

## Minutes



### Major Applications Planning Committee

14 September 2023

Meeting held at Committee Room 5 - Civic Centre

	<p><b>Committee Members Present:</b> Councillors Adam Bennett (Vice-Chairman in the Chair), Darran Davies, Roy Chamdal, Philip Corthorne, Jas Dhot, Elizabeth Garelick, and Tony Gill</p> <p><b>Officers Present:</b> Ed Laughton – Strategic Applications and PPA Manager Richard Phillips – Principal Planning Officer Richard Michalski – Highways Engineer Sehar Arshad – Senior Planning Lawyer Jimmy Walsh – Planning Lawyer Ryan Dell – Democratic Services Officer</p>
29.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Steve Tuckwell MP with Councillor Darran Davies substituting.</p>
30.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>No declarations were made during this item.</p> <p>However, during item 6, Councillor Philip Corthorne declared a non-pecuniary interest due to a relationship with a supermarket chain, and remained present for the remainder of discussions and participated in the vote.</p>
31.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING</b> (<i>Agenda Item 3</i>)</p> <p><b>RESOLVED:</b> That the minutes of the meeting dated 26 July 2023 be agreed as an accurate record.</p>
32.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>

33.	<p><b>TO CONFIRM THAT THE ITEMS MARKED IN PART 1 WILL BE CONSIDERED INPUBLIC AND THOSE ITEMS MARKED IN PART 2 WILL BE HEARD IN PRIVATE</b> <i>(Agenda Item 5)</i></p> <p>It was confirmed that all items were in Part I and would be considered in public.</p>
34.	<p><b>PETS AT HOME, ELYSTAN BUSINESS CENTRE, SPRINGFIELD ROAD.</b> <i>(Agenda Item 6)</i></p> <p><b>Variation of Condition 7 (Restriction on Sale of Goods) of planning permission ref. 2621/APP/2010/2407, dated 20-12- 2010: Application for the variation of Condition 7 (to allow for the sale of pets and pet products (including food for non-human consumption)) of planning permission ref: 2621/APP/2010/1283 dated 14/09/2010: Sub-division of existing building to create 4 units, external alterations and associated works (including reconfiguration of car park.) to allow food and convenience goods (for consumption off the premises) to be sold from Unit C1 (formerly known as Unit C3).</b></p> <p>Officers introduced the application. It was noted that the site boundary within the report was incorrect and was verbally revised to include the area to the south, and an access road. It was also noted that a third Heads of Term would be added, in relation to a 5% project management fee, which had been agreed by the applicant.</p> <p>Members asked about the shopping trolley park and noted that trolleys were occasionally left in the middle of the car park, and not within the trolley park. Members asked how this could be managed. Officers noted that there was an existing condition which could be strengthened.</p> <p>Members also asked about parking management and suggested that a new food store would likely cause increased strain on the availability of parking. Officers clarified that the transport assessment showed that even in worst case scenarios, i.e., at peak times, there would still be spare capacity. The suggestion of time restrictions in the car park was noted. However, officers advised that the car park served a number of different outlets.</p> <p>The Chairman asked about any nearby parking management schemes. Officers confirmed that the local area was well controlled - capacity was finite and there was heavily restricted on-street parking in the area. It was further noted that the current site had a shared car park, and was acknowledged that people often parked to visit more than one store. The Council did monitor parking situations in general, and parking far away was inconvenient for shoppers.</p> <p>The Chairman noted that it was not unusual to have to wait for parking at peak times in other car parks, and that accordingly Members had to be fair and consistent in their assessment of this shared car park.</p> <p>Officers noted that the retail park contained a gym, whose users may park for longer time periods. The Chairman commented that surely the applicant or landowner would consider parking restrictions should the need become apparent.</p> <p>Members referenced the 'sequential assessment' contained within the report, and asked if this was conducted by the applicant or with the applicant. Officers clarified that this was conducted by the applicant and reviewed by officers. Officers had requested amendments and so more tests had been carried could. It was noted that it would be</p>

unreasonable to expect the new occupants to split into two separate stores.

Members also highlighted the need for the application, and officers noted that need was not a material planning consideration.

Members questioned the impact of the application. Officers noted a nearby Sainsburys and a Lidl in Hayes. The impact on these stores was considered insignificant.

Members noted the nearby football club, Hayes & Yeading United, and asked whether there had been consideration given to spectators using this site to park, especially if peak times for parking were between 12:00 and 15:00. The Chairman noted that if parking had been an issue with the previous store, the landowner would likely have acted already. Officers further noted that sometimes supermarkets would put up signs to advise of enforcement of a car park, which often was not actually enforced. The Chairman reiterated that if problems were to appear, the applicant or landowner would likely increase enforcement to resolve the issue.

Members noted the close vicinity to the junction of Springfield Road with Uxbridge Road. If cars were queueing, this could cause a traffic jam onto the Uxbridge Road, and possibly weekend car park management would be necessary. Officers noted that the site was quite sizeable and could contain some waiting vehicles. Further overflow would be unusual, primarily because the store itself was not the largest. Highways were content that traffic overflow was not a cause for concern. It was noted that the area would be monitored.

Members further noted that the report referred to 'modest turnover' which would not adversely impact in public and private sector investment within existing centres or their overall vicinity and viability. Members asked for clarity of what 'modest' meant in reference to the current application. Officers noted that the unit was not of vast size and was small in comparison to a major supermarket.

Members also asked about the impact on other local supermarkets/ Cash & Carry's. Officers noted that all nearby stores had been considered.

Members referenced the nearby school, and noted that often, parents would use the car park while waiting to pick up their children at around 15:00. It was further noted that existing stores often attracted white van drivers, who often took up one and a half parking spaces. Officers highlighted that the submitted transport statement had identified 11:30-11:45 on a Saturday morning as maximum occupancy time of the car park, and even at this time, had concluded that there was still spare capacity in the car park. Whether this assessment had been carried out during school holidays was unclear. Officers advised against a planning condition on parking. An informative could be added to monitor the car park with action to be taken if appropriate.

Members raised the possibility of conducting a complete review of parking and delegating powers to the Chairman to review with officers. Officers noted that if the retail units within the vicinity were to experience issues with parking, action would be taken on enforcement of the car park. Officers further noted that adjoining roads were self-regulating as they were not convenient to park on and were restrictive. Customers also would not want to walk too far. The Chairman noted the existence of a number of empty retail outlets within the Borough, and that it was good to see a retailer willing to take this currently vacant premises on.

Officers clarified there would be an amendment to the conditions to include

management of shopping trolleys. There would also be an added informative in relation to parking.

Officer's recommendations were moved, seconded and, when put to a vote, unanimously agreed, with the additional informative and strengthened condition.

**RESOLVED: That the application be approved, subject to the additional informative and strengthened condition.**

35. **THE CHIMES, HIGH STREET, UXBRIDGE** (*Agenda Item 7*)

**Application to modify the Section 106 agreement associated with planning permission ref. 42966AH/96/1862 granted 11-11-1997 relating to the Chimes Shopping Centre, High Street, Uxbridge (for the introduction of Class E Commercial, Business and Service use and associated revocation of Class A1 Retail use).**

Officers introduced the application. Officers noted that the Section 106 Class A did not allow for negotiation, therefore any changes that Members may make to the details would be subject to challenge. This was not a planning application, but a deed of variation to an existing legal agreement.

The Use Classes Order categorised different types of property and land into use classes. Change between uses within the same class did not constitute development and therefore did not require planning permission. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) identified some permitted development rights allowing the change of use from one use class to another, subject to conditions.

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 altered the established use classes. Under the use class order changes, many of the former classes vanished altogether. In their place, a number of different business types – including many of those previously labelled as A1, A2, A3, B1, B2, D1 and D2 – were brought together under the new Use Class E.

Currently, the Section 106 attached to The Chimes stated that not less than 80% of the retail floor space must be Class A1. The change for The Chimes would be not less than 80% must be Class E.

What the applicants were attempting to do was to align the Section 106 with the national position on the new classes. The 80% restriction on Class E would be retained and the 20% restriction on alternative uses would be retained.

In The Chimes, there were now numerous vacant units comprising 32% of the lettable floor space, and the former Debenhams store comprised 18% of this void and had been vacant for over two years.

There were some permitted development rights for Class E uses. Class E could change to Class C3 – residential, without requiring planning permission. There was a restriction on this that the total floor space of the existing building be no greater than 1,500 square metres, which The Chimes was in excess of. Class E could also change to a state-funded school, although there was low risk if this at The Chimes site.

There was one correction, which was that the report stated that the owner will submit to

the Council, every two years, information in respect of each unit of occupancy. The Chimes had now confirmed that they did not agree to this requirement. This was something that the Council could choose to monitor. There were two comments in support of the proposal and one objection received. The Planning Policy Manager's comments were: "There is no, in principle, rationale for restricting the occupiers of the Chimes more than any other former use class A1 units within the Town Centre. Indeed, to argue an alternative position would be contrary to recent National policy".

The Chairman noted the statistic that one third of the retail space was currently vacant, and it was noted that this item was a deed of variation. Legal officers clarified that this was an application which could be appealed to the Planning Inspectorate.

Members noted that it would have previously been unnecessary to define what was needed in local shopping centres as they were full. However now times were hard, it was important to ensure that shopping centres were occupied and able to thrive as they support the local community. Members further noted that this was about protecting our high streets.

Officers' recommendations were moved, seconded and, when put to a vote, unanimously agreed.

**RESOLVED: That the application be approved.**

The meeting, which commenced at 7.00 pm, closed at 8.00 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Ryan Dell - Democratic Services at Email: [democratic@hillington.gov.uk](mailto:democratic@hillington.gov.uk). 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.**