



HILLINGDON  
LONDON



# Major Applications Planning Committee

## To Councillors on the Committee

Councillor Steve Tuckwell MP (Chairman)  
Councillor Adam Bennett (Vice-Chairman)  
Councillor Roy Chamdal  
Councillor Philip Corthorne MCIPD  
Councillor Jas Dhot  
Councillor Elizabeth Garelick  
Councillor Tony Gill

**Date:** THURSDAY, 14  
SEPTEMBER 2023

**Time:** 7.00 PM

**Venue:** COMMITTEE ROOM 5 -  
CIVIC CENTRE

**Meeting  
Details:** Members of the Public and  
Media are welcome to attend.  
This meeting may also be  
broadcast live.

This Agenda is available online at:  
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2023

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Putting our residents first

Lloyd White  
Head of Democratic Services  
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Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

# Useful information for residents and visitors

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It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist.

When present in the room, silent mode should be enabled for all mobile devices.

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# A useful guide for those attending Planning Committees

## Petitions, Speaking and Councillors

**Petitions** – Those who have organised a petition of 20 or more people who live in the Borough, 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. The Chairman may vary speaking rights if there are multiple petitions

**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 meeting works

The Planning Committees consider the more complex or controversial proposals for development and also 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 discuss 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.

## How the Committee makes decisions

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. 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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## CHAIRMAN'S ANNOUNCEMENTS

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To sign and receive the minutes of the previous meeting 1 - 8
- 4 Matters that have been notified in advance or urgent
- 5 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

## PART I - Members, Public and Press

Items are normally marked in the order that they will be considered, though the Chairman may vary this. The name of the local ward area is also given in addition to the address of the premises or land concerned.

### Major Applications without Speaking Rights

	Address	Ward	Description & Recommendation	Page
6	Pets at Home, Elystan Business Centre, Springfield Road.	Wood End	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>Recommendations: Approve + Sec 106</b>	9 – 32 48-56

7	The Chimes, High Street, Uxbridge	Uxbridge	<p>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).</p> <p><b>Recommendations: Approve + Sec 106</b></p>	<p>33 – 46</p> <p>57-60</p>
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**PART I - Plans for Major Applications Planning Committee**

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## Minutes



**MAJOR** Applications Planning Committee

**26 July 2023**

**Meeting held at Committee Room 5 - Civic Centre**

	<p><b>Committee Members Present:</b>  Councillors  Adam Bennett (Vice-Chairman, in the Chair)  Roy Chamdal  Philip Corthorne  Darran Davies  Elizabeth Garelick  Tony Gill</p> <p><b>LBH Officers Present:</b>  Sehar Arshad (Legal Advisor)  Chris Brady (Principal Planning Officer)  Michael Briginshaw (Principal Planning Officer)  Ed Laughton (Strategic Planning &amp; PPA Lead Officer)  Mandip Malhotra (Strategic and Major Applications Manager)  Liz Penny (Democratic Services Officer)  Dr Alan Tilly (Transport Planning and Development Manager)</p>
20.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>Apologies for absence were received from Councillor Jas Dhot and from Councillor Steve Tuckwell with Councillor Darran Davies substituting for the latter.</p>
21.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>There were no declarations of interest.</p>
22.	<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 22 June 2023 be agreed as an accurate record.</p>
23.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
24.	<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>

It was confirmed that all items were in Part I and would be considered in public.

25.

**NORTHWOOD COLLEGE EDUCATIONAL FOUNDATION, MAXWELL ROAD, NORTHWOOD - 2082/APP/2023/516** (*Agenda Item 6*)

**Variation of Conditions 12 (All-Weather Pitch Hours of Use) and 13 (All-Weather Pitch Restriction of Use) of planning permission ref. 2082/APP/2007/1411 dated 11-09-2007 (Removal of existing building and construction of new early years centre and relocation of all-weather sports surface playing fields (approved under planning application ref. 2082/APP/2003/1103) including details of design and layout) to change the permitted operating hours and use of the all-weather pitch.**

Officers introduced the application. Members heard that planning permission was sought to amend conditions in relation to hours of use and who was permitted to use the sports pitch. The proposal was to extend the hours of use to 09:00-21:00 Monday to Friday, 09:00-18:00 on Saturdays and 10:00-16:00 on Sundays. Use by the wider community on a managed basis was also proposed. It was considered that the noise nuisance risk was low, and a Noise Mitigation and Management Plan would be submitted prior to use of the all-weather playing surfaces during evening hours (18:00-21:00). It was considered that a reason for refusal based on noise would not be robust or defensible at appeal. No flood lighting was proposed in the current application. The Highways Authority had been consulted and it was considered that the proposal was unlikely to have a significant impact on the highway. In respect of air quality, the application site was in the catchment area of a LBH Focus Area hence a S106 agreement of £12,222 was payable to Hillingdon to deliver air quality measures.

A petition had been received in objection to the proposal. The lead petitioner was in attendance and addressed the Committee. Key points highlighted included:

- There were 52 flats in the Glen where people of all age groups resided. The Glen lay close to the application site and the noise emanating from the application site was already difficult to bear;
- The area lay within the Northwood Town Centre Green Lane Conservation Area and maintenance of the stream was key;
- If the application were to be approved, residents of The Glen would be subjected to additional noise, light and air pollution;
- Wildlife in the area had halved in recent years – bees, frogs, hedgehogs and birds were rarely seen;
- The Police Station change of use application had been refused due to traffic, air pollution and noise concerns;
- Petitioners did not agree that the impact of traffic overspill onto The Glen would be negligible;
- The air quality mitigation of £12,222 would serve no purpose as it would not resolve pollution concerns – more mature trees should be planted to absorb carbon dioxide and produce oxygen;
- At the very least, the sports pitch should not be used on Sundays.

In response to questions from Members, the lead petitioner stated that parking issues could occur at any time of day. The roads in the Glen were of a standard width. To date no direct representations to Councillors or the school had been made in respect of the noise nuisance. The lead petitioner confirmed that residents of the Glen had a good relationship with Northwood College. The stream was shared between residents and



the College. It was confirmed that a supervision order in respect of the use of the sports pitches was not part of the current working arrangements.

The applicant (Director of Finance and Operations at the College) was in attendance and addressed the Committee. Key points highlighted included:

- 900 children attended the College which had been established for 130 years and was part of the Girls' Day School Trust;
- The College offered education and a pastoral environment for girls from nursery to year 13;
- Northwood College offered a number of extra curricular activities to include netball and swimming; it also hosted other activities such as Rainbows and chess.
- The College had applied to extend the hours of operation of its all-weather sports pitch in response to increased demand from local clubs. The aim was to provide more flexibility, an increase in capacity and build better connections with the local community;
- Renting the pitch to local Clubs and Associations would provide an important funding stream which would enable the College to offer bursaries and support students financially in difficult times;
- Those using the facilities would be expected to be respectful in terms of parking and noise;
- It was anticipated that congestion at normal pick up and drop off times would improve as some students would be staying to attend after-school clubs;
- Sports England supported the proposal, and it was confirmed that flood lighting did not form part of the current application;
- Access to the site was from Maxwell Road and should not impact on The Glen.

In response to questions from Members, the applicant confirmed that the proposal aimed to create a revenue stream for the College. The applicant did not believe that any outdoor activities currently took place on site after 6pm. It was confirmed that the College was represented on Northwood Residents' Association. Flood lights were not currently being applied for and the application related to one area only.

The applicant advised the Committee that parents could only access the College from Maxwell Road. A gate for staff was also available but it was not a public entrance to the school. It was confirmed that the College was for day use only and did not offer boarding.

With regard to supervision arrangements, Members were informed that all activities would be supervised by a Sports Coach or Club Member. It was suggested that this be assured by way of condition. Members also requested that no championships or tournaments be held at the application site.

Members sought further information regarding parking and traffic in the area. The applicant affirmed that the main challenge was in Maxwell Road during drop off and pick up times. After 5pm Maxwell Road returned to a normal quiet street.

Members raised further concerns regarding traffic and parking arrangements and sought clarification from officers. The Transport Planning and Development Manager confirmed that a transport assessment had been submitted. It was estimated that, in a worst-case scenario, up to one car would be displaced on to the street. It was felt that the proposal would not have a significant impact on highway safety or on the road

network. 43 car parking spaces had been allocated and this was deemed to be sufficient as it was estimated that approximately 66% of visitors would travel by car - others would car share or walk, cycle etc. Parking on the Glen was unlikely to be convenient for users of the sports pitch. A Travel Plan would be secured by S106.

In respect of noise, Members queried why the Noise Officer had considered the impact of the proposal to be negligible and raised concerns regarding decibel levels at the school and at the Glen. It was confirmed that a noise assessment had been completed by an external consultant and assessed internally. Noise concerns were not considered to be a viable reason for refusal and would not be defensible at appeal. A Noise Mitigation Management Plan was to be secured by condition; this would be a mechanism by which residents could complain if necessary. It was agreed that Condition 15 would be expanded to include a noise complaint procedure.

Members noted the importance of regular engagement with the local community and enquired whether this could be assured by way of condition. It was confirmed that this was not something that could be conditioned; however, it was suggested that temporary consent could resolve the issue. A temporary consent for a 24-month period was favoured by Members of the Committee.

Councillors felt an application for floodlighting was likely to be forthcoming in the near future and requested that an informative be drafted to ensure any future floodlighting applications at the site be brought back to Committee for consideration.

Members sought reassurance in respect of Equalities and Human Rights as referenced on page 36 of the agenda pack. The Legal Advisor confirmed that people with protected characteristics had been taken into consideration as part of the application.

The officer's recommendation, subject to the agreed amendments to conditions / additional conditions discussed by the Committee, was moved, seconded and, when put to a vote, approved, with five Councillors voting in favour and one against.

**RESOLVED:**

- 1. That delegated authority be granted to the Strategic Planning and PPA Lead Officer, in consultation with the Chairman, to draft an informative to ensure any future floodlighting applications at the site be brought back to Committee for consideration;**
- 2. That delegated authority be granted to the Strategic Planning and PPA Lead Officer, in consultation with the Chairman, to amend Condition 14 to ensure temporary consent is granted for a 24-month temporary period;**
- 3. That delegated authority be granted to the Strategic Planning and PPA Lead Officer, in consultation with the Chairman, to expand Condition 15 to include a noise complaint procedure;**
- 4. That delegated authority be granted to the Strategic Planning and PPA Lead Officer, in consultation with the Chairman, to amend Condition 9 to ensure activities are supervised by a Coach or Club Member and that no championships or tournaments are held at the application site; and**
- 5. That the application be approved.**

26.	<p><b>BEACHES YARD, HORTON ROAD, YIEWSLEY - 75221/APP/2022/2968</b> (<i>Agenda Item 7</i>)</p> <p><b>Redevelopment of the site to provide a flexible warehouse facility (Use Class B2/B8) and ancillary office space, with associated HGV loading and servicing bay, car and cycle parking, access arrangements, landscaping and infrastructure.</b></p> <p>Officers introduced the application and highlighted the information in the addendum. Members heard that the proposed redevelopment was considered acceptable from a design perspective and was deemed not to be out of keeping with the Green Belt. There would be space for two HGV vehicles to pass each other at points on Horton Road and access and egress would be controlled at the site. The application was recommended for approval.</p> <p>Members sought further clarification regarding the view from the Green Belt. It was confirmed that a visual impact assessment had been carried out and reviewed by officers. It was considered that the development would have no significant impact on the views from the Green Belt – dense tree planting at Stockley Park Golf Course offered good screening and the application site would sit below the treeline.</p> <p>In response to further queries from the Committee, Members heard that some diseased trees would be removed at the site, but replacement trees were proposed. The Tree Officer had raised no concerns in this regard.</p> <p>Members were informed that the enhanced Horton Road would be widened to 8.5m with 2m of footpath either side hence there would be adequate space for both vehicular access and foot traffic.</p> <p>Members raised no further concerns. The officer’s recommendation was moved, seconded and, when put to a vote, unanimously approved.</p> <p><b>RESOLVED: That the application be approved subject to the information in the addendum and the conditions set out in the officer’s report.</b></p>
27.	<p><b>UXBRIDGE FOOTBALL CLUB, HORTON ROAD, YIEWSLEY - 49914/APP/2023/1017</b> (<i>Agenda Item 8</i>)</p> <p><b>Conversion of the stadia pitch to a 3G Artificial Grass Pitch (AGP) with a 1.1 metre high fence and replacement 158 seater stand to the eastern elevation of the stadia pitch.</b></p> <p>Officers introduced the application and highlighted the information in the addendum. It was noted that the current eastern stand was in poor condition at present and not fit for purpose. The replacement stand would be 60cm higher than the current one. The development was considered appropriate in Green Belt land and Sport England had raised no concerns. There would be no harm to residents, no increased flood risk, no increase in spectator capacity and no increase in trip generation. It was considered that the proposal would be beneficial to the community and the application was recommended for approval.</p> <p>In response to questions from the Committee, it was confirmed that special circumstances did not apply in this case as the application would not result in any reduction in openness and was therefore considered to be appropriate development.</p>

Members requested further information regarding the chemical components of the artificial turf noting reported possible links with cancer. Officers confirmed that a detailed contaminated land assessment had been undertaken and no concerns raised by the Contamination Officer in respect of the turf itself. Sport England, who were experts in the field, had also raised no objections.

Councillors welcomed the proposals and raised no further concerns. The officer's recommendation was moved, seconded and, when put to a vote, agreed with five votes in favour and one abstention.

**RESOLVED: That the application be approved, subject to the information in the addendum and the conditions set out in the officer's report.**

28. **THE SQUIRRELS TRADING ESTATE, VIVEASH CLOSE, HAYES - 77214/APP/2022/3382** (*Agenda Item 9*)

**Redevelopment of the site to erect a part 11 storey, part 10 storey mixed use building comprising 121 residential dwellings (Class C3) and ground level commercial premises (Class E) along with public realm delivery of Green Super Highway with associated landscaping, access and parking following demolition of existing buildings.**

Officers introduced the application and highlighted the additional information in the addendum. Members were informed that the application site lay within a larger industrial zone. The proposed development would be surrounded by similar buildings in terms of their scale and bulk. The overall level of affordable housing offered was 22.75% by habitable room which was lower than the 50% affordable housing target set for former industrial sites. However, this was deemed to be the maximum viable offer. Moreover, the development would contribute to meeting the Council's affordable housing needs and was supported by the Housing Team.

The proposal would provide 4 accessible parking spaces and was considered to be a car-free development. There would be a shortfall in the provision of amenity space, but the applicant had agreed to pay a £115,685 contribution towards Cranford Park improvements to mitigate this. The application was of a high quality, and, on balance, it was considered that the benefits outweighed the shortfalls hence it was recommended for approval.

Members queried the 22.75% affordable housing provision and noted that only 2 x 3-bed houses were proposed. It was confirmed that a higher level of affordable housing could be achieved but this would be to the detriment of the green super highway and open space provision.

In response to their queries regarding parking restrictions in Viveash Close, it was confirmed that a parking management system would come into effect once the development at 3 Viveash Close had been completed. It was noted that Viveash Close provided access to Hayes and Harlington car park which would be maintained.

Members noted that the proposal was largely compliant with policy but queried its non-compliance in respect of affordable housing and amenity space. Officers observed that 3 Viveash Close was not policy compliant either and had delivered very little in the way of public space. The current application offered a vast amount of open space and some affordable housing – it was felt that there was a balance to be struck between private

amenity space and public open space. The financial contribution to Cranford Park was also noted.

Councillors sought further clarification regarding the concerns raised by TfL as set out on page 166 of the officer's report. Members were advised that a £77,403 contribution had been agreed to mitigate the impact on travel modes, bus journey times and general traffic. Moreover, in respect of highways improvements to Viveash Close, a contribution of some £132,000 was proposed which would be secured via the S106.

The Committee highlighted further concerns regarding the lack of parking provision, noting that there had recently been a spike in parking issues in the Cranford Drive area. In response to this, officers confirmed that, when more developments came on stream, there would be a thorough review of parking in the area. Members were informed that the occupier of the new development would be prohibited from applying for Parking Management Scheme Permits– this was already covered by Head of Term no.7.

At the request of Members, it was agreed that officers would attempt to secure more 3-bed properties by way of an early or late stage review.

Members welcomed the proposed financial contributions and the green super highway noting that 60% of the site would be public open space.

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

**RESOLVED:**

- 1. That authority be delegated to officers to attempt to secure more 3-bed properties by way of an Early or Late Stage Review; and**
- 2. That the application be approved.**

The meeting, which commenced at 7.00 pm, closed at 9.30 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Liz Penny on Email: [epenny@hillingdon.gov.uk](mailto:epenny@hillingdon.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.**

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# Agenda Item 6

## Report of the Head of Development Management and Building Control

<b>Address:</b>	ELYSTAN BUSINESS CENTRE, PETS AT HOME SPRINGFIELD ROAD HAYES		
<b>Development:</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>LBH Ref Nos:</b>	2621/APP/2022/3293		
<b>Drawing Nos:</b>	895 PL 1.200 Site Plan - Existing 895 PL 2.200 Unit C1 Plan - Existing 895 PL 3.100 Existing Elevations 895 PL 1.201 Site Plan - Proposed 895 PL 3.101 Proposed Elevations Transport Statement, Ref. 33733/2 October 2022 Planning and Retail Statement, October 2022 Addendum to Planning and Retail Statement, February 2023 Proposed Internal Layout Unit C1 Rev. G 895 PL 1.000 Rev. A Location Plan Large Trolley Shelter Plan Rev A dated 19/05/15 Indicative Trolley Shelter Siting Plan Agent's email dated 3.6.23		
<b>Date Plans received:</b>	27-10-2022	<b>Date(s) of Amendments(s):</b>	29-04-2023
<b>Date Application valid</b>	04-11-2022		27-10-2022 03-06-2023 28-02-2023

### 1. SUMMARY

The proposal seeks to amend Condition 7 of planning permission ref. 2621/APP/2010/2407, dated 20-12-2010 in order to allow the occupation of Unit C1 by a supermarket, including the sale of food and convenience goods (for consumption off the premises). No external alterations to the unit are proposed.

The previous application (2621/APP/2010/2407 approved on 20/12/10) was also to amend Condition 7 of the parent permission. This consent allowed the previous pet supplies retailer to occupy the unit.

The submitted retail assessment is commensurate to the scale of the proposal and is considered to demonstrate that the proposal would accord with town centre first principles as outlined in Policy SD7 of the London Plan (March 2021) and Policy DMTC 1 of the Local Plan: Part Two (January 2020). The submitted Transport Statement also demonstrates that there would be no significant impact on the surrounding highway network.

The proposal would be serviced by the existing car parking spaces and service yard, which are considered adequate to accommodate the needs of a new occupier, should the application be approved.

It is considered that the sale of food and convenience goods from within the retail unit would not be detrimental to the amenity of nearby occupiers by way of noise or general disturbance.

Approval is therefore recommended, subject to conditions and a s106 legal agreement.

## **2. RECOMMENDATION**

**That delegated powers be given to the Director of Planning, Regeneration and Environment to GRANT planning permission, subject to the following:**

**A) That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following Heads of Terms:**

**i) £163,404 is to be paid for Hillingdon to deliver its air quality local action plan and/or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.**

**ii) Staff Travel Plan**

**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 and conditions of approval.**

**D) That, if the Legal Agreement has not been finalised within 6 months (or such other time frame as may be agreed by the Director of Planning, Regeneration and Environment), delegated authority be given to the Director of Planning, Regeneration and Environment to refuse planning permission for the following reason:**

**'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of air quality and staff travel plan). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020); the adopted Planning Obligations Supplementary Planning Document (2014); Policy DF1 of the London Plan (2021); and paragraphs 55-58 of the National Planning Policy Framework (2021).'**

**E) That if the application is approved, the following conditions be imposed:**



**1. COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

895 PL 1.000 Rev. A (Location Plan)

895 PL 1.201 (Site Plan - Proposed)

895 PL 3.101 (Proposed Elevations)

Proposed Internal Layout Unit C1, Rev. G;

and shall thereafter be retained/maintained for as long as the development remains in existence.

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

**2. NONSC General compliance with discharged conditions**

The development hereby permitted shall be in accordance with the details approved under application reference 2621/APP/2010/2513.

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

**3. COM5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Planning and Retail Statement, October 2022

Addendum to Planning and Retail Statement, February 2023

Transport Statement, October 2022

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

**REASON**

To ensure that the development complies with the objectives of Policies DMTC 1 and DMT 1 of the Hillingdon Local Plan Part 2 (2020).

**4. NONSC Restriction of Goods Condition**

The retail floorspace within unit C1 as demarcated on drawing 895 PL 1.201 shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment; pets and pet products (including food for non-human consumption), plus food and convenience goods (for consumption off the premises) and other products ancillary to these main ranges.

All other retail floorspace within the site (as defined on the Location Plan received on 02 June 2010) shall only be used for the sale of the following non-food goods: building and decorating materials and

equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment and other products ancillary to these main ranges.

The premises shall be used for no other purpose (including any other use in Class E(a) of the Town and Country Planning (Use Classes) Order 1987 as amended (or any previous equivalent to that class in any Statutory Instrument revoking or re-enacting that order) unless prior written consent is obtained from the Local Planning Authority.

#### REASON

To ensure the proposal does not have a detrimental impact on the vitality or viability of local centres or encourage unsustainable vehicular trips in compliance with Policies SD7, DMT 1 and DMT 2 of the London Plan (2021) and Policy DMTC 1 of the Hillingdon Local Plan: Part Two (2020).

### 5. NONSC Trolley Shelter Condition

Notwithstanding the details shown on the Large Trolley Shelter Plan, Rev. A and screenshot siting plan, prior to the commencement of the use for food sales, full details of the arrangements to be made for the storage of shopping trolleys shall be submitted to and approved in writing by the Local Planning Authority.

The use shall be carried out in accordance with the approved details.

#### REASON

To ensure that the siting of the trolley store does not disrupt vehicular and pedestrian access on the site in accordance with Policies DMT 2 and DMT 5 of the Hillingdon Local Plan: Part Two (2020).

### 6. NONSC Electric Charging Point Condition

Prior to the commencement of the use, full details of the provision of two active vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority.

The charging points shall be retained and maintained in reasonable working order on site for so long as the use remains.

#### REASON:

To ensure that the use of the site contributes to sustainability objectives, in accordance with Policy DMT 6 of the Hillingdon Local Plan: Part Two (2020).

## INFORMATIVES

### 1. I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically 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).

### 2. I25 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. . For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

### 3.

The applicant is advised that there is a gas pipeline which crosses the site and that Cadent Gas should be contacted before any construction works are undertaken.

### 153 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMEI 6	Development in Green Edge Locations
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMTC 1	Town Centre Development
LPP E5	(2021) Strategic Industrial Locations (SIL)
LPP SD1	(2021) Opportunity Areas
LPP SD7	(2021) Town centres: development principles and Development Plan Documents
LPP SI1	(2021) Improving air quality
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T4	(2021) Assessing and mitigating transport impacts
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF7	NPPF 2021 - Ensuring the vitality of town centres

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The application site comprises the northern unit on the Springfield Road Retail Park (Unit C1), formerly part of the Elystan Business Centre. The site consists of six retail / leisure units (one unit is in use as a gymnasium) within 2 buildings sited on the southern and western boundaries of the site, which is located on a corner plot situated at the signalised junction of Uxbridge Road and Springfield Road. The southern building houses Unit A with the western building comprising Units B, C1, C2, C3 and C4. Unit C1 has a gross floor area of 716sq.m. and is currently vacant. Other retail occupiers on the park are Wickes, Screwfix, Topps Tiles and Wren Kitchen.

The buildings face onto the existing 148 space car park (including 8 disabled parking spaces) that serves the retail park which is accessed from Springfield Road. The servicing yard is located behind the buildings, in the south western corner of the site with deliveries taking place from Springfield Road via the service access adjoining the southern side of the site. Deliveries to the units within the western building (Units B, C1, C2, C3 and C4) take place via an internal service corridor at the rear of the units.

The site and surrounding areas to the south and east are located within the Strategic Industrial Location (SIL): Sites Located Off Springfield Road with commercial and industrial units to the south, on the opposite side of the service road forming part of the retained Elystan Business Centre and on the opposite side of Springfield Road is the Hyatt Place Hotel. To the west of the site is the Minet Country Park, which forms part of the Metropolitan Green Belt and part of the Yeading Brook & Minet Country Park Grade 1 Nature Conservation Site. To the north lie residential properties on the opposite side of Uxbridge Road, interspersed with retail parades. The site is also located with Hillingdon's Air Quality Management Area and forms part of the Ossie Garvin Air Quality Focus Area. The site has a PTAL score of 2 and is identified as an area where contamination may be present.

### **3.2 Proposed Scheme**

Planning permission was granted under application reference 2621/APP/2010/1283 (dated 14/09/2010) for 'Sub-division of existing building to create 4 units, external alterations and associated works (including reconfiguration of car park)'. A condition was attached to that consent (Condition 7) that restricted which goods could be sold on the site. The condition required that the retail floorspace within the application site shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment and other products ancillary to these main ranges.

Planning permission was subsequently granted under application reference 2621/APP/2010/2407 (dated 20/12/2010) to vary the above Condition 7 (Restriction on Sale of Goods) in order to enable the sale of pets and pet products (including food for non human consumption) from the floorspace within the unit then known as C3, and now referred to as C1.

This application seeks to vary the amended Condition 7 (Restriction on Sale of Goods) of planning permission ref. 2621/APP/2010/2407 in order to allow the sale of food and convenience goods (for consumption off the premises) from Unit C1, to enable its occupation by an established supermarket operator (Farmfoods Ltd), mainly specialising in the sale of frozen food, but also dry, packet and tinned products and a small range of ambient and fresh lines. It should be noted that any planning consent would run with the site and so an alternative but similar operator could potentially occupy the premises if consent is granted.

Condition 7 of 2621/APP/2010/2407 currently reads:

'The retail floorspace within unit C3 as demarcated on drawing 622-CL PL02 Rev B (Site Plan) received 06 December 2010 shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment; pets and pet products (including food for non human consumption) and other

products ancillary to these main ranges.

All other retail floorspace within the site (as defined on the Location Plan received on 02 June 2010) shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment and other products ancillary to these main ranges.

The premises shall be used for no other purpose (including any other use in Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any previous equivalent to that class in any Statutory Instrument revoking or re-enacting that order), unless prior written consent is obtained from the Local Planning Authority.

#### Reason

To ensure the proposal does not have a detrimental impact on the vitality or viability of local centres or encourage unsustainable vehicular trips in compliance with Policies 2A.8, 3D.1, 3D.2 and 3D.3 of the London Plan and Planning Policy Statement 4: Planning for Sustainable Economic Growth.'

This application seeks to vary this to:-

'The retail floorspace within unit C1 as demarcated on drawing 895 PL 1.201 shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment; pets and pet products (including food for non-human consumption), plus food and convenience goods (for consumption off the premises) and other products ancillary to these main ranges.

All other retail floorspace within the site (as defined on the Location Plan received on 02 June 2010) shall only be used for the sale of the following non-food goods: building and decorating materials and equipment; DIY and garden products; furniture; floor coverings and related ancillary goods; domestic electrical goods and gas appliances; computers and office supplies and equipment and other products ancillary to these main ranges.

The premises shall be used for no other purpose (including any other use in Class E(a) of the Town and Country Planning (Use Classes) Order 1987 as amended (or any previous equivalent to that class in any Statutory Instrument revoking or re-enacting that order) unless prior written consent is obtained from the Local Planning Authority.

#### Reason

To ensure the proposal does not have a detrimental impact on the vitality or viability of local centres or encourage unsustainable vehicular trips in compliance with Policies SD7, DMT 1 and DMT 2 of the London Plan (2021) and Policy DMTC 1 of the Hillingdon Local Plan: Part Two (2020).'

As a number of the conditions attached to the original consent and the previous s73 approval are no longer relevant, the above condition will become Condition number 4 should the application be approved. A new condition is recommended to be added to ensure the proposals remain in accordance with details previously discharged through conditions, such as materials and landscaping. New conditions are also recommended to secure details of a proposed Trolley Shelter and Electric Vehicle Charging.

### 3.3 Relevant Planning History

2621/APP/2010/1283      Wickes/Mfi/Carpetright Uxbridge Road Hayes

Sub-division of existing building to create 4 units, external alterations and associated works (including reconfiguration of car park.)

**Decision:** 14-09-2010      Approved

2621/APP/2010/2407      Former Mfi Unit Uxbridge Road Hayes

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.)

**Decision:** 20-12-2010      Approved

#### Comment on Relevant Planning History

Planning permission for the original retail park comprising 2 units was originally granted in the 1980s under application reference 2621/AC/83/1381.

Planning permission (2621/APP/2010/1283) was subsequently granted on 14/09/2010 for the sub-division of one of these existing buildings to create 4 units, together with external alterations and associated works (including reconfiguration of the car park). These were identified in the application as Units B, C1, C2 and C3 (C3 being the unit the subject to the current application).

Planning permission (2621/APP/2010/2407) was subsequently granted for Unit C3 (the application unit, now known as Unit C1) on 20/12/10 to vary Condition 7 of planning permission ref: 2621/APP/2010/1283 to allow the sale of pets and pet products (including food for non-human consumption).

Planning permission for the change of use of Unit B from retail (Carpetright) (Use Class A1) to a 24-hour gym (Use Class D2) with associated alterations to the facade (36985/APP/2018/2970) was granted on 15/11/18.

## 4. Planning Policies and Standards

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)

#### Material Considerations

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

### **Local Plan Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

#### Part 1 Policies:

PT1.EM1 (2012) Climate Change Adaptation and Mitigation

PT1.EM8 (2012) Land, Water, Air and Noise

#### Part 2 Policies:

NPPF6 NPPF 2021 - Building a strong, competitive economy

NPPF7 NPPF 2021 - Ensuring the vitality of town centres

LPP SD1 (2021) Opportunity Areas

LPP SD7 (2021) Town centres: development principles and Development Plan Documents

LPP E5 (2021) Strategic Industrial Locations (SIL)

LPP SI1 (2021) Improving air quality

LPP SI2 (2021) Minimising greenhouse gas emissions

LPP T4 (2021) Assessing and mitigating transport impacts

DMTC 1 Town Centre Development

DMEI 2 Reducing Carbon Emissions

DMEI 6 Development in Green Edge Locations

DMEI 14 Air Quality

DMCI 7 Planning Obligations and Community Infrastructure Levy

### **Major Applications Planning Committee - 14th September 2023**

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: **7th December 2022**

5.2 Site Notice Expiry Date: **7th December 2022**

## 6. Consultations

### External Consultees

35 neighbouring properties have been consulted, together with the Friends of Minet Country Park Residents' Association. The application has also been advertised in the local press on 16/11/22 and a site notice dated 16/11/22 was displayed at the entrance into the retail park on 9/11/22 with a closing date of 7/12/22. As a result of the red line boundary being changed to encompass the entirety of the retail park, a re-consultation with neighbours was carried out on 30/5/23 which expired on 19/6/23. No responses have been received.

### Internal Consultees

POLICY OFFICER:

(The Council's Policy Officer reviewed the Retail Impact Assessment submitted within the original application and requested that further details and evidence be provided. The Applicant subsequently submitted the Retail Impact Assessment Addendum and this additional evidence has been taken into consideration):

#### Retail Impact Assessment

The applicant has submitted further evidence to support the proposal and it is considered that the applicant has provided sufficient evidence to establish that the proposal would not result in a significant adverse impact on the vitality and vibrancy of the town centres nor any of the edge of town centre locations identified.

As previously stated in Policy DMTC 1 of the Local Plan: Part 2 all retail uses that are proposed in excess of 200sq.m. are required to be accompanied by a Retail Impact Assessment. The proposed scheme relates to the variation of a condition to an existing retail unit of 687 sq.m. to allow food goods. Overall, it is considered that the additional information provided by the applicant is broadly acceptable and whilst limited harm could result from the development this is not considered to be sufficient to refuse the application on this basis.

If officers are minded to grant planning permission please also consider adding a condition to ensure that the permitted use will be in line with what has been demonstrated within the retail impact assessment. The case officer should consider if a condition to restrict other main town centre uses within Use Class E would be reasonable in this instance as these are not considered to be appropriate in this location.



Case Officer comment:

The wording of the new condition restricts the proposals to those demonstrated within the Retail Impact Assessment and also restricts other main town centre uses within Use Class E.

HIGHWAY ENGINEER:

A planning application has been received seeking permission to vary Condition 7 imposed on planning permission No. 2621/APP/2010/0207, this prohibits the sale of food and convenience goods from Unit C1, Elystan Business Centre, Hayes. Unit C1 is situated within a retail park located on the western corner of the junction of Uxbridge Road and Springfield Road, access to the retail park is gained from Springfield Road. The site is within an area with a PTAL ranking of 2, indicating the access to the retail park by public transport is limited compared to London as a whole. Access for deliveries is also from Springfield Road then via the access shared with Elystan Business Centre to the rear of the retail park, this will remain unchanged. The applicant reports that Farmfoods stores typically have one delivery per day with an unloading time of up to 45 minutes. In addition, there would be a daily direct bread delivery using rigid vehicles. The Park car park provides 148no. spaces overall with 10no. disabled persons' spaces, and 2no. parent and child spaces. The car park is shared by all the businesses that occupy the park, none of the space are allocated to a specific unit/business.

There would be no increase in the overall floor area of the unit, nor would there be any changes to the site access or car parking provision across the estate.

The Highway Authority is mindful that Pets at Home would overall have generated fewer vehicular trips compared to the proposed Farmfoods. Customers would visit only very occasionally to buy a pet though more regularly to buy pet food etc. By contrast somebody may visit a Farmfoods every day to purchase basic groceries such as loaves of bread and bottles of milk. The trip generation profile is therefore different, the food store would generate more frequent short stay trips compared to Pets at Home to which customers would visit much less infrequently but stay longer.

In support of the application the applicant has provided a Transport Assessment. This reports that the food store would be busiest Saturdays 12:00 to 13:00h. With Pets at Home open, it is calculated that the Park would generate 312no. two-way movements during this time. With Pets at Home being used as a food store this would increase to 345no. two-way movements, an increase of 32no. The scale of the increase in vehicle trips is tempered somewhat because some of the food store customers will be shoppers that are on-site visiting the neighbouring stores already.

The Transport Assessment also provides information regarding car park occupancy. With Pets at Home open, the car park is busiest between 11:30 to 11:45h Saturdays, at this time the car park is then 77.7% occupied - at 85.0% occupancy a car park is 'at capacity'. With the car park 77.7% occupied there would be 34no. car parking spaces unoccupied. The applicant goes on to report that with Farmfoods open, car park occupancy would peak at 93.2%, there would be 10no. spaces vacant. However, the applicant highlights that this would be a worst-case scenario as no allowance has been made for linked trips - not every new customer to Farmfoods would represent a new car arrival as some would be shopping at the Park already.

It is anticipated that Farmfoods would provide shopping trolleys for customers to use, if this is to be the case then shopping trolley drop-off bays should be provided, without this shopping trolleys may be strewn across the car park blocking access to vacant car parking spaces.

As mentioned above the site is within an area with a PTAL ranking of 2, nevertheless Uxbridge Road is a busy bus route. It is anticipated that many of the staff working at the store would be local people that would

travel a short distance to work, the applicant could reduce pressure on car parking spaces by providing a Staff Travel Plan, this should focus upon encouraging and enabling trip making by the staff to the foodstore by walking, cycling and public transport.

There are no highway objections to this proposal subject to legal agreement obliging the applicant to submit a Staff Travel Plan to the Council for approval.

#### AIR QUALITY OFFICER:

The proposed development is located within the LBH Air Quality Management Area and Ossie Garvin Focus Area, bringing additional traffic emissions which will add to current likely exceedances and contribute to poor local air quality. As per the London Plan, developments need to be neutral as minimum and the Council requires new developments located in Focus Areas to be air quality positive, contributing to the reduction of emissions in these sensitive areas.

LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely Focus Areas. Furthermore, Policy DMEI 14 of the London Borough of Hillingdon Local Plan (Part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area.

The planning application seeks the variation of Condition 7 attached to planning permission 2621/APP/2010/0207, which currently does not permit the sale of food and convenience goods from unit C1. There will be no increase in the overall floor area of the unit.

#### Damage Cost and Mitigation Measures:

According to LBH Local Action Plan, proposed development within Focus Areas (or with impacts on FAs) needs to be Air Quality positive and further action is required to reduce total emissions produced by its operation.

Therefore, the total emissions associated with these activities need to be mitigated. Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

Any mitigation measures proposed were evaluated in terms of likely emission reductions onto local air quality. Wherever quantifiable, these are calculated and subtracted from the overall value due. When no quantification is possible, a flat rate discount is applied.

The total level of mitigation required to the proposed development for traffic emissions is £204,255. Once all deductions were applied, the remaining value of mitigation due is £163,404. Flat rate deductions have been applied (for example Travel Plan 15%) totalling a reduction of £40,851.

Therefore, a section 106 agreement with the contribution of £163,404 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

## 7. MAIN PLANNING ISSUES

## 7.01 The principle of the development

Although the application site is located within the Springfield Road Strategic Industrial Location (SIL), the retail use of the premises and the wider site has long been established by the planning history on site which goes back to the 1980s.

This proposal seeks to revise the type of goods permitted to be sold from the premises to include food and convenience goods (for consumption off the premises). The sale of additional goods has the potential to impact on existing shopping centres and to attract shopping trips by car which could be more sustainably serviced by existing town centre locations. As the site is not located within a town centre, the acceptability of the principle of the development revolves around 'town centre first principles', which are referred to within the following guidance / policies:-

The NPPF (2021) at paragraph 87 advises that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable time period) should out of centre sites be considered.

Paragraph 90 goes on to advise that:-

'applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, should be supported by an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace) and these should consider:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'

Paragraph 91 states that:-

'Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.'

Policy SD6 (Town centres and high streets) of the London Plan (2021) states that the vitality and viability of London's varied town centres should be promoted and enhanced by encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses.

Policy SD7 (Town centres: development principles and Development Plan Documents) requires boroughs to adopt the 'town centres first' approach to applications for main town centre uses outside of designated town centres, whereby most non-residential, out-of-centre developments are discouraged. Out-of-centre developments can be particularly detrimental to town centres, undermining their economic performance, local character, and the accessibility they provide to a broad range of services, whilst also encouraging an increase in private vehicle trips away from the established amalgamation of shops and services, and away from areas of higher levels of public transport.

The 'town centre first' approach of the London Plan is enshrined at a borough level through Policy DMTC 1 of the Hillingdon Local Plan: Part 2 (Town Centre Developments) which sets out that 'main

town centre uses' will be supported within town centre boundaries, however proposals for 'main town centre' uses in 'out of centre' locations will be resisted and the applicant must demonstrate that there are no more suitable sites available and that the proposal, either individually or cumulatively, will not harm the vitality and viability of the established town centres and to this end, development proposals in out of centre and edge of centre locations, which exceed 200 sqm of gross retail floorspace, or 1,000 sqm of combined main town centres uses, will require an impact assessment.

Taking London and Hillingdon Local Plan Policies into account, a sequential test is required to demonstrate there are no sequentially preferable sites within or on the edge of town centres which could accommodate the development as the proposal constitutes an out-of-centre development for a main town centre use which exceeds 200 sqm of gross retail floorspace. This position is recognised by the applicant, who has submitted a Planning and Retail Statement (dated October 2022) in support of their application which includes a sequential test.

This advises that having examined the range of vacant premises within Uxbridge Road and Southall centres, no units are available with a minimum 575 sqm. gross floor area, the minimum area required by Farmfoods Ltd. to meet its trading requirements. The report also advises that Farmfoods Ltd do not design and build its own stores, but typically occupy second hand, previously developed retail units.

The Council's Policy Officer has reviewed the statement and initially advised that as the identified Primary Catchment Area (PCA) for the store includes the outskirts of Southall and Hayes, the sequential test should also include sites located within Hayes and Southall Town Centres, as well as the Uxbridge Road, Hayes and edge of town centre sites.

In the light of these comments, an addendum to the planning statement has been submitted. This includes a sequential assessment of Hayes and Southall Town Centres, in addition to Uxbridge Road, Hayes centre. The addendum advises that there are no suitable and available premises within or on the edge of these centres. While both centres do contain a range of vacant premises all of these are of limited size and are not suitable for accommodating a large format food store of the type and scale of the one proposed on the application site. Officers do not have any reason to doubt the validity of the assessment in this regard.

As regards the potential impact on the vitality and viability of established town centres, the NPPF is clear in stating that applications should be refused where there would be a 'significant adverse' impact upon existing centres. With any supermarket proposal of this scale, there will clearly be an impact upon shopping patterns within the locality and the aim of the retail impact assessment submitted with the application is to predict, with as much accuracy as possible, the impact on these trade patterns.

This involves a complex set of assumptions regarding the available level of retail expenditure within the store's catchment area, the performance and trading capacity of the store itself, the relative performance of competing stores and centres, the likely trade draw from other centres and stores, future changes in trading patterns (such as internet shopping) and the cumulative impact of existing retail commitments. Any one of these fields is sensitive to the assumptions inputted into the forecasting model.

The assessment concludes that occupation by Farmfoods Ltd will generate a modest turnover which will not adversely impact on public and private sector investment within existing centres nor their overall vitality and viability. The Council's Policy Officer has reviewed the assessment and although

advises that the trade draw and changes to shopping pattern information provided is considered broadly acceptable, they did raise very detailed points concerning various other matters where the assessment was considered to be deficient.

Additional information has been submitted in response and the Council's Policy Officer concludes that overall they consider that the applicant has provided broadly acceptable and sufficient evidence to establish that the proposal would not result in a significant adverse impact on the vitality and vibrancy of the town centres nor any of the edge of town centre locations identified and whilst limited harm could result from the development, this is not considered to be sufficient to refuse the application on this basis.

On this basis, no objections are raised to the impact of the proposal on existing centre, in accordance with the NPPF and Policy DMTC 1 of the Hillingdon Local Plan: Part 2 (2020).

#### **7.02 Density of the proposed development**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such density is not considered relevant to the consideration of this application.

#### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such it will have no impact on archaeology or the appearance of the area.

#### **7.04 Airport safeguarding**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such it will not have a detrimental impact on airport or aerodrome safeguarding.

#### **7.05 Impact on the green belt**

To the west, the site does adjoin the Minet Country Park which forms part of the Green Belt, but the retail units along the western boundary screen the wider site from the park and no physical alterations are proposed to the building or the existing servicing and access arrangements from Springfield Road to the east so that there would be no discernible impact on the Green Belt.

#### **7.07 Impact on the character & appearance of the area**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such it will have no impact on the character or appearance of the area.

#### **7.08 Impact on neighbours**

The retail unit is located over 50m from the nearest residential property, which is located on the other side of the Uxbridge Road. Accordingly, it is not considered that the proposed variation of condition would result in any detrimental impacts on the amenity of residential occupiers and would accord with the provisions of Policy DMHB 11 of the Local Plan: Part Two (2020) which requires that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Noise and air quality impacts are considered in Section 7.18 below.

#### **7.09 Living conditions for future occupiers**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such there are no future residential occupiers.

## 7.10 Traffic impact, car/cycle parking, pedestrian safety

The NPPF (2021) at paragraph 111 states:-

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Policy T4 of the London Plan (March 2021) requires where appropriate, the submission of transport assessments/ statements to ensure that impacts on the capacity of the transport network are fully assessed and mitigated.

Policy DMT 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner and to be acceptable, schemes are required, amongst other criteria, to be accessible by public transport, walking and cycling, adequately address delivery, servicing and drop-off requirements, and have no significant adverse transport or associated air quality and noise impacts on the local and wider environment. This is re-iterated by Policy DMT 2 which seeks to minimise the impact of development on the surrounding highway with regards to traffic, air quality, noise, local amenity and safety.

The Council's Highway Engineer has reviewed the application, including the Transport Statement and advises that the site is within an area with a PTAL ranking of 2, indicating that access to the retail park by public transport is limited compared to London as a whole. Access for deliveries is also from Springfield Road then via the access shared with Elyston Business Centre to the rear of the retail park, which will remain unchanged. The car park provides 148 spaces overall, including 10 disabled persons' spaces and 2 parent and child spaces. The car park is shared by all the businesses that occupy the park and none of the spaces are allocated to a specific unit/business.

The Highway Engineer advises that the submitted information indicates that the previous occupier would have generated fewer vehicular trips than future occupiers should the application be approved. The trip generation profile is therefore different, as a food store could generate more frequent short stay trips compared to the previous occupier.

The supporting Transport Statement advises that the food store would be busiest on Saturdays 12:00 to 13:00h. Previously it calculates that the wider retail park would have generated 312 two-way movements during this time. Should the application be approved this would increase to 345 two-way movements, an increase of 32. The scale of the increase in vehicle trips is tempered somewhat because some of the food store customers will be shoppers that are on-site visiting the neighbouring stores already.

The Highway Engineer advises that the Transport Statement also provides information regarding car park occupancy. Under the previous occupier, the car park would have been busiest between 11:30 to 11:45h Saturdays. At those times the car park would be 77.7% occupied, and there would be 34 car parking spaces unoccupied. Should the condition be varied to enable a food store to occupy the unit, car park occupancy is predicted to peak at 93.2%, when there would be 10 spaces vacant. However, this would be a worst-case scenario as no allowance has been made for linked trips as not every new customer would represent a new car arrival as some would be shopping at the Park already.

The Highway Engineer did previously advise of the need for a condition requiring the submission of a

Car Parking Management Plan. In particular, the engineer advised that it is anticipated that Farmfoods would provide shopping trolleys for customers to use and if this is to be the case then shopping trolley drop-off bays should be provided, without this shopping trolleys may be strewn across the car park blocking access to vacant car parking spaces. However, the applicant has since provided additional information and clarification regarding the use and management of shopping trolleys, including an indicative sketch plan to show that a trolley shelter could be provided in front of the store without blocking any of the parking bays. The applicant has also highlighted that there is significant spare capacity in the car park at peak periods, there is no evidence of customers who visit the retail park parking off-site and the allocation of spaces to individual stores could increase customer circulation in the car park looking for an appropriate space. The Highway Engineer has confirmed that given the additional information / details, there is no longer a requirement for a Car Park Management Plan as given the number of spaces, the car park will effectively manage itself. A condition has however been added to the officer's recommendation requiring full details of the trolley store to be submitted.

The Highway Engineer also advises of the need for a staff travel plan as it is anticipated that many of the staff working at the store would be local people that would travel a short distance to work and the pressure on car parking spaces could be reduced by encouraging and enabling trip making by the staff to the foodstore by walking, cycling and public transport. This has been included as a Heads of Term in the S106 Agreement.

In addition, further discussions have taken place on this application as regards the provision of Electric Vehicle Charging Points. The car park does not provide any provision currently and the car park is shared by other users and therefore not under the full control of the applicant. Having regard to EVCP standards in the London Plan and the percentage of floor space involved in this application as compared to the overall floor space within the retail park, the Highway Engineer advises that 2 active electric vehicle charge points are required which could be in the form of a dual socket charging point. This has been agreed with the applicant and a condition is recommended to ensure that appropriate details are submitted.

On this basis and having regard to the recommended conditions, the Highway Engineer advises that the scheme is acceptable on highway grounds.

#### **7.11 Urban design, access and security**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such it will have no implications with regard to the appearance of the site, its accessibility or security.

#### **7.12 Disabled access**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such it will have no implications with regard to the accessibility of the unit or site.

#### **7.13 Provision of affordable & special needs housing**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such consideration of affordable and/or special needs housing is not considered relevant.

#### **7.14 Trees, Landscaping and Ecology**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such it would not impact on any aspects of landscaping or ecology.

### **7.15 Sustainable waste management**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, there is adequate space within the unit and within the existing waste arrangements for the retail park to accommodate waste and recycling and no objection is raised in this respect.

### **7.16 Renewable energy / Sustainability**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such it is not considered that the proposal necessitates consideration of sustainability issues other than in respect of location. The appropriateness of the proposal in this respect is discussed within the 'Principle of Development' section of this report.

### **7.17 Flooding or Drainage Issues**

The proposal relates to the variation of a condition restricting the sale of goods from a permitted retail unit, as such it would not impact on flood risk or drainage.

### **7.18 Noise or Air Quality Issues**

NOISE:

The application site is located over 50m from the nearest residential property, which is located on the other side of the Uxbridge Road. The proposal would not give rise to any additional noise issues in this context.

AIR QUALITY:

The NPPF supports opportunities to improve air quality or mitigate impacts where necessary.

London Plan Policy SI 1 (Improving Air Quality) states that development proposals should not lead to further deterioration of existing poor air quality, create any new areas that exceed air quality limits or delay the date at which compliance will be achieved, or create unacceptable high levels of exposure to poor air quality. In order to achieve this, the Mayor will require development proposals to be at least Air Quality Neutral and be designed to prevent and minimise increasing exposure.

Policy EM 8 (Land, Water, Air and Noise) of the Local Plan Part 1 outlines that all developments should not cause deterioration in local air quality levels and should ensure the protection of both existing and new sensitive receptors. The Policy further states that all major developments within Air Quality Management Areas should demonstrate how air quality neutrality is achieved where appropriate.

Policy DMEI 14 (Air Quality) of the Local Plan Part 2 further states that development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. The policy further requires that development proposals as a minimum should be at least air quality neutral and ensure there is no unacceptable risk from air pollution to sensitive receptors, and actively contribute towards the improvement of air quality, especially within Air Quality Management Areas.

The site is located within the London Borough of Hillingdon Air Quality Management Area and Ossie Garvin Focus Area, bringing additional traffic emissions which will add to current likely exceedances and contribute to poor local air quality. As per the London Plan, developments need to be neutral as minimum and LBH requires new developments located in Focus Areas to be air quality positive, contributing to the reduction of emissions in these sensitive areas.



LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019-2024), namely Focus Areas. Furthermore, Policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area.

Therefore, the total emissions associated with these activities need to be mitigated. Mitigation measures to reduce emissions can be applied on-site or off-site. Where this is not practical or desirable, pollutant off-setting will be applied. The level of mitigation required associated with the operation phase of the proposed development is calculated using Defra's Damage Cost Approach.

The Council's Air Quality Officer has reviewed the submission and advises that the total level of mitigation required to the proposed development for traffic emissions is £204,255. Once all deductions were applied, the remaining value of mitigation due is £163,404. Once all deductions were applied, the remaining value of mitigation due is £163,404. Flat rate deductions have been applied (for example Travel Plan 15%) totalling a reduction of £40,851.

Therefore, a section 106 agreement with the contribution of £163,404 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

The S106 air quality contribution is recommended to be secured through a s106 legal agreement and the applicant has agreed to the contribution. As such the proposals are deemed acceptable in terms of air quality.

### **7.19 Comments on Public Consultations**

No comments have been received to the public consultation undertaken on this application.

### **7.20 Planning Obligations**

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (2020) states:

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

- i) to secure the provision of affordable housing in relation to residential development schemes;
- ii) where a development has infrastructure needs that are not addressed through CIL; and
- iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request contributions towards the following:

i) £163,404 is to be paid for Hillingdon to deliver its air quality local action plan and/or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels.

ii) Staff Travel Plan

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

The proposal relates to the variation of a condition and no additional floor area would be created. As such the scheme would not be liable to pay Mayoral Community Infrastructure Levy or Hillingdon's Community Infrastructure Levy.

#### **7.21 Expediency of enforcement action**

No enforcement issues are raised by this application.

#### **7.22 Other Issues**

There are no other issues raised by this application.

#### **8. Observations of the Borough Solicitor**

##### General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

##### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to

planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

#### **9. Observations of the Director of Finance**

Not applicable

#### **10. CONCLUSION**

The proposal seeks to amend Condition 7 of planning permission ref. 2621/APP/2010/2407, dated 20-12-2010 in order to allow the occupation of Unit C1 by a supermarket, including the sale of food and convenience goods (for consumption off the premises). No external alterations to the unit are proposed.

The previous application (2621/APP/2010/2407 approved on 20/12/10) was also to amend Condition 7 of the parent permission. This consent allowed the previous pet supplies retailer to occupy the unit.

The submitted retail assessment is commensurate to the scale of the proposal and is considered to demonstrate that the proposal would accord with town centre first principles as outlined in Policy SD7 of the London Plan (March 2021) and Policy DMTC 1 of the Local Plan: Part Two (January 2020). The submitted Transport Statement also demonstrates that there would be no significant impact on the surrounding highway network.

The proposal would be serviced by the existing car parking spaces and service yard, which are considered adequate to accommodate the needs of a new occupier, should the application be approved.

It is considered that the sale of food and convenience goods from within the retail unit would not be detrimental to the amenity of nearby occupiers by way of noise or general disturbance.

Approval is therefore recommended, subject to conditions and a s106 legal agreement.

## **11. Reference Documents**

National Planning Policy Framework (2021)

London Plan (March 2021)

The Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management policies (January 2020)

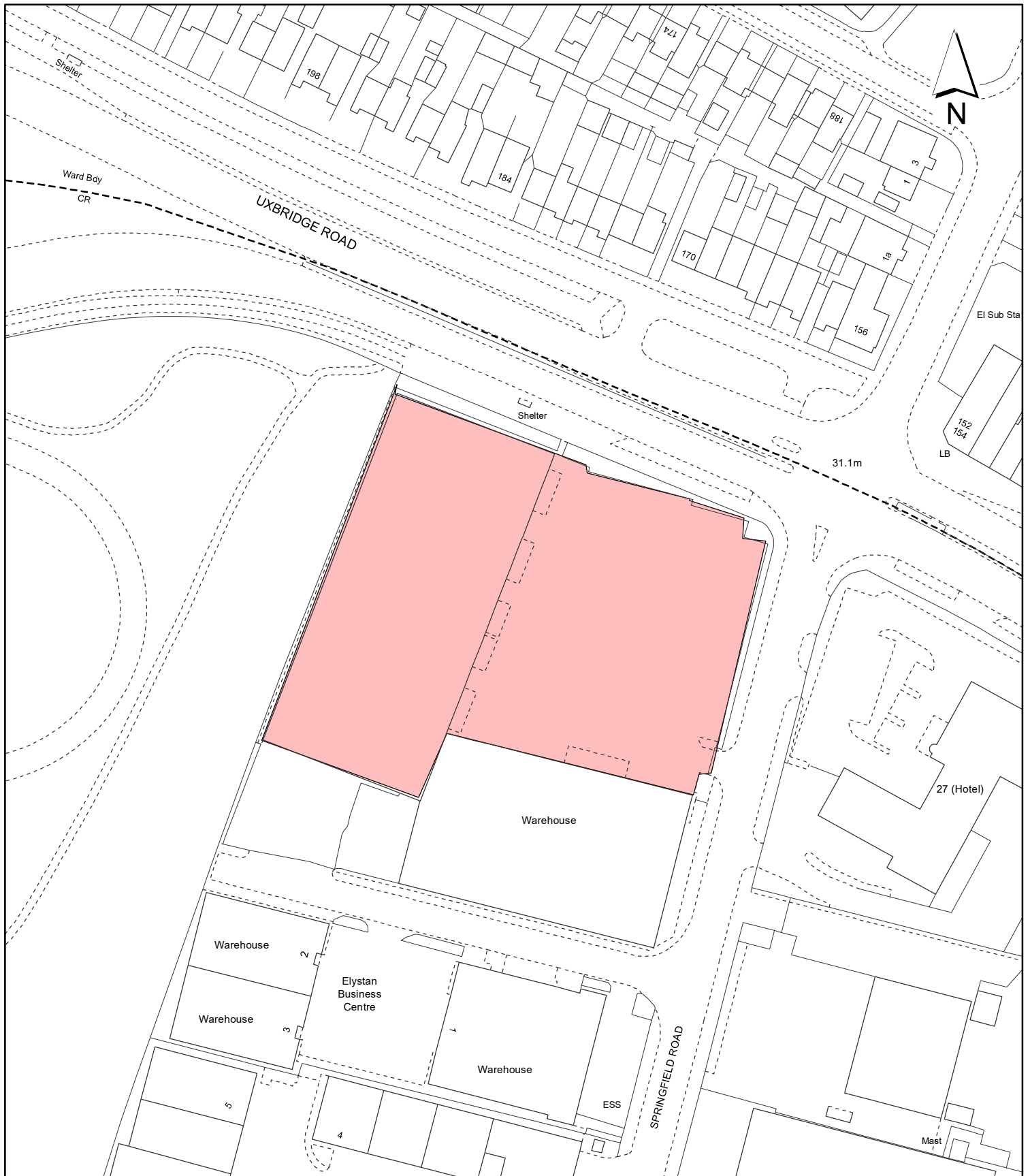
Council's Supplementary Planning Document - Planning Obligations

**Contact Officer:**

Richard Phillips

**Telephone No:**

01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
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Site Address:

**Pets at Home  
 Elystan Business Centre  
 Springfield Road**

**LONDON BOROUGH  
 OF HILLINGDON  
 Residents Services  
 Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

**2621/APP/2022/3293**

Scale:

**1:1,250**

Planning Committee:

**Major Page 31**

Date:

**September 2023**



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## Report of the Head of Development Management and Building Control

<b>Address:</b>	INTU SHOPPING CENTRE HIGH STREET UXBRIDGE	
<b>Development:</b>	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).	
<b>LBH Ref Nos:</b>	42966/APP/2023/70	
<b>Drawing Nos:</b>	PLAN 1 The Chimes - Tenants and unit sizes Covering Letter dated December 2022	
<b>Date Plans received:</b>	15-12-2022	<b>Date(s) of Amendments(s):</b>
<b>Date Application valid</b>	21-12-2022	

### 1. SUMMARY

This application seeks to modify the Section 106 agreement associated with planning permission ref. 42966AH/96/1862 granted 11 November 1997 relating to The Chimes Shopping Centre, High Street, Uxbridge.

The modification seeks to amend the wording to the restrictions on retail use (Class A1), in light of the changes to the Town and Country Planning (Use Classes) Order 1987; namely the introduction of Class E Commercial, Business and Service use and associated revocation of Class A1 Retail use.

Specifically the modifications sought are in relation to Clause 12.1 (Restrictions on Use) and the associated definition of 'Retail Floorspace' set out in Clause 4.1 of the original agreement.

Considering the national shift to Use Class E, the applicant is seeking alignment with the national position and the general shift towards making town centres places for more than just retail development. It is considered that the introduction of Class E will bring significant benefits to The Chimes Shopping Centre, which will now be able to react far more quickly to changing market demands. The proposed variation would accord with current government thinking on the need for town centres to be able to respond and meet changing demands in the retail sector.

It is considered that there are no objections with the uses in Use Class E, as this is essentially what all the retail uses on Uxbridge High Street could now become and there is no reason why The Chimes Shopping Centre should be a departure from this national trend or should not have the flexibility to respond in the same way in challenging conditions.

It is therefore recommended that the proposed amendments to the S106 Agreement be agreed.

## 2. RECOMMENDATION

**APPROVAL, subject to the following:**

**1. That the Council enter a Deed of Variation with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:**

**(i) Amendment to modify the Section 106 agreement associated with The Chimes Shopping Centre, Uxbridge in light of the introduction of the amendments to the Use Classes Order which came into effect on 1st September 2020; namely the introduction of Class E Commercial, Business and Service use and associated revocation of Class A1 Retail use.**

**2. That the applicant meets the Council's reasonable costs in the preparation of the deed of variation and any abortive work as a result of the deed not being completed.**

**3. That Officers be authorised to negotiate and agree the amended terms for the introduction of Class E Commercial, Business and Service use and associated revocation of Class A1 Retail use in the Deed of Variation.**

## INFORMATIVES

1.

APPROVAL of:

The variation of Section 106 legal agreement attached to planning permission ref. 42966AH/96/1862 granted 11 November 1997 relating to The Chimes Shopping Centre, in order to secure:

1) the amendment to the wording to the restrictions on retail use (Class A1), in light of the changes to the Town and Country Planning (Use Classes) Order 1987; namely the introduction of Class E Commercial, Business and Service use and associated revocation of Class A1 Retail use.

## 3. CONSIDERATIONS

### 3.1 Site and Locality

The application site comprises The Chimes Shopping Centre in Uxbridge. The centre benefits from various pedestrian access points from the High Street and George Street. The associated multi-storey car park to the rear is accessed from Chippendale Way, and also benefits from a frontage onto Cumbrian Way. The application site is located within the Old Uxbridge/Windsor Street Conservation Area, as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

The application site is located within the Primary Shopping Area of Uxbridge Town Centre. It is also within the Air Quality Management Area and Archaeological Priority Area.

The area in general is characterised by predominantly commercial and retail uses.



## 3.2 Proposed Scheme

This application seeks to modify the Section 106 agreement associated with The Chimes Shopping Centre, Uxbridge in light of the introduction of the amendments to the Use Classes Order which came into effect on 1st September 2020; namely the introduction of Class E Commercial, Business and Service use and associated revocation of Class A1 Retail use.

Specifically the modifications sought are in relation to Clause 12.1 (Restrictions on Use) and the associated definition of 'Retail Floorspace' set out in Clause 4.1 of the original agreement.

Clause 12.1 states that:

### '12. RESTRICTIONS ON USE

12.1 Not less than eighty per centum (80%) of the Retail Floor Space shall be used as retail space within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 PROVIDED THAT for the purposes of this clause space used for purposes ancillary to retail use within such Use Class A1 shall itself be treated as being used for purposes within such Use Class A1 PROVIDED ALSO THAT for the avoidance of doubt this obligation shall not be construed as a positive obligation to trade.

12.2 No more than twenty-five per centum (25%) of the floor space of any unit forming part of the Retail Floor Space and having a floor area exceeding fifteen hundred (1500) square metres shall be used for any of the following purposes: -

12.2.1 Financial services

12.2.2 Professional services (other than health or medical services)

12.2.3 Any other services (including use as a betting office) which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public;

12.2.4 For the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.

Provided that each such use shall be ancillary to the principal retail function of that unit.'

Following extensive negotiations the following modifications to the S106 Agreement are sought:

To amend the wording to the restrictions on retail use (Class A1) in light of the changes to the Town and Country Planning (Use Classes) Order 1987; namely the introduction of Class E Commercial, Business and Service use and associated revocation of Class A1 Retail use. The Town and Country Planning (Use Classes) (Amendments) (England) Regulations 2020.

The current definition of "Retail Floor Space" shall be deleted. There shall be a new definition inserted as follows:

"Retail Commercial Floorspace" means the aggregate of the area of the floor space within the Development within Use Class E designed for retail commercial, business and service purposes (and specifically excluding the multi-screen cinema 219/221 and 222 High Street the Timber Framed Building and the Creche)".

There shall also be a new definition inserted to define Use Class E:

'Use Class E means the use prescribed in Schedule 2, Part A, Commercial, Business and Service Town and Country Planning (Use Classes) Order 1987 (as amended) as follows:

Class E Commercial, Business and Service Use, or part use, for all or any of the following purposes:

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public
  - (i) financial services,
  - (ii) professional services (other than health or medical services), or
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for
  - (i) an office to carry out any operational or administrative functions,
  - (ii) the research and development of products or processes, or
  - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.'

There shall be a new Paragraph 12 inserted as follows:

## '12. RESTRICTIONS ON USE

12.1 Not less than eighty per centum (80%) of the Retail Commercial Floor Space shall be used as commercial, business and service space within Use Class E of PROVIDED THAT for the purposes of this clause space used for purposes ancillary to retail commercial, business and service use within such Use Class E shall itself be treated as being used for purposes within such Use Class E PROVIDED ALSO THAT for the avoidance of doubt this obligation shall not be construed as a positive obligation to trade.

12.2 The uses falling within Use Class E of the said order carried on in the commercial, business and service units situated at the date hereof on part of the High Street frontage of the Site shall not be changed to a use falling outside that use class other than in accordance with a grant of planning permission unless such units have the benefit of a certificate of lawful use within the meaning of Section 191 of the 1990 Act.

12.3 The remaining 20% of the Retail Commercial Floor Space, not subject to clause 12.1, can fall within any Use Class (or sui generis use), subject to the necessary grant of planning permission, so long as the 80% Class E minimum threshold is maintained.

12.4 The Owner shall submit to the Council every two years the following information in respect of each unit of occupancy:

- (i) Tenant Name

- (ii) Assumed Use Class
- (iii) Percentage of each Use Class
- (iii) Percentage Use Class by floor area
- (iv) Unit Number or location of use with reference to a floor plan.'

### 3.3 Relevant Planning History

#### Comment on Relevant Planning History

There has been extensive planning history for this site over the years. Of particular relevance is the evolution of the original legal agreement which was dated 12th November 1997 under Section 106 of the Act between the London Borough of Hillingdon and Sun Alliance and London Assurance Company Limited under planning permission reference 42966AH/96/1862.

This was amended by a supplemental agreement dated 6th December 2001 entered into between the London Borough of Hillingdon and CSC Uxbridge Limited relating to Contributions towards CCTV.

The agreement was further amended by a supplemental agreement dated 12th March 2002 between the London Borough of Hillingdon and CSC Uxbridge Limited relating to agreement to regulate the management of the car park and variations to the highway works on Vine Street and High Street Uxbridge.

## 4. Planning Policies and Standards

#### Legislative Background

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) were introduced by the Government on 20 July 2020. The Regulations made substantial changes to the Town and Country Planning (Use Classes) Order 1987 and came into effect on 1 September 2020.

The Regulations introduced three new use classes:

- (a) Class E (Commercial, Business and Service) - including retail, restaurant, financial/professional services, indoor sports, medical and nursery uses, office, research/development and light industrial uses which can be carried out in a residential area without detriment to amenity, along with "any other services which it is appropriate to provide in a commercial, business or service locality";
- (b) Class F.1 (Learning and Non-residential Institutions) - including non-residential educational uses, and use as an art gallery, museum, library, public hall, religious institution or law court; and
- (c) Class F.2 (Local community) - including use as a shop of no more than 280 sqm mostly selling essential goods, including food, to visiting members of the public and that is at least 1km from another similar shop, and use as a community hall, area for outdoor sport or recreation, swimming pool or skating rink.

In short and relevant to this application, Use Classes A1, A2, A3, B1, and parts of D1 and D2 are subsumed into new Use Class E.

The Regulations also state that changes within this new Use Class E do not constitute development and will therefore not require planning permission.

## **Local Plan Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.E4 (2012) Uxbridge

PT1.E5 (2012) Town and Local Centres

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMHB 13 Shopfronts

DMTC 1 Town Centre Development

DMTC 2 Primary and Secondary Shopping Areas

DMTC 4 Amenity and Town Centre Uses

LPP DF1 (2021) Delivery of the Plan and Planning Obligations

LPP E9 (2021) Retail, markets and hot food takeaways

LPP GG5 (2021) Growing a good economy

LPP SD6 (2021) Town centres and high streets

LPP SD7 (2021) Town centres: development principles and Development Plan Documents

LPP SD8 (2021) Town centre network

LPP SD9 (2021) Town centres: Local partnerships and implementation

NPPF7 NPPF 2021 - Ensuring the vitality of town centres

## **5. Advertisement and Site Notice**

**5.1 Advertisement Expiry Date: 2nd August 2023**

**5.2 Site Notice Expiry Date: 2nd August 2023**

## 6. Consultations

### External Consultees

As per the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992, when a local planning authority receives an application for the modification or discharge of a planning obligation they shall publicise the application by:

- (a) posting notice of the application on or near the land to which the planning obligation relates for not less than 21 days; or
- (b) serving notice of the application on the owners and occupiers of land adjoining that land; or
- (c) publishing notice of the application in a local newspaper circulating in the locality in which that land is situated.

A site notice was displayed and the application was advertised in the local press. Letters were sent to neighbouring properties and the consultation period expired on 21-07-23

2 comments in support of the proposals and 1 objection were received. These can be summarised as:

In favour:

- More available in the shopping centre
- A lot of young people and families use it
- Opens the door to more community spaces in Uxbridge

Objection:

- Area is already overcrowded, busy, dirty, hostile, full of drunks, young people being aggressive. This is unnecessary and waste of good space.

### Internal Consultees

POLICY

The applicant is seeking to amend the existing obligation to reflect amendments to the Use Class Order and to provide greater flexibility in who can occupy the shopping centre.

There is no in principle rationale for restricting the occupiers of The Chimes Shopping Centre more than other former Use Class A1 (Now Class E) units within the town centre. Indeed, to argue an alternative position would be contrary to recent national policy and the move away from restricting units to just retail shops.

Whilst the current restriction allows for up to 25% of the floorspace of the retail units (former Use Class A1) to be used for a series of specified uses, in the majority of cases these are now covered under Use Class E. As such this 25% requirement has been removed from the legal agreement as it is predominantly obsolete.

Officers have queried the need to retain an explicit reference for 20% of the floorspace that could be used for all uses outside of Use Class E. However this restriction ensures that at least 80% of the floor space would remain as Use Class E unless the currently proposed wording was further varied. Nevertheless, the wording remains clear that the remaining 20% of floorspace can only fall into uses outside of Use Class E 'subject to the necessary grant of planning permission'.

It has been concluded that the proportion of floorspace area in Use Class E is currently in excess of 80%. The Council would retain the authority to review any proposed change from Use Class E to an alternative use where a planning application was required. If there were reasonable grounds to do so, the Council could refuse such an application in the future.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) were introduced by the Government on 20 July 2020. The Regulations made substantial changes to the Town and Country Planning (Use Classes) Order 1987 and came into effect on 1 September 2020.

Relevant to this application for a Deed of Variation, Use Classes A.1, A2, A3, B1, and parts of D1 and D2 are subsumed into new Use Class E. The Regulations also state that changes within this new Use Class E do not constitute development and will therefore not require planning permission.

Matters relating to the principle of the Shopping Centre development have already been established by grant of the original permission. However, as currently drafted, it is acknowledged that the extant S106 is neither up to date (the use classes contained in the S106 Agreement have been revoked by the Regulations and no longer exist in planning law), nor does it reflect current government thinking on the need for town centres to be able to respond and meet changing demands in the retail sector.

The UK retail market has been going through a period of significant structural change for the last 5 to 6 years, which was accelerated by the Covid pandemic. The percentage of retail sales made online has grown from 10.7% in October 2012 to 26% as of October 2022 (source: Office of National Statistics). This has resulted in a number of significant business failures in the retail sector, notably BHS, Arcadia (Top Shop, Top Man, Dorothy Perkins and Burtons) and Debenhams.

Retailers are now actively reducing their physical store footprint across the UK when leases come to an end. There are therefore fewer retailers looking for stores in towns such as Uxbridge when they have flagship stores in close proximity such as Westfield London and Brent Cross, as well as strong online channels. There is therefore a smaller pool of retailers to fill an ever-growing number of vacant shops. Non-traditional retail uses are therefore required to fill this space in order to maintain vitality and vibrancy of town centres.

In addition, it is noted that within The Chimes Shopping Centre, there are now numerous vacant units comprising some 32% of the lettable floorspace. The former Debenhams store comprises some 18% of this void and has been vacant since May 2021.

It is recognised that the introduction of Class E has brought significant benefits to town centres, which are now able to react far more quickly to changing market demands. Recent high profile retail failures, such as Debenhams, has highlighted the need for town centres to respond with agility in the face of increasing voids and a narrowing pool of potential retail occupiers.

As stated above, Class E brings together the former A1 (shops), A2 (financial and professional services), A3 (restaurant and cafes) and B1 (business) as well as parts of classes D1 (non-residential institutions) and D2 (assembly and leisure) into one single use class to allow for changes of use

without planning permission.

Officers agree that the need to be agile and able to accommodate new 'town centre' concepts is important for the future prospects of town centres. The need to update the S106 to reflect contemporary planning law is important to the trading success of the shopping centre, as well as the town centre as a whole.

Whilst no objections are raised to the introduction of Class E, officers initially raised concerns regarding the 20% other uses subject to planning permission. It was considered that there was a need for clarity regarding the existing situation, particularly with regards to the consideration of any future applications for non Class E uses. The applicant was therefore asked to submit a schedule of existing units in the shopping centre. The schedule was submitted, which showed the percentage of existing Class E floorspace is over 80%.

In order for the Local Planning Authority to be able to monitor the unit information in the shopping centre, it is recommended that the Owner submit to the Council every two years from the completion of the proposed Deed of Variation the following information in respect of each unit of occupancy:

- (i) Tenant Name
- (ii) Assumed Use Class
- (iii) Percentage of each Use Class
- (iii) Percentage Use Class by floor area
- (iv) Unit Number or location of use with reference to a floor plan

Considering the national shift to Use Class E, the applicant is seeking alignment with the national position and the general shift towards making town centres places for more than just retail development.

Subject to the above monitoring requirements and noting the restrictions proposed to ensure that 80% of the floorspace remains within Use Class E, and that planning consent is required for alternative uses (which would be capped at 20% of the total floorspace), there are no objections to the amendments proposed.

#### **7.02 Density of the proposed development**

Not applicable. No changes are proposed which would impact on the density of an approved development.

#### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

Not applicable. No changes are proposed which would impact on heritage assets.

#### **7.04 Airport safeguarding**

Not applicable. No alterations are proposed which would impact on safeguarding criteria.

#### **7.05 Impact on the green belt**

Not applicable. No changes are proposed which would impact on the green belt.

#### **7.06 Environmental Impact**

Not applicable. There are no direct significant environmental impacts as a result of the changes proposed.

#### **7.07 Impact on the character & appearance of the area**

Not applicable. No changes are proposed which would impact on the character or appearance of the area.

#### **7.08 Impact on neighbours**

The changes proposed would enable a greater mix of uses to operate within The Chimes Shopping Centre. Whilst there are residential properties within the locality, the proposed introduction of uses deemed to be acceptable and appropriate within town centres nationally is not considered to have an unacceptable impact on residential amenity.

#### **7.09 Living conditions for future occupiers**

Not applicable. No changes are proposed which would impact on residential amenity.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Not applicable. No changes are proposed which would impact on traffic, parking or pedestrian safety.

#### **7.11 Urban design, access and security**

Not applicable. No changes are proposed which would impact on urban design, access and security.

#### **7.12 Disabled access**

Not applicable. No changes are proposed which would impact on accessibility.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to the determination of the application.

#### **7.14 Trees, landscaping and Ecology**

Not applicable. No changes are proposed which would impact on trees, landscaping and ecology.

#### **7.15 Sustainable waste management**

Not applicable. No changes are proposed which would impact on refuse provision.

#### **7.16 Renewable energy / Sustainability**

Not applicable. No changes are proposed which would impact on renewable energy / sustainability.

#### **7.17 Flooding or Drainage Issues**

Not applicable. No changes are proposed which would impact on flooding or drainage issues.

#### **7.18 Noise or Air Quality Issues**

Not applicable. No changes are proposed which would impact on noise or air quality.

#### **7.19 Comments on Public Consultations**

3 representations were received (2 in favour and 1 against). The impact of the proposed changes has been considered within the body of this report.

#### **7.20 Planning obligations**

The alterations proposed to the agreed planning obligations have been discussed throughout this report and are considered to be acceptable for the reasons set out.

All other Heads of Terms from the original planning permission will remain unchanged.



## **7.21 Expediency of enforcement action**

Not applicable.

## **7.22 Other Issues**

None.

## **8. Observations of the Borough Solicitor**

### General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to

determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

#### **9. Observations of the Director of Finance**

Not applicable.

#### **10. CONCLUSION**

This application seeks to modify the Section 106 legal agreement associated with planning permission ref. 42966AH/96/1862 granted 11 November 1997 relating to The Chimes Shopping Centre, High Street, Uxbridge.

The modification seeks to amend the wording to the restrictions on retail use (Class A1), in light of the changes to the Town and Country Planning (Use Classes) Order 1987; namely the introduction of Class E Commercial, Business and Service use and associated revocation of Class A1 Retail use.

It is considered that there are no objections with the uses in Use Class E, as this is essentially what all the retail uses on Uxbridge High Street could now become and there is no reason why The Chimes Shopping Centre should be a departure from this national trend or should not have the flexibility to respond in the same way in challenging conditions.

The development would continue to appropriately comply with relevant Local Plan, London Plan and national planning policies and, accordingly, subject to a Deed of Variation to the s106 legal agreement, approval is recommended.

#### **11. Reference Documents**

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)

Hillingdon Local Plan: Part 2 - Site Allocations and Designations (January 2020)

Accessible Hillingdon Supplementary Planning Document (September 2017)

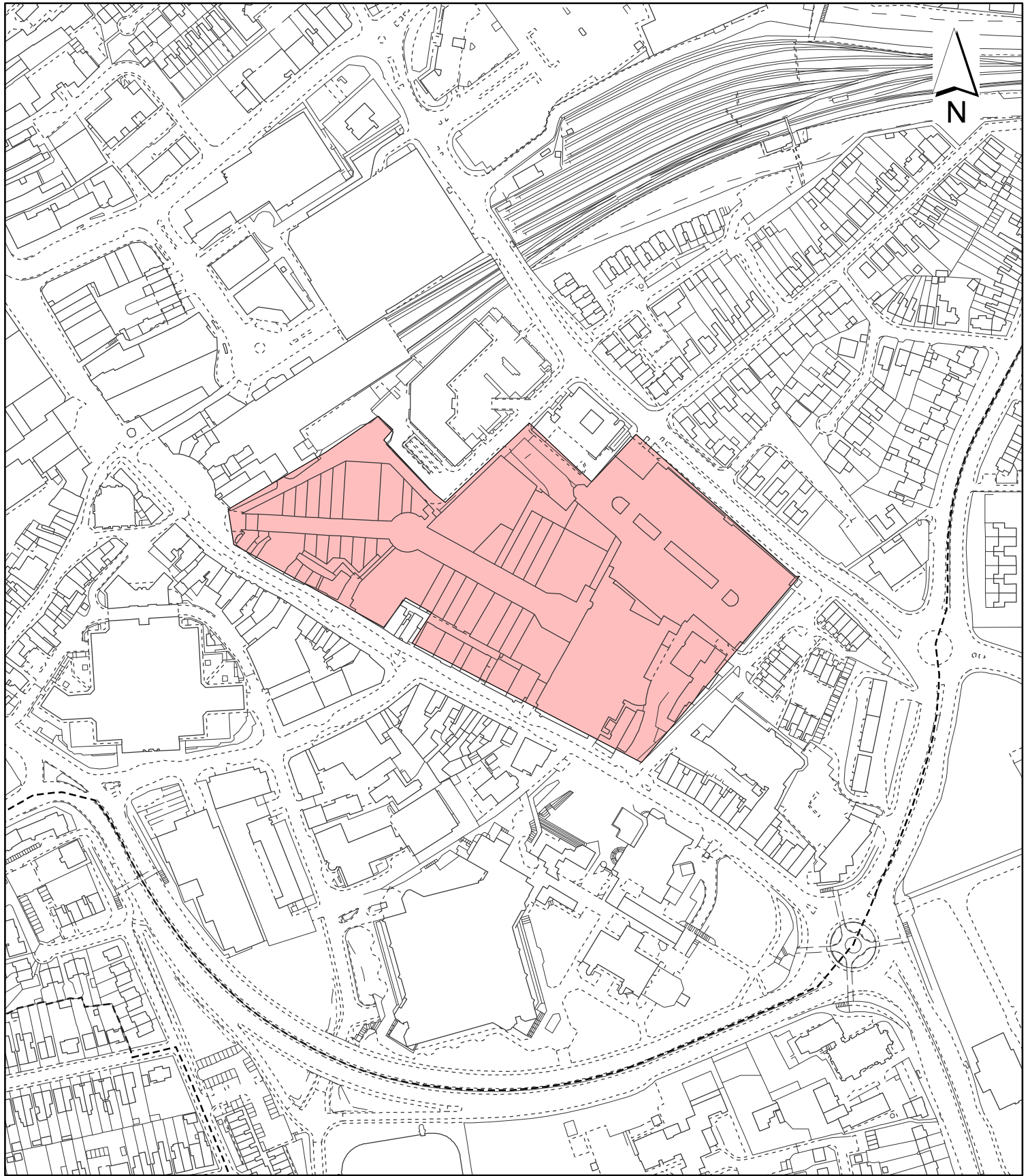
Planning Obligations Supplementary Planning Document (July 2014)

**Contact Officer:**

Karl Dafe

**Telephone No:**

01895 250230



**Notes:**

 Site boundary

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Site Address:

**The Chimes  
 High Street  
 Uxbridge**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

**42966/APP/2023/70**

Scale:

**1:3,000**

Planning Committee:

**Major Page 45**

Date:

**September 2023**



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# Plans for Major Applications Planning Committee

Thursday 14th September 2023



**HILLINGDON**  
LONDON

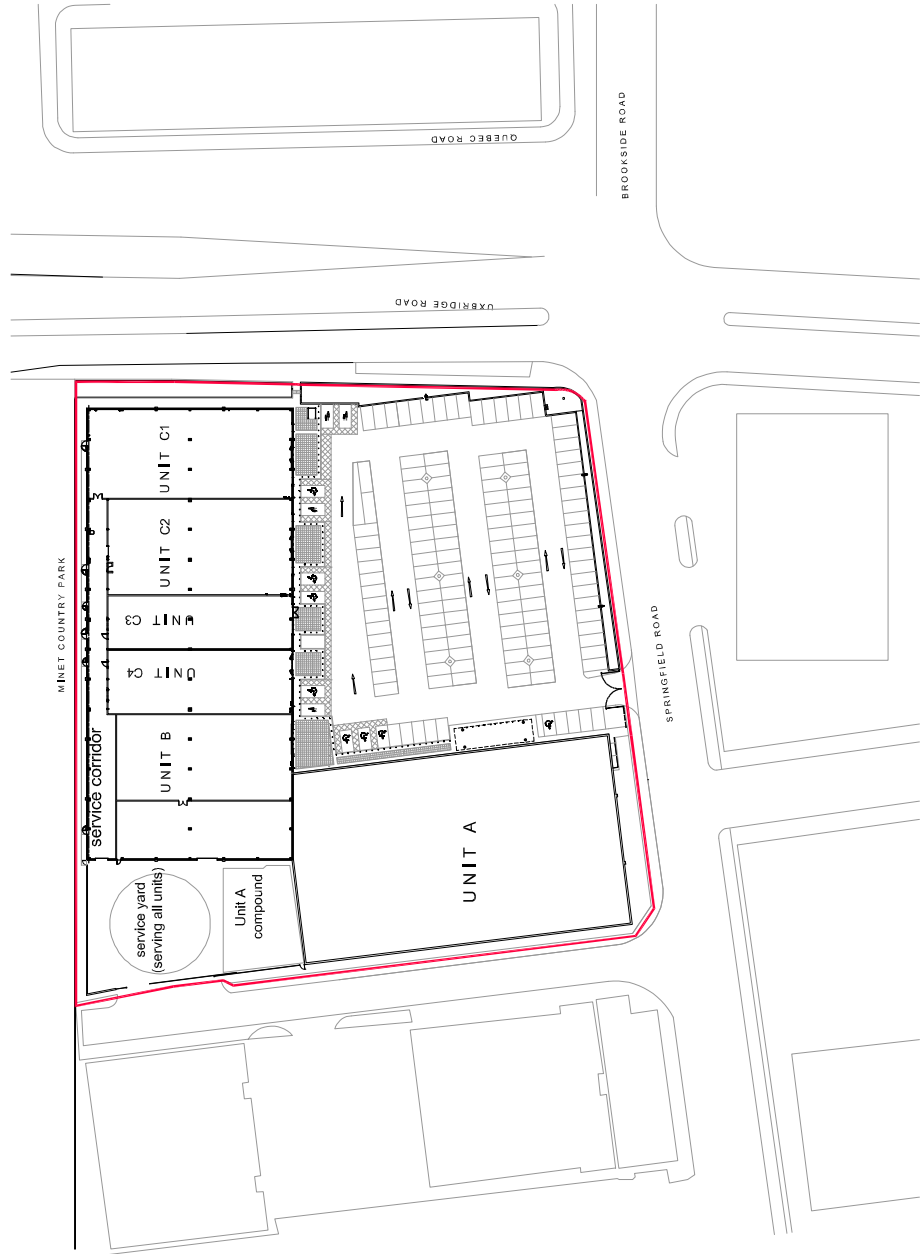
[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

## **Report of the Head of Development Management and Building Control**

**Address:** ELYSTAN BUSINESS CENTRE, PETS AT HOME SPRINGFIELD ROAD  
HAYES

**Development:** 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).

**LBH Ref Nos:** 2621/APP/2022/3293



A	Red line amended.	23.05.2023	UNIT
B	10-14-14		

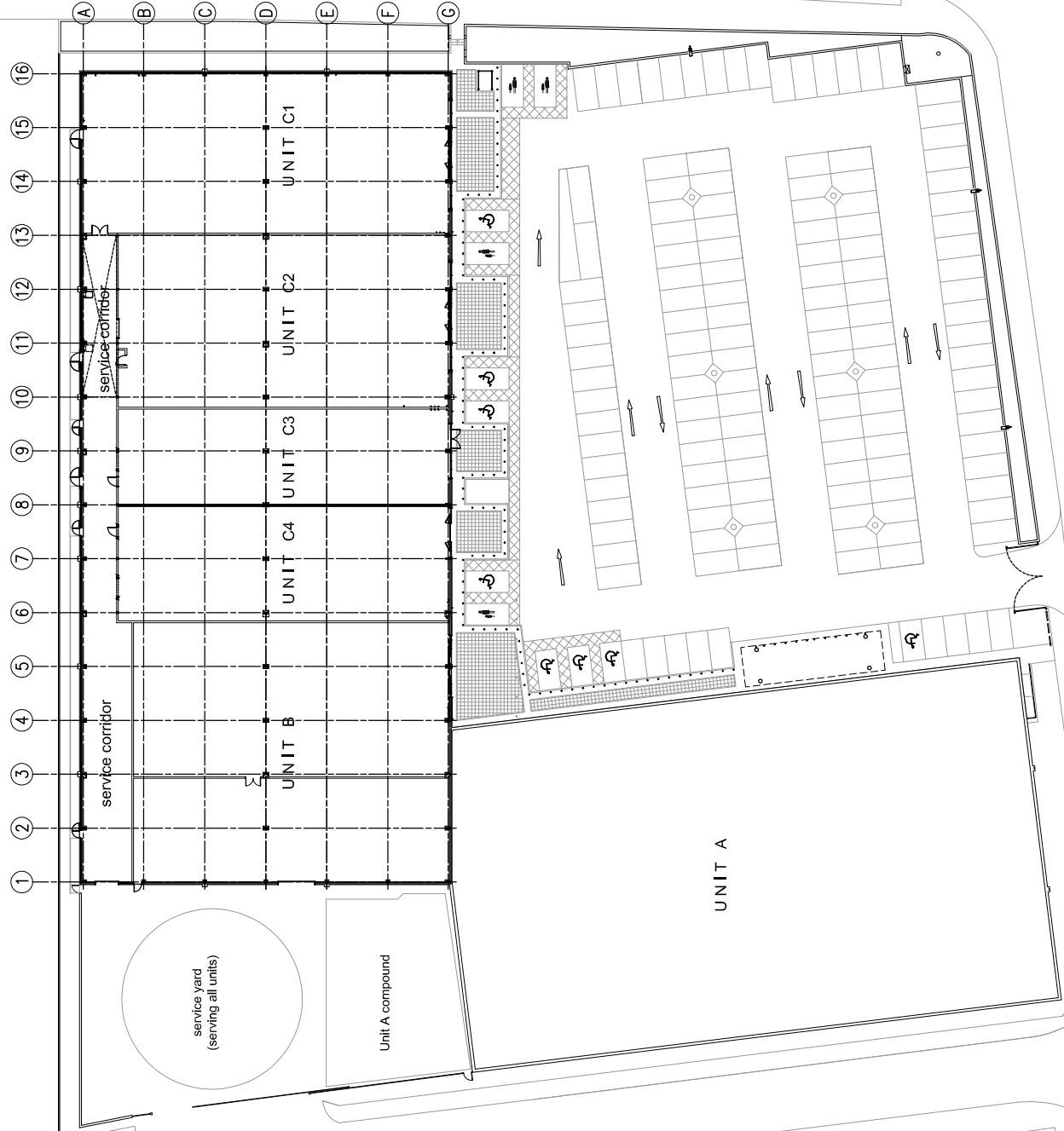
**C R M**  
**architects**

20 St Andrew Street, London, EC4A 3AG  
Tel: 020 752 3364

**ING REAL ESTATE**  
**INVESTMENT MANAGEMENT**  
**UXBRIDGE ROAD RETAIL**  
**PARK, HAYES**  
**UNIT C1**

**LOCATION PLAN**

DATE	PLANNING	TYPE	SCALE
			1:500/1:1000
NO.	BRIDGE/1000mg	CHANGED	
NO.	DD	CHANGED	
NO.	PL	1,000	A



UXBRIDGE ROAD

SPRINGFIELD ROAD

DATE	
DESCRIPTION	

**CRM**  
**architects**  
20 St. Andrew Street, London EC4A 3AG  
Tel: 0203 755 5044

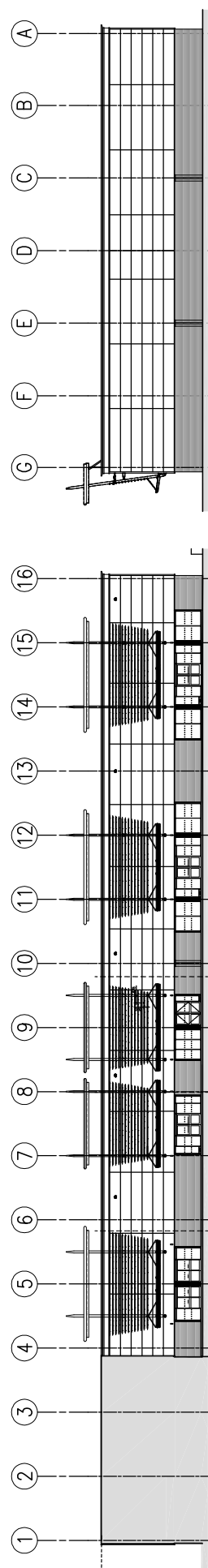
ING REAL ESTATE  
INVESTMENT MANAGEMENT  
UXBRIDGE ROAD RETAIL  
PARK, HAYES  
UNIT C1

SITE PLAN - EXISTING

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CHECK	15/09/2022
SCALE	895 DD 1:100 Max
SHEET NO.	895 PL
TOTAL SHEETS	1

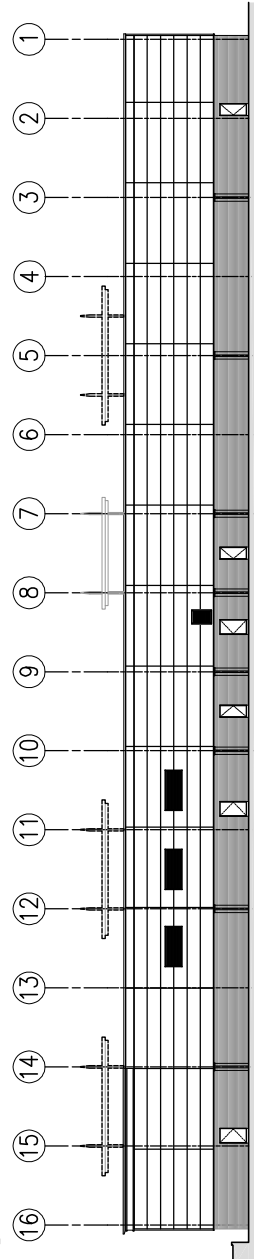






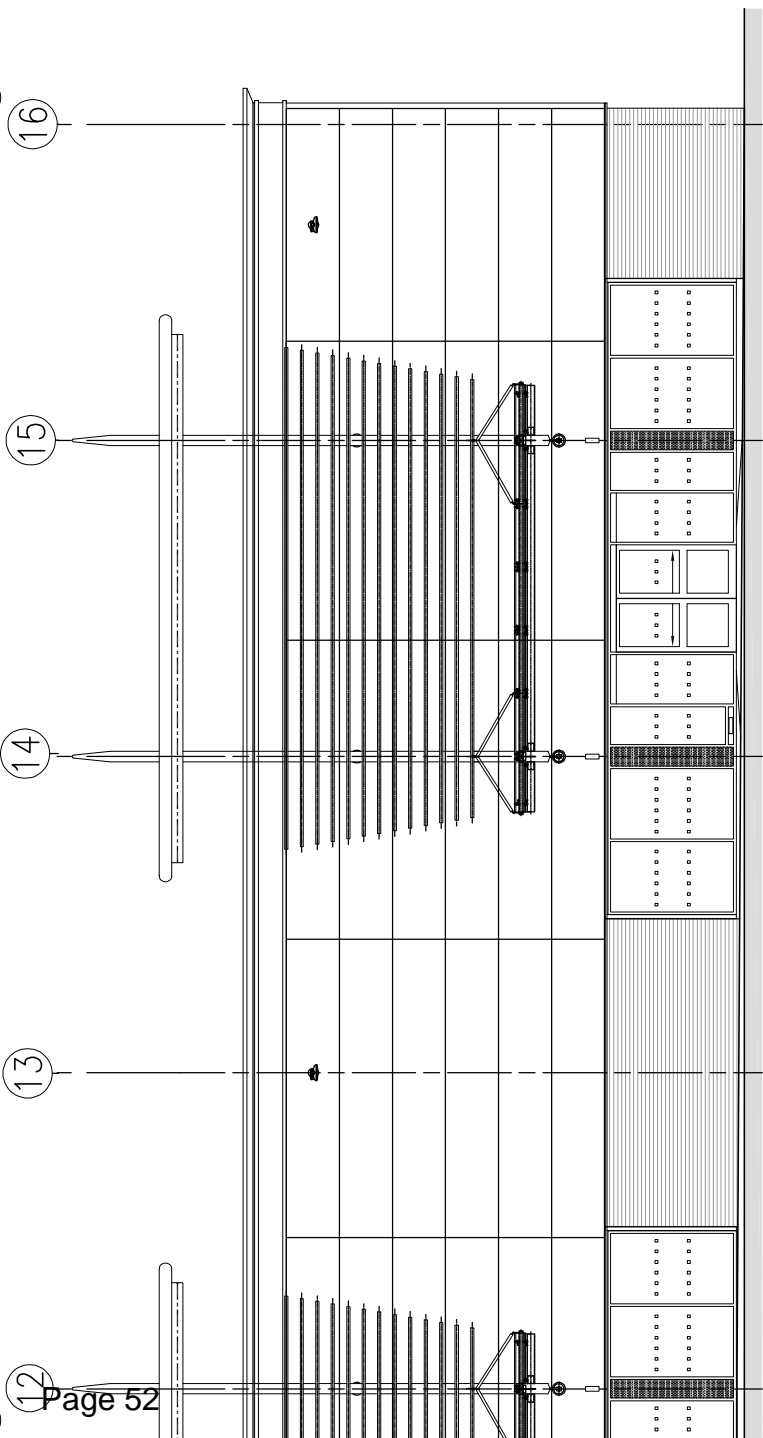
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2 SIDE ELEVATION – NORTH  
1:200



3 REAR ELEVATION  
1:200

4 SIDE ELEVATION – SOUTH  
1:200



5 EXISTING FRONT ELEVATION  
1:50

DATE	
BY	

**CRM**  
**architects**

20 St. Andrew Street, London, ECA 3AG  
Tel: 0203 755 5941

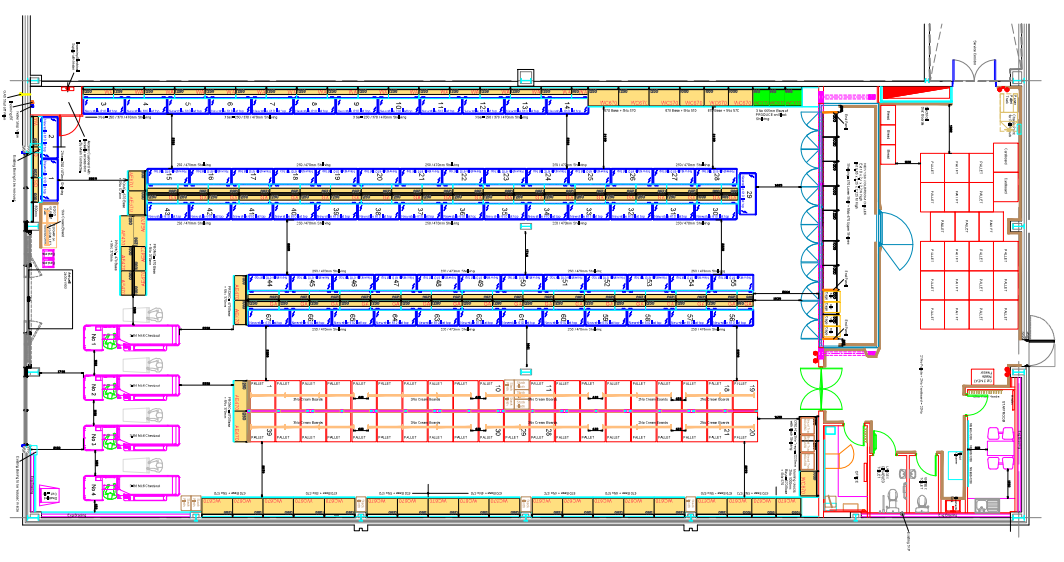
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**INVESTMENT MANAGEMENT**  
UXBRIDGE ROAD RETAIL  
PARK, HAYES  
UNIT C1  
EXISTING ELEVATIONS

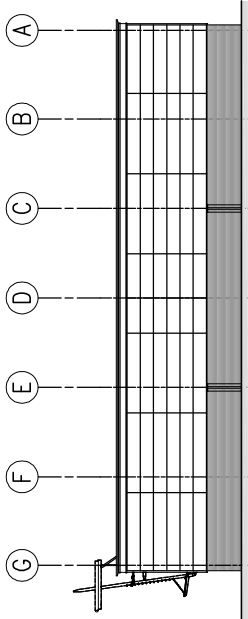
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NO	895-000-01-14-09
CHECKED BY	PL
DATE	3.100
SCALE	/



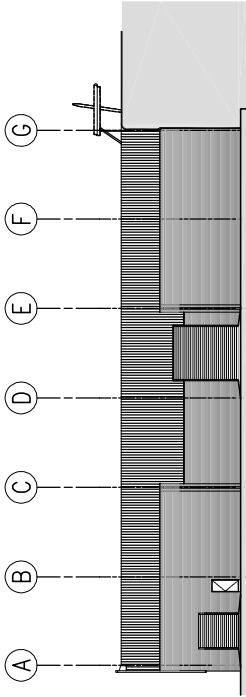
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1. THIS PLAN IS A PROPOSED PLAN AND IS SUBJECT TO APPROVAL BY THE LOCAL AUTHORITY.  
2. THIS PLAN IS A PROPOSED PLAN AND IS SUBJECT TO APPROVAL BY THE LOCAL AUTHORITY.  
3. THIS PLAN IS A PROPOSED PLAN AND IS SUBJECT TO APPROVAL BY THE LOCAL AUTHORITY.

**Sales Area = 569.56 m<sup>2</sup> ( 6 130.74 ft<sup>2</sup> )**  
**Stock Area = 142.96 m<sup>2</sup> ( 1 538.82 ft<sup>2</sup> )**  
**Total Area = 716.06 m<sup>2</sup> ( 7 707.66 ft<sup>2</sup> )**

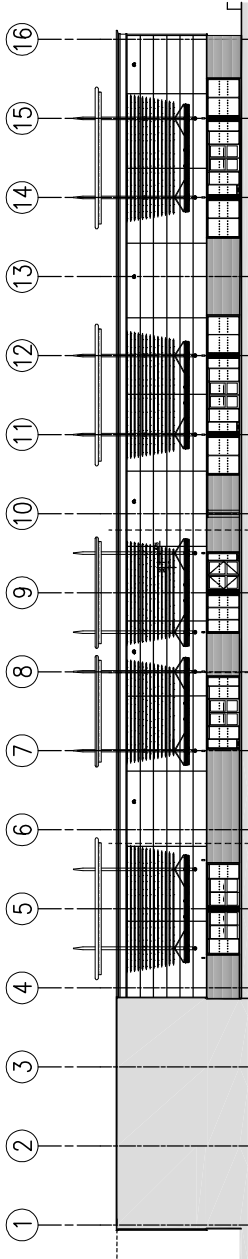




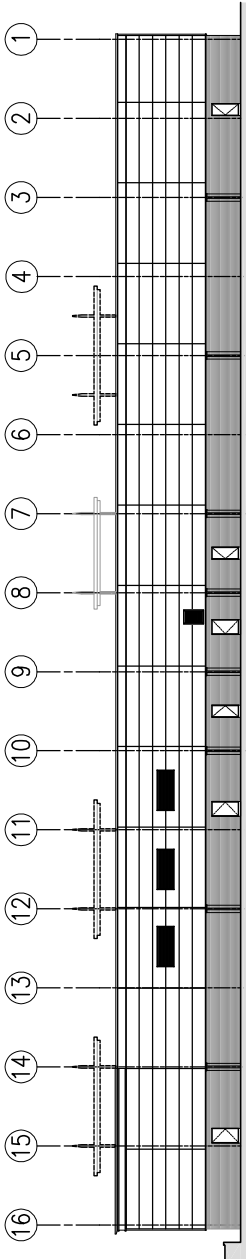
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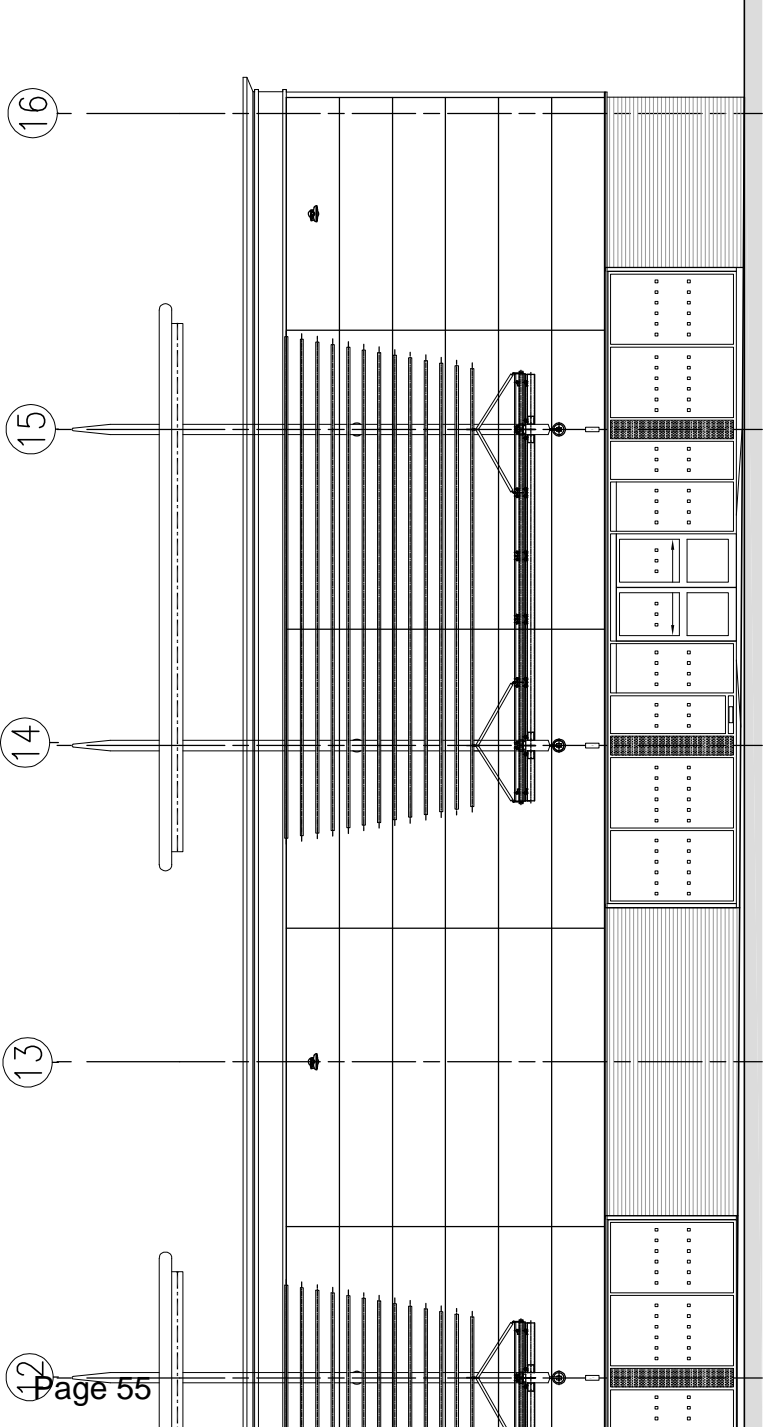
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1 FRONT ELEVATION  
1:200



3 REAR ELEVATION  
1:200



5 PROPOSED FRONT ELEVATION  
1:50

DATE	
BY	
CHECKED	

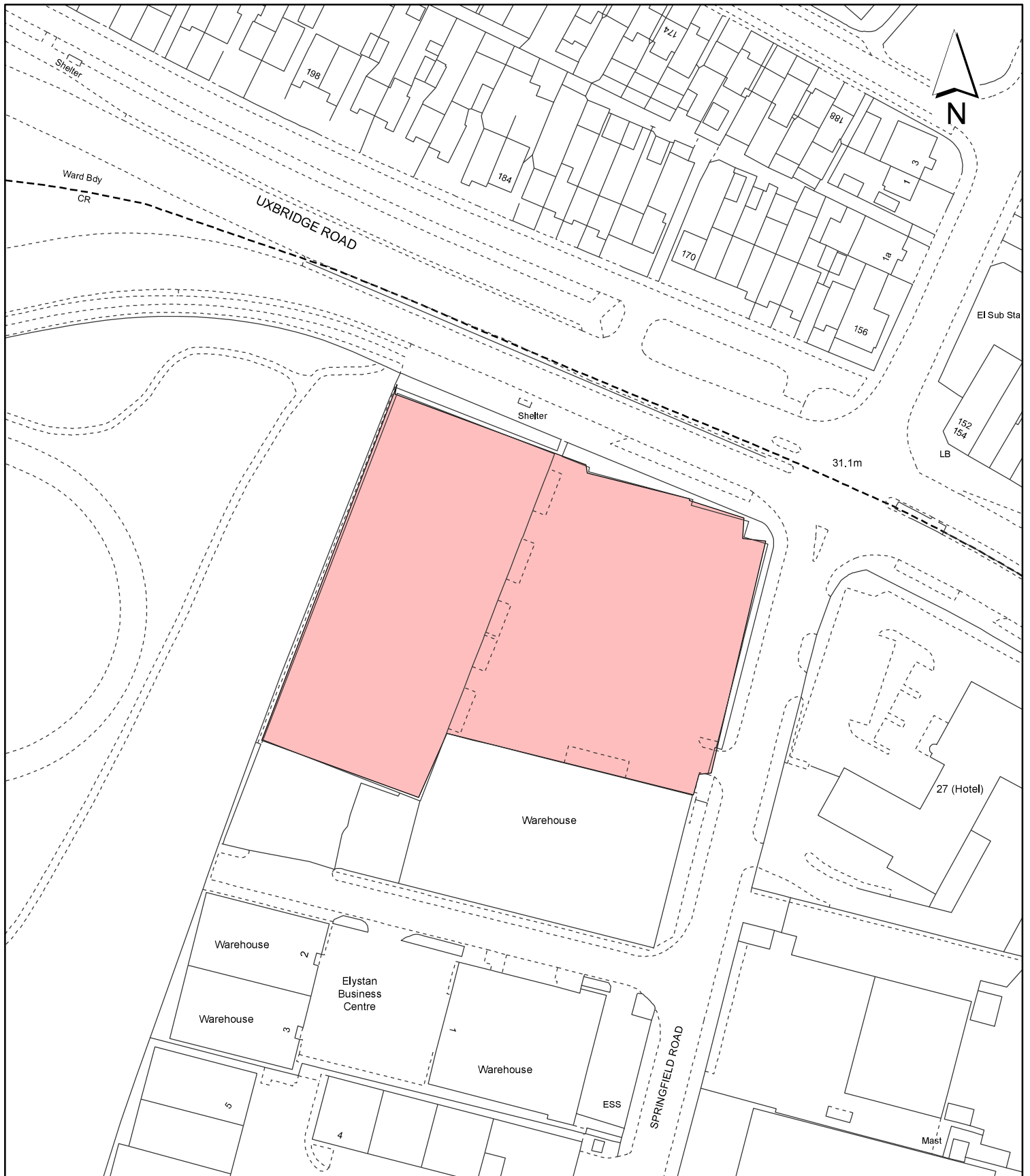
**CRMA**  
**architects**

20 St. Andrew Street, London, ECA 3AG  
Tel: 0203 755 5944

ING REAL ESTATE  
INVESTMENT MANAGEMENT  
UXBRIDGE ROAD RETAIL  
PARK, HAYES  
UNIT C1

PROPOSED ELEVATIONS

PROJECT	PLANNING
DATE	13/09/2022
NO	895
DATE	04/09/2022
NO	PL
DATE	04/09/2022
NO	3.101
DATE	/



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Site Address:

**Pets at Home  
 Elystan Business Centre  
 Springfield Road**

**LONDON BOROUGH  
 OF HILLINGDON  
 Residents Services  
 Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

**2621/APP/2022/3293**

Scale:

**1:1,250**

Planning Committee:

**Major Page 56**

Date:

**September 2023**



## **Report of the Head of Development Management and Building Control**

**Address:**

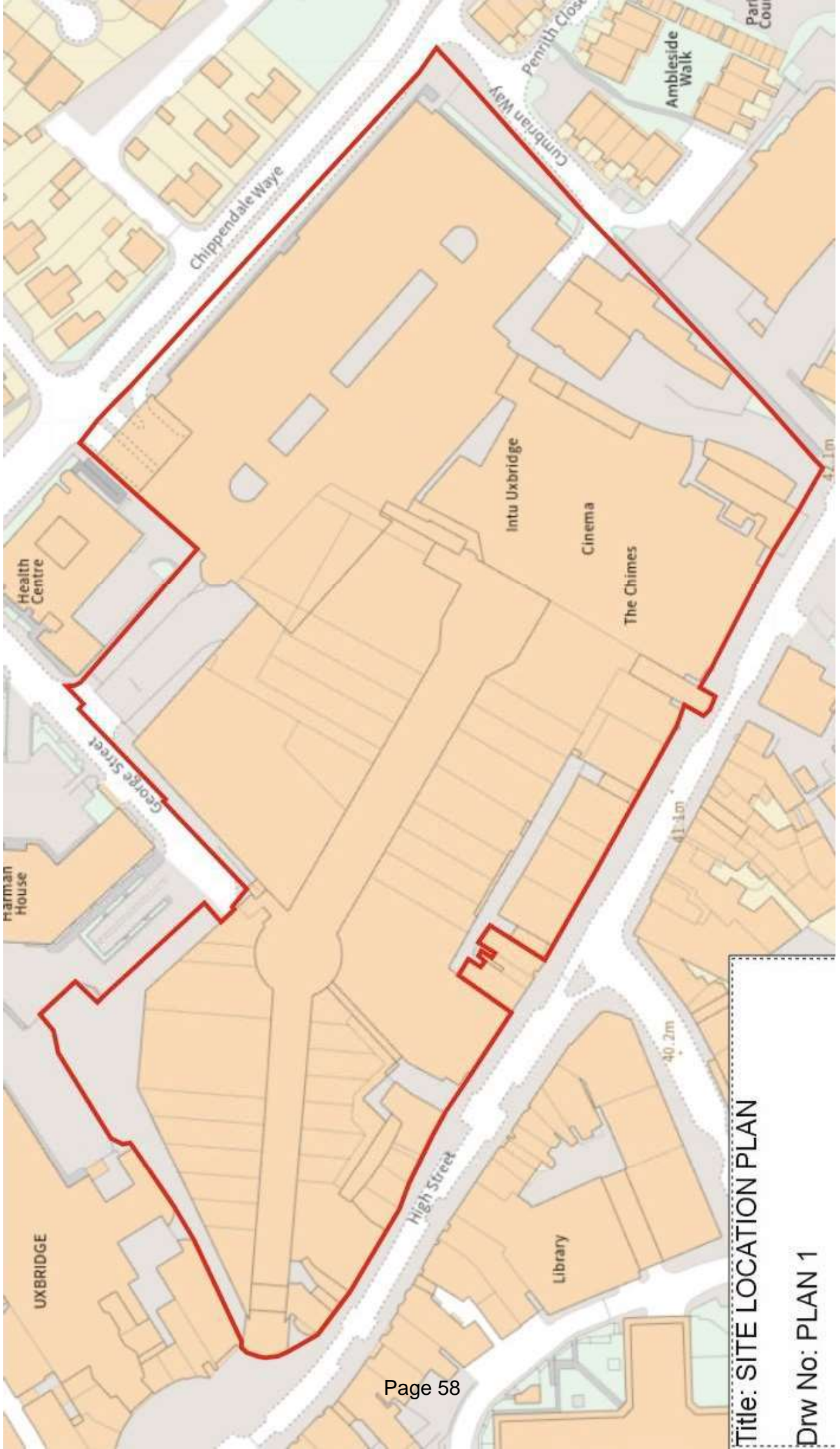
INTU SHOPPING CENTRE HIGH STREET UXBRIDGE

**Development:**

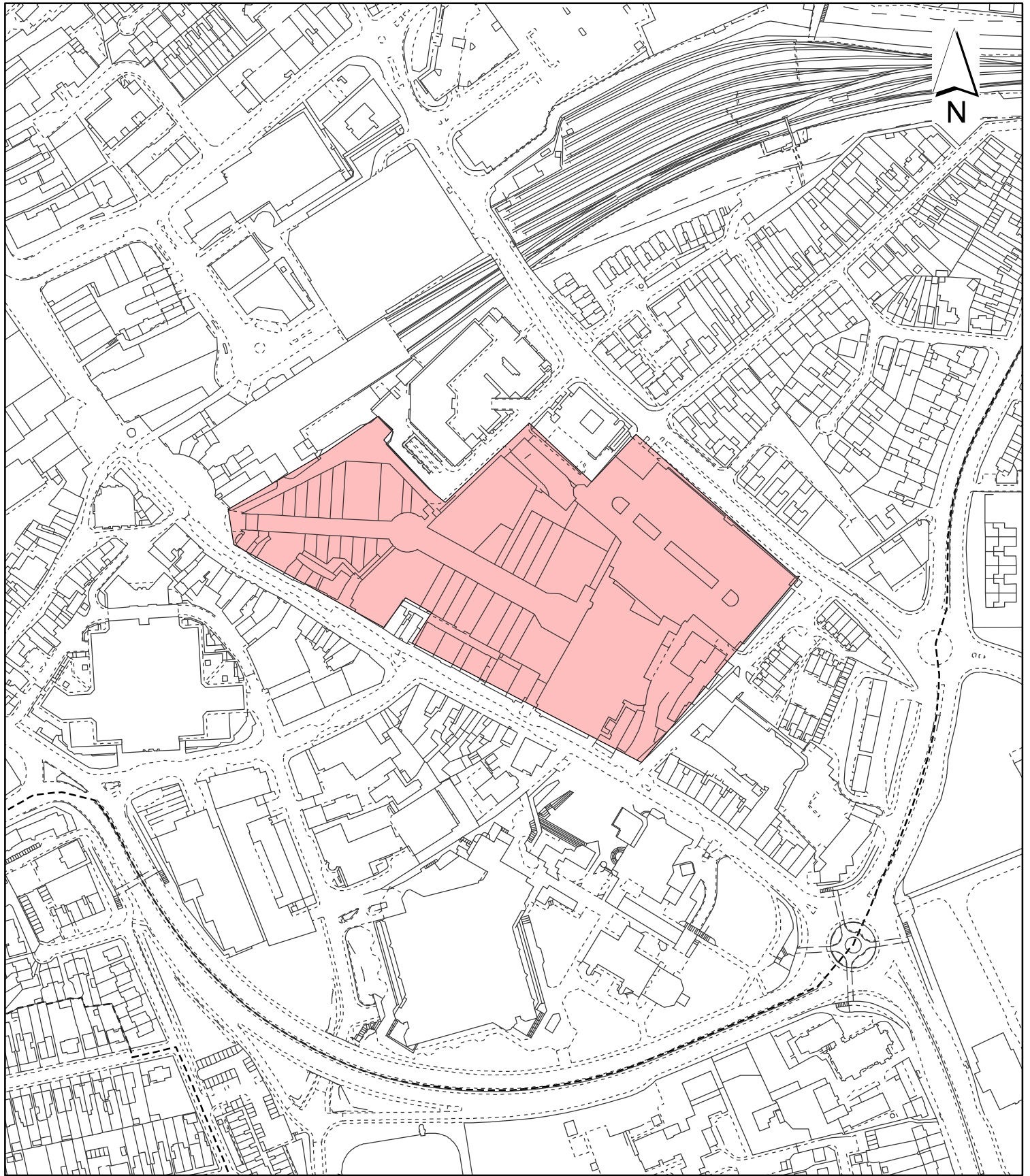
Application to modify the Section 106 agreement associated with planning permission ref. 42966AH/96/1862 granted 11-11-1997 relating to the Chimes Shopping Centre, High Street, Uxbridge (for the introduction of Class E Commercial, Business and Service use and associated revocation of Class A1 Retail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

**LBH Ref Nos:**

42966/APP/2023/70







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Site Address:

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 Uxbridge**

**LONDON BOROUGH  
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 Residents Services  
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

**42966/APP/2023/70**

Scale:

**1:3,000**

Planning Committee:

**Major Page 59**

Date:

**September 2023**



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