

Minutes

HILLINGDON PLANNING COMMITTEE

11 June 2024



Meeting held at Committee Room 5 - Civic Centre

	<p>Committee Members Present: Councillors Henry Higgins (Chair), Adam Bennett (Vice-Chair), Roy Chamdal, Philip Corthorne, Raju Sansarpuri, Gursharan Mand, and Jagjit Singh</p> <p>Officers Present: Ed Laughton (Area Planning Service Manager – Central and South) Chris Brady (Planning Team Leader), Michael Briginshaw (Deputy Team Leader) Eoin Concannon (Planning Team Leader), Alan Tilly (Transport, Planning and Development Team Manager), Jimmy Walsh (Legal Advisor), and Ryan Dell (Democratic Services Officer)</p>
3.	<p>APOLOGIES FOR ABSENCE (<i>Agenda Item 1</i>)</p> <p>Apologies were received from Councillor Keith Burrows with Councillor Philip Corthorne substituting.</p> <p>Apologies were also received from Councillor Elizabeth Garelick with Councillor Raju Sansarpuri substituting.</p>
4.	<p>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING (<i>Agenda Item 2</i>)</p> <p>None.</p>
5.	<p>TO RECEIVE THE MINUTES OF THE PREVIOUS MEETINGS DATED 8 MAY 2024 AND 9 MAY 2024 (<i>Agenda Item 3</i>)</p> <p>RESOLVED: That the minutes from the meeting on 08 May 2024 and 09 May 2024 be approved.</p>
6.	<p>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT (<i>Agenda Item 4</i>)</p> <p>None.</p>
7.	<p>TO CONFIRM THAT THE ITEMS OF BUSINESS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THE ITEMS MARKED PART II WILL BE CONSIDERED IN PRIVATE (<i>Agenda Item 5</i>)</p>

It was confirmed that all items would be heard in Part I.

8. **279 SWAKELEYS ROAD, ICKENHAM 30255/APP/2023/417** (*Agenda Item 6*)

Demolition of the existing house and the erection of a two-storey block of flats, with habitable rooms in the roof space, consisting of 5 proposed flats (4 x two-bed and 1 x 3-bed units) and associated parking.

Item 6 was taken after item 7.

Officers introduced the application.

The application had been submitted in response to a previous refusal for a similar development which comprised of a larger scale building and six flats. This application was refused on the grounds that the impact upon the character and appearance of the street scene was unacceptable; the over-dominance of hard surfacing and lack of soft landscaping; lack of usable amenity space which led to a poor standard of living accommodation; lack of evidence to demonstrate compliance with the highest accessible standards; and also the impact that development would have on the visual amenities of the neighbouring property number 277. The refusal of this application was also subject to an appeal, which was subsequently dismissed by the inspector. The current application reduced the scale and bulk, which subsequently reduced the number of units proposed from an initial seven to five. The distance between the elevation facing Warren Road and the boundary had been increased from 2.5 to 3.5 metres. The proposed dwelling had been reorientated to have the principal elevation facing Swakeleys Road.

The applicant and agent addressed the Committee and made the following points:

- The agent thanked the Committee for the opportunity to address them
- The design had been developed with lengthy negotiations with the Planning Department to fine tune the design and to overcome the previous reasons for refusal
- The agent commended the planning officer on their report
- The applicant had lived in the house for over 20 years
- The reason for redevelopment was that the applicant lived alone and the house had fallen slightly into disrepair due to high costs and bills
- The agent highlighted page 31 of the report which noted that the Local Plan advised that the conversion of single dwellings into more dwellings, or the redevelopment of dwellings into new blocks of flats to enable more efficient use of the site to be achieved was very pertinent. This was because there was a large house occupied by a single person
- The applicant also commended the planning officer for their report
- The applicant had no issues with petitions in objection and again commended the officers for answering each of the questions that had been posed by the petitioners

Officers clarified that there was a landscaping condition proposed.

Members asked about the existing street scene and the 10% rule. Officers noted that the scale of other nearby flatted developments were greater than that of the current application. The current application for was a corner plot. Furthermore, there was a

10% threshold placed within the policy. The pretext of the policy advised that the conversion of single dwelling homes into more dwellings, or the redevelopment of dwellings into blocks of flats can enable more effective use of the sites.

Members noted that the application history had reduced the size from nine to five flats, and commended officers on their discussions with the applicant.

Members queried the allocated parking, and whether it was allocated to the flats. Officers noted that there was not a parking allocation plan condition but this could be added.

Access to the site would be secured by a landscaping condition. Double yellow lines had been provided to protect the corners so that vehicles do not park on the junction. This formed part of the Ickenham Parking Management Scheme IC3 where parking was restricted between 10:00-11:00 and 15:00-16:00.

Construction hours would be secured by a construction management plan, which would be reviewed once submitted.

The number and type of trees planted would be included within the landscaping condition.

Members asked that if the development were approved but subsequently not constructed, how this would affect the 10% rule. When considering new applications, officers did not just look at those that had been approved and built. Officers undertook a history search of all applications which benefited from planning permission and had not expired. If the current application were approved and a similar application submitted tomorrow, the determination of that application would take into consideration this approval. If the current application were approved but not built, it would not make up part of the 10% rule.

Members asked if there was any requirement for additional hard surfacing to be permeable. Condition 13 required surface water management details but officers would look for control of water and permeable surfacing of hardstanding.

Officers clarified on the landscaping condition for boundary treatment that this would be required to be of a certain size and that if gates were installed, that vehicles would be off-road while the gates were open so as to avoid blocking traffic.

Officer's recommendations were moved, seconded and when put to a vote, unanimously approved.

RESOLVED: That the application be approved.

9. **15 KEWFERRY ROAD, NORTHWOOD 26090/APP/2024/813** (*Agenda Item 7*)

Erection of first floor rear extension.

Item 7 was taken before item 6.

Officers noted that the site was not within a conservation area and was not listed.

In general, officers were satisfied that the design was in keeping with the character and

appearance of the existing building, the straight scene and the wider character in terms of amenity. There would be no loss of daylight/ sunlight.

A further site inspection had been carried out this afternoon to examine the outlook of the neighbouring properties and officers were satisfied that the outlook would be retained to the garden area.

The application was recommended for approval.

The petitioner addressed the Committee and made the following points:

- The petitioner lived next door to the application site
- The officer's report stated that the proposal would have an acceptable impact on neighbouring residential amenity. This was not the case and the proposal would have a considerable adverse impact for the petitioner's property and way of life, being both intrusive and causing severe lack of light
- The petitioner had lived here for nearly 34 years
- The petitioner's conservatory had a glass roof through which they can see the sky and trees. The proposed extension was due south of this conservatory and would block a lot of light
- Policy DMHB 11 of the Local Plan stated it seeks to ensure that development proposals do not adversely impact on the amenity daylight and sunlight of adjacent properties
- The view from the conservatory had already been spoiled by construction
- During spring and autumn, the petitioner's house benefitted from bright sunshine in the kitchen. The proposed extension would remove this uplifting experience. It would remove considerable daylight from the kitchen, and the petitioner would have to use electric light. This was not good for global warming, and not in accordance with the policy
- The Human Rights Act stated that public officials should only do things that restrict one's right to private and family life when they need to
- There had been numerous previous applications on this site which were not carried out to plan and had Planning Enforcement involvement. Construction over four years took little notice of their conditions such as working hours
- The building of the extension resulted in extensive damage to the side of the petitioner's rear outbuilding which needed wall strengthening; the roof copings being replaced; and drainage installed. The petitioner's insurance company was still trying to resolve excessive damp inside the outbuilding and had had no response from the applicant
- There were errors in the officer's report which included referring to the wrong house number; the wrong street; the fact that number 15 was the two-storey house when it had a third story; two driveways when there was only one; and wrongly describing an outhouse as the lean-to
- Policy DMHB 1 of the Local Plan stated that alterations and extensions to buildings would be required to ensure that a satisfactory relationship with the adjacent dwellings was achieved. Until there was no unacceptable loss of outlook to neighbouring occupiers, this policy was not adhered to

Members asked about daylight and sunlight. Officers suggested there were no considerable issues, but this was contrary to what the petitioner had said. The segregation distance between properties allowed light to continue to pass between the application site and the neighbouring property. The two kitchen windows on the flank wall would still receive sufficient daylight, even though they were not directly facing the extension. The existing two-storey flank wall and fencing already compromised the

window's light. The neighbouring property had a window and door leading to a conservatory with a glazed roof and window, ensuring sufficient light.

The Committee acknowledged the petitioner's concerns and discussed the need for a formal daylight and sunlight review. Members suggested that this may warrant further investigation.

Officers had visited the site and believed the impact to be acceptable.

Members asked on what occasions would an independent daylight/ sunlight review would be sought. Offices confirmed that this would be for all major applications. For residential schemes, officer opinion was sufficient. Officers had visited the site and deemed it acceptable. It was noted that the Committee could request a formal daylight/ sunlight review.

Members referred to one of the petitioner's images and noted that the application would block out light. Members raised the possibility of a site visit. This was seconded. It was further noted that a site visit should not be in lieu of an independent daylight/ sunlight report.

A proposal to defer pending a site visit and an independent daylight/ sunlight report was moved, seconded and when put to a vote, approved.

RESOLVED: That the application be deferred.

10. **TESCO, GLENCOE ROAD, HAYES 36999/APP/2023/3455** (*Agenda Item 8*)

Variation of condition 3 (re. deliveries) of planning permission ref. 36999/T/93/0878 (allowed at appeal under ref. 94/236865) and dated 10 May 1995 for the removal of condition 12 (re. opening hours) of planning permission ref. 36999E/89/1214 and dated 1 May 1990 for the erection of a District Shopping Centre incorporating a retail store of 6228sqm gross floorspace with 725 car parking spaces, 12 small shop units with residential accommodation over, a covered mall, a doctor's surgery, a public house, a restaurant, changing facilities, a meeting hall, public convenience, a petrol filling station, a children's play area, an associated car parking area, a service yard and landscaping on land at Willow Tree Lane/Glencoe Road/Jolly's Lane, Hayes.

The application proposed to amend the condition wording to allow for one delivery to take place between the hours of 09:00 and 10:00 on a Sunday, which the current wording of the condition prohibited.

The applicant was proposing to deliver to the front of the store prior to the store opening and delivering to the front of the store would make it quicker to unload perishable goods. This would also reduce the potential noise impacts upon neighbouring residents.

The proposal for one delivery between 09:00 and 10:00 on a Sunday was not considered to result in a significant increase in noise, given that this was one delivery and it was set in a location which was at least 34 metres from a neighbouring property. Unlike the existing service and delivery yard there would be a negligible impact upon air quality and the highways network. The application was recommended for approval.

The lead petitioner addressed the Committee and made the following points:

- The petitioner lived on Telford Way
- There was a longstanding issue with pollution, noise and diesel fumes coming into the garden
- There had been a previous application in 2018 which was refused
- Tesco were currently allowing people into the store at 09:00 before the tills opened at 10:00. Therefore, there could be cars in the car park when the lorry attempted to deliver
- The lorries were noisy and cannot reverse so they would have to drive nearer to the flats in order to exit the car park
- The petitioner could not use their garden whilst deliveries took place
- The petitioner stated that they had evidence of Tesco making a delivery on a Sunday and on a Bank Holiday, and this had been submitted to officers
- Permission for one delivery would lead to more deliveries
- As this application sought to deliver to the front of the store, the petitioner questioned how a delivery vehicle would manoeuvre around the mini roundabout
- The petitioner had emailed the manager of Tesco on numerous occasions
- Some local residents had moved away from the area as a result of this
- The local MP, John McDonnell, had been engaged on this issue

Members asked the petitioner if Tesco had engaged with residents over this proposal. The petitioner confirmed that they had initiated some engagement along with John McDonnell MP.

Members asked if the petitioner had contacted their local Ward Councillors and suggested they do so if they had already.

Members asked if the petitioner had moved to the area before the Tesco store was built. The petitioner moved in after the store was built but the store had subsequently expanded. However, the loading bay was the same size.

The agent attended and addressed the Committee, making the following points:

- The agent thanked the Committee for the opportunity to address them
- The proposal sought permission for a single delivery to take place between 09:00 and 10:00 on Sunday mornings
- The application sought to amend an existing planning condition which currently prohibited deliveries on Sundays
- The existing delivery arrangements meant that it was not possible for Tesco to adequately stock the store with fresh produce for Sunday trading, which was one of the busiest days of the week with the store open between 10:00 and 16:00
- This meant that produce available to customers on Sundays and early Monday mornings were picked from the last Saturday delivery
- This impacted on Tesco's ability to provide a full range of fresh goods to local residents. This also had implications for staffing and on the store's performance
- The principal planning consideration for this application related to the potential impact of the proposals on residential amenity. Tesco were aware of local residents' concerns and the sensitivities relating to the potential noise impact of service vehicles accessing the service yard via the access road to the rear of the properties on Telford Way
- This was also a key consideration of the previously refused application
- To ensure that there was no impact on the properties in Telford Way arising from

delivery vehicle movements, Tesco proposed to bring a single delivery to the front door, which was well away from those noise sensitive properties

- The delivery would take place before Sunday opening, meaning that there would be no conflict with customer vehicles
- Tesco were confident, and had tracked, that the delivery vehicle can enter the site past the roundabout, undertake a turning manoeuvre outside the existing retail units beyond the store and come back around and park before unloading into the front door
- A noise assessment accompanied the application and assessed the real-world effects of a delivery at 09:00 on a Sunday
- The delivery would take about half an hour to be offloaded, and the proposals would not result in any significant negative impact on residential amenity, especially on the flats above. This position was accepted by the Council's Environmental Health Officer

Members asked and the agent confirmed that the reason they were proposing to have the delivery to the front of the store and not to the loading bay was to mitigate noise problems to local residents of the service road.

The agent further noted that a previous application for Sunday deliveries had been refused and that decision was upheld at appeal by the Planning Inspectorate. Therefore, Tesco had sought an alternative.

Members asked about contingencies, suggesting that a one-hour slot was a short time frame for a delivery vehicle to arrive, park, unload and exit.

There would be a strict restriction on the permission that set out that the delivery can only take place between 09:00 and 10:00. If it arrived after that period, it would not be able to deliver. The Local Authority would be within its rights to undertake enforcement action against Tesco.

Members asked what interactions had taken place with residents. The agent had not directly interacted with residents.

The agent confirmed that this application was for the purpose of ensuring a full range of goods as part of business needs.

Members highlighted the common practise no Sundays of stores allowing customers in prior to the tills opening, and asked if that took place here. The agent said they were not aware of this happening here. The procedure was that customers should not be in the store until 10:00 but could feed this back to Tesco.

On the delivery vehicle, officers noted that the application form only stated that it was a Heavy Goods Vehicle (HGV) and so it could be assumed that this would be a 16.5 meter articulated lorry. The first roundabout had a generous carriageway width and was also used by vehicles arriving at the petrol station and buses. The second roundabout was the mini roundabout, and mini roundabouts were designed as such that they can be overridden. The vehicle would enter a largely empty car park because of the time in the morning. It was not foreseen that there would be any conflicts between vehicles that would raise undue concerns to the Highway Authority.

There was a history of appeals on this site. Unsuccessful appeals did also form part of the planning history. There was a store opening hours application submitted, which

was refused and overturned at appeal. That particular application sought to vary Condition 1 which was the hours of opening. It was noted that the Committee needed to be mindful that any additional condition to prevent customers entering the store before 10:00 may conflict with Condition 1 which was subject to appeal.

It was noted that any practise of customers entering the store prior to 10:00 would be in breach of the opening hours.

The current application was for one single delivery in a different location to the previous application, which was upheld at appeal. It was also 34 metres away from the nearest residence (which was further away than the service yard was from the residence to the east). The application was for one delivery between the hours of 09:00 and 10:00, so significantly different to the previous application which was submitted, refused and upheld at appeal.

It was clarified that only newspapers were currently delivered on a Sunday.

Members noted the possibility of conditions around the size of the delivery vehicle and entry times for customers to the store. These would be contained within a management plan/ delivery plan.

Members suggested there would be difficulties in this proposal working. With Sunday trading laws, there was limited time to go to stores and so people would get there early as the store would be busy. Members further suggested that those who may need to get there earlier than others would be those who may need to use the disabled parking bays, which was where it was proposed that the delivery vehicle would park.

In addition, Members suggested that it would be difficult for a delivery vehicle to arrive, park, unload and depart within an hour. The Chair noted that it was possible to unload a delivery vehicle within 30 minutes.

The Legal Officer confirmed that planning consent could not be withdrawn if there were breaches, though enforcement action could be taken. The Legal Officer further noted that if Tesco did not comply with the conditions, there could be a Breach of Condition Notice issued, which was not appealable. This could only be overturned by a judicial review. A continued breach would be a criminal offence.

Members noted that although there was over 30 meters distance to the nearest residences, this was open space and so the noise would travel.

It was noted that a condition on time could only be implemented if this were an application for temporary planning consent.

Members noted the likelihood of this application going to appeal if it were refused. This could lead to the loss of existing conditions.

Members highlighted the potential danger of the delivery vehicle being in the car park at the same time as vulnerable adults and children and suggested a condition on portioning off the car park to separate the delivery vehicle from customer vehicles.

Officers noted their support for a condition requiring a servicing and delivery plan. This plan would not be signed off until officers were satisfied that potentially dangerous scenarios would not arise.

Members noted that the opening hours were for the store and not the car park.

Officers clarified that there was a condition in place relating to opening times. Adding a condition which prevented people entering the store would conflict with this condition. This meant that it would be necessary to vary the condition which was outside the scope of the current application.

Members asked if it were possible to add a condition for the gates of the car park to not be opened until the delivery vehicle arrived. It was noted that this would be a matter of land ownership which was outside the scope of this application.

It was re-iterated that any approval would be subject to conditions such as the submission of a delivery plan. If the delivery plan were deemed unacceptable, permission for the application would not be granted. The condition would be constructed in consultation with the Chair.

Officer's recommendations, subject to the additional condition of a service delivery/management plan, were moved, seconded and, when put to a vote, agreed.

RESOLVED: That the application be approved

11. **FORMER SIPSON GARDEN, WEST DRAYTON 67666/APP/2023/3721** (*Agenda Item 9*)

The development of a Centre of Excellence for servicing and repair of Airside Support Vehicles (Use Class B2), consisting of a service building with 7no. service bays and 1no. storage bay, an ancillary two storey office building, with associated hardstanding, parking, a wash bay, plant, solar PVs, landscaping and drainage.

The current application sought permission for a centre of excellence for the servicing and repair of electric airside support vehicles falling under use class B2.

Officers highlighted the addendum which amended references to starting hours of operation from 07:30 to 07:00.

Members asked if it would be possible to condition that only electric vehicles be serviced at the site, and if it was possible to condition the route taken to Heathrow. Officers further referred to the apprentice scheme and no Sunday opening.

Officers noted that routing would form part of the operational management plan. This was listed under Condition 28 and would direct vehicle movements to the north. There was also Condition 17 which would restrict access to the site. On a condition on electric vehicles, officers noted that conditions needed a demonstrable harm to mitigate against. The scheme had been reviewed from an air quality perspective, and there was an air quality contribution that had been agreed. Head of Term 5 was the employment strategy which would encompass an apprentice scheme.

The landscape scheme condition did secure the provision of both active and passive electric vehicle charging provision.

It was noted that four alternative sites had been identified in the appendix to the

	<p>applicants' planning statement. None of those sites were deemed to be adequate in terms of operation or location. This had been scrutinised by officers, planning policy and the GLA.</p> <p>Officer's recommendations were moved, seconded and when put to a vote, agree.</p> <p>RESOLVED: That the application be approved</p>
	<p>The meeting, which commenced at 7.00 pm, closed at 9.05 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Ryan Dell on democratic@hillingdon.gov.uk. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.