
80.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
81.	<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 held on 24 October 2018 be approved as a correct record.</p>
82.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>It was noted that a petition in objection to Item 9 had been submitted following publication of the agenda. The running order would therefore be amended to determine this item second. In addition, a new plan in respect of Item 9 had been forwarded to all Committee members earlier in the week, which superseded the plan included within the agenda papers.</p> <p>It was confirmed that Item 12 was an urgent item that had been added to the agenda and published as Agenda B.</p>
83.	<p>TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED IN PUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE (<i>Agenda Item 5</i>)</p> <p>It was confirmed that all items were marked as Part 1 and would therefore be considered in public.</p>

84. **TESCO STORES LTD, GLENCOE ROAD, HAYES - 36999/APP/2018/3016** (*Agenda Item 6*)

Variation of Condition 2 (Security Barriers) and Condition 3 (Service Deliveries) of allowed appeal decision ref. 94/236865 (dated 10.01.95) relating to refused application ref 36999/T/93/0878 (dated 08-03-94) for the Variation of Condition 12 (Trading Hours) of planning permission ref. 36999E/89/1214 (dated 01.05.90). This current application seeks to enable service deliveries between the hours of 1000 and 2100 on Sundays and bank holidays.

Officers introduced the report, and asserted that the applicant had failed to demonstrate that the proposal would not adversely impact the amenities of surrounding properties by way of additional noise and vehicle movements, and for this reason the application was recommended for refusal.

A petitioner objecting to the application addressed the Committee, whose points included:

- Noise from vehicles attending the site had been a problem for many years.
- Currently, the only respite from noise for local residents was on Sundays and Bank Holidays.
- Only one lorry could enter the site at a time, which meant many vehicles were forced to queue, producing diesel fumes that were harmful to residents.
- When waiting, drivers would activate their refrigeration units, which were very loud.
- Discussions had been held with Tesco, who had advised that drivers were instructed to switch engines off upon arrival. Not all drivers were doing so.
- At night, drivers often used their horn to notify staff that they required entry.
- The matter was a source of stress for residents, who struggled to sleep and rest due to the noise.
- The proposal was felt to be a step towards 12 hour opening times. There was a large Tesco store nearby, that could accommodate consumer needs.

The petitioner was asked to confirm whether the nearby residents included families and children. The petitioner confirmed that this was the case.

The agent representing the applicant addressed the Committee. Points included:

- The site conducted over 37k transactions each week, which amounted to over 2m per year.
- The proposal was borne out of necessity, as the store was popular with consumers, especially at weekends.
- Current delivery times could not meet consumer demand for fresh produce.
- The proposed delivery times would not result in additional deliveries, but would instead help manage existing deliveries.
- An acoustic assessment had determined that there would be no detrimental impact as a result of the proposed delivery times.
- Deliveries that were currently being conducted at night would instead be conducted during daytime hours, thereby improving the situation for residents.
- The applicant was open to agreeing to implement a delivery management plan, which could be conditioned by the Committee.
- Some comments received from residents and the environmental protection unit, such as the use of the car park late at night, were not material to the proposal. Tesco worked with the Police to resolve any instances of antisocial behaviour.

The Chairman highlighted that the agent's reference to 'daytime hours' was from 10am-9pm. The agent was asked to confirm that, if the application was approved, whether deliveries could take place at any time on Sundays and Bank Holidays. The agent confirmed that this was the case, but that the Committee could condition specific delivery hours on Sundays and Bank Holidays, should they wish.

The agent was asked to elaborate on how the situation would be improved for residents, as he had asserted. The agent advised that moving of deliveries from overnight, to the daytime, would result in less noise during the night.

The agent was asked how the issue of single entry and waiting vehicles resulting in increased fumes and noise would be addressed. The agent confirmed that this could be addressed within a delivery management plan, should the Committee be minded to condition one. The agent confirmed that Tesco had policies in place to control deliveries.

Councillor Bliss addressed the Committee as Ward Councillor for Yeading. Points included:

- Residents had made multiple complaints regarding the Tesco site.
- Use of the entrance gate resulted in traffic being backed up along the service road.
- If deliveries were allowed on Sundays, the road would be open for all vehicles to use, further resulting in noise due to increased vehicle movement.
- Tesco Management had not addressed the regular complaints.

Councillor Bliss requested that officers confirm the current delivery hours at the site. It was agreed that officers would confirm existing delivery hours to Councillor Bliss following the meeting.

Members discussed the application and felt that residents were entitled to the respite from noise currently being received on Sundays and bank Holidays. It was felt that the applicant had not proven that they could implement sufficient control measures for existing deliveries, and there was no confidence that the situation would be improved if the application were to be approved.

Officers highlighted that the reference to 'customers' within the report's refusal reason referred to vehicles using the access road. It was also highlighted that the Council's record at appeals when citing existing noise issues, as in this instance, was strong.

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

RESOLVED: That the application be refused.

85. **30-32 BLYTH ROAD, HAYES, MIDDLESEX - 68974/APP/2018/2146** (*Agenda Item 7*)

Application for demolition of all buildings on site to enable redevelopment to provide 118 new residential units (Use Class C3) and commercial floor space (Use Class A1-A5 and B1) with a new vehicle access, associated vehicle and cycle parking, communal amenity space, child play space and associated landscaping and plant.

Officers introduced the report. The addendum was highlighted which set out various changes to conditions, together with a new condition relating to external lighting.

Officers confirmed that the site was currently designated as strategic industrial land, and the proposed development of additional residential units to the local area was supported by local policy and the London Plan. The application site was situated between two other developments, though boundaries were separated and there were no issues of overlooking or loss of privacy. The scheme provided 25% affordable homes, and the development matched the neighbouring properties in terms of mass and scale. For these reasons, the application was recommended for approval.

Members raised concerns over the density of the site in comparison to the neighbouring developments, the provision of parking, the size of townhouses when considering the installation of lifts, and the number of wheelchair accessible units and parking spaces.

Officers advised that the application could not be refused on the basis of density alone, though issues caused by density (such as overlooking) could be considered. The townhouses were confirmed large enough to accommodate lifts. Parking was provided for 8 wheelchair accessible spaces, though this number could be increased by reducing the number of cycle spaces. Under Council guidelines, the total number of parking spaces was sufficient for a development of this size.

Members requested clarity on how issue of air quality and vibrations from the nearby railway line were to be addressed. Officers advised that in lieu of achieving certain air quality levels, the applicant was making a contribution towards air quality improvements. Regarding vibrations this conditions within the report.

Members suggested that the application should be approved, but that delegated authority be given to the Head of Planning, Transportation and Regeneration to agree the inclusion of 12 wheelchair accessible units and car parking spaces, the removal of the existing car parking permit (except for blue badge holders), and an additional condition relating to the frontages of the commercial units. This was moved, seconded, and when put to a vote, agreed with 7 votes in favour, and one abstention.

RESOLVED:

- 1. That the application be approved;**
- 2. That the Head of Planning, Transportation and Regeneration agree the inclusion of 12 wheelchair accessible units and car parking spaces, the removal of the existing car parking permit (except for blue badge holders), and an additional condition relating to the frontages of the commercial units.**

86. **UNIT 1, ELYSTAN BUSINESS CENTRE, SPRINGFIELD ROAD, HAYES - 36985/APP/2018/2970** (*Agenda Item 8*)

Change of use from a retail (Carpetright) (Use Class A1) to a 24-hour gym (Use Class D2) with associated alterations to the façade

Officers introduced the report, and highlighted that the application had been previously deferred due to concerns relating to the overnight security of the car park. These concerns had been addressed by the proposed implementation of a pin code to control entry and exit of the car park. Police had confirmed that they were happy with the proposal, and the application was therefore recommended for approval, subject to the amended conditions as set out in the

addendum.

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

RESOLVED: That the application be approved.

87. **LAND OPPOSITE DS SMITH, RECYCLING DEPOT, WALLINGFORD ROAD, UXBRIDGE - 50677/APP/2017/4537** (*Agenda Item 9*)

Use of land as a bus park up to 30 buses and erection of 3 containers to provide staff facilities (Use Class Sui Generis) (retrospective)

Officers introduced the report and highlighted the addendum, which confirmed that a petition in objection had been received following the publication of the agenda. Photographic and video evidence supporting the objection had been circulated to the Committee, at the petitioner's request.

Officers referenced the member site visit carried out in July 2018. Since the visit, the Council had undertaken junction improvement works which were now in situ. Double yellow lines were also in place, although were not yet enforceable due to the raising of an objection through the consultation process. An objection report was currently being considered by the Cabinet Member for Planning, Transportation and Recycling.

The Committee was reminded that the application had previously been recommended for refusal, but was now for submitted for approval as, following improvements to the junction, the original reason for refusal was no longer applicable.

A petitioner objecting to the application addressed the Committee. Points included:

- The application should be refused on the grounds of safety of motorists and health and wellbeing of residents.
- Large vehicles such as lorries were forced to move into the lanes of oncoming traffic in order to navigate the junction.
- Alternatively, vehicles had to cross pavements in order to navigate the junction.
- Damage to the junctions could be seen in the photos submitted.
- A 'keep clear' box had been introduced but was unworkable.
- The road in general was a minor local road that was not suitable to large vehicles. There were points on the road where large vehicles were unable to pass each other successfully.
- There was no benefit or requirement to have a bus park/route in the area.
- Previous consultations had determined that the area was unsuitable for a bus route, and proposed developments were also in contravention of the London Plan.
- Noise from buses and vehicles in the early hours was preventing residents from sleeping, which impacted upon their health and wellbeing.
- There were concerns that if approved, further expansion of the bus depot would be sought.

Councillor Cooper addressed the Committee as Ward Councillor for Uxbridge South. Points included:

- If successful, the proposal would not only result in more buses, but also more vehicles in general as bus drivers would need to travel to and from the site.

- The extra buses and vehicles would not all be hybrid or electric, resulting in increased emissions.
- The junction was not suitable for increased volumes of large vehicles, and the Councillor had observed vehicles performing dangerous manoeuvres at the site.

Councillor Burrows addressed the Committee as Ward Councillor for Uxbridge South. Points included:

- The road was used by children attending a nearby school.
- The junction did not work, with vehicles forced to mount the pavement.
- Diesel engines used in the early hours of the morning would cause significant noise.
- The report suggested that bus drivers would use public transport to get to and from the site. However, there were no bus routes in the area.
- The objection raised by highways officers in point 7.10 was the same as cited when the application had previously been before the committee, but was included again and appeared to have been dismissed.
- Under the proposed scheme, residents would only have two hours respite from vehicle noise, which was unacceptable.
- A bus route had been considered previously, but had been dismissed as due to unsuitability and a lack of demand.

Officers confirmed that the objection at point 7.10 of the report had been included in error. Officers also highlighted that the Council's record at appeals when citing existing noise issues, as in this instance, was strong.

Members discussed the application, and were mindful that the photographic and video evidence supplied had shown that vehicles were continuing to mount the kerbs despite the improvements made to the junction. The suitability of the junctions, and the road in general was also felt to be an issue. The proposed bus route previously rejected was cited as potential evidence of the road's unsuitability to accommodate large vehicles, and the bridge near to Wallingford Road was referenced as potentially problematic for large vehicles to cross.

Officers asserted that the bridge close to Wallingford Rd had weight and width restrictions. Observations at the junction itself showed that vehicles could navigate it successfully, but the issue was driver behaviour. With regard to the previously proposed bus route being rejected, it was unknown if this was due to highways issues, or whether this was simply due to a lack of demand for a bus route in the area. It was agreed that further research would be conducted by highways officers, and if it was determined that highways issues had been cited, then the matter would be brought back to the Committee. However, it was noted that the junction had been subject to improvements subsequent to the previous proposal being rejected.

Members were also of the opinion that noise was a key issue for local residents. The sound recordings referred to within the report were referred to. Officers confirmed that the figurers of 72bd was a peak, and that the noise over a 15 minute period was 48db. Members were of the opinion that this was far too loud and well in excess of ambient noise levels.

On the grounds of noise, it was moved that the application be refused and that delegated authority be given to the Head of Planning, Transportation and Regeneration to confirm the wording of the reason for refusal in consultation with the Chairman and the Labour Lead. This was seconded, and when put to a vote, unanimously agreed.

RESOLVED:

1. That the application be refused;
2. That delegated authority be given to the Head of Planning, Transportation and Regeneration to confirm the wording of the reason for refusal in consultation with the Chairman and the Labour Lead; and
3. That highways officers conduct further research into the reasons for the rejection of previously proposed bus routes, and feed back to the Committee if required.

88. **LAND REAR OF 2-24 HORTON ROAD, YIEWSLEY - 71582/APP/2018/2871**
(Agenda Item 10)

Variation of Condition 2 (approved plans) of planning permission ref: 71582/APP/2016/4582, dated 31/08/2017 (Demolition of existing buildings and redevelopment to provide 86 residential units in three buildings of 4-6 storeys with private balconies together with one three-bed dwelling, Class A1/A2 or A3 unit, associated car parking at basement and surface level, cycle parking, communal amenity areas, landscaping, improved access and relocated substation) for improved fire safety, circulation and ventilation, alterations to substation and cycle store, revised feature brick work and increase in building height.

Officers introduced the report, which set out the proposals for a number of alterations which had required the submission of a new application. However, numerous, the proposed alterations were minor in scope and were required to allow for a number for improvements including improved fire safety. The application was recommended for approval.

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

RESOLVED: That the application be approved.

89. **501 & 504 STONE CLOSE, YIEWSLEY - 73585/APP/2018/2484** *(Agenda Item 11)*

Demolition of existing buildings and erection of building for the purposes of Use Class B1c/B2/B8 with associated access and parking

Officers introduced the report and highlighted the addendum. The proposed application was considered to provide new, modern facilities with no adverse impact on neighbouring properties or the local area. The application was recommended for approval.

The Chairman requested confirmation of whether the use types had been confirmed. Officers advised that the application requested approval for multiple use types to provide flexibility, as the applicant had not yet determined exactly what use would be required.

Members sought clarity on how contaminated water would be managed. Officers advised that point 4b(iv) of the report referenced water pollution measures, but that further detail could be included by the Head of Planning, Transportation and Regeneration, in consultation with the Council's flood and water management officer.

	<p>RESOLVED: That the application be approved, subject to the Head of Planning, Transportation and Regeneration determining measures to address potential contaminated water with the Council's Flood and Water Management officer.</p>
90.	<p>OLD VINYL FACTORY, BLYTH ROAD, HAYES - 59872/APP/2018/2841 (<i>Agenda Item 12</i>)</p> <p>Modification of S106 Planning Obligation relating to Planning Application 59872/APP/2012/1838 (Outline planning application for a mixed use development of the Old Vinyl Factory site including the demolition of up to 12,643 sqm of buildings and construction of up to 112,953 sqm (112,953 sqm includes the retention and re-use of 784 sqm of the Power House and 901 sqm Pressing Plant) of new floorspace. Uses to include up to 510 residential units (maximum area of 49,000 sqm GEA), up to 7,886 sqm of new B1 floorspace, up to 4,000 sqm of A class uses (A1, A2, A3, A4, A5), up to 4,700 sqm of D1 and D2 uses, an energy centre (up to 950 sqm), car parking, works to access and creation of new accesses and landscaping) to remove The Machine Store and Pressing Plant Phase from the legal obligations except in relation to Energy Strategy and Travel Plan.</p> <p>The Chairman requested that the application be deferred to allow for more work to be undertaken on the report. This was moved, seconded, and when put to a vote, agreed.</p> <p>RESOLVED: That the application be deferred.</p>
	<p>The meeting, which commenced at 6.00 pm, closed at 7.50 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Neil Fraser on 1895 250692. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.