

Report of the Head of Planning, Sport and Green Spaces

Address DAGENHAM MOTORS JCTN ST JOHNS RD & COWLEY MILL ROAD
UXBRIDGE

Development: Material amendment to planning permission 188/APP/2008/3309 granted by the Planning Inspectorate's letter dated 13/11/2009 seeking alterations to the layout involving the provision for refuse storage for Blocks C and D.

LBH Ref Nos: 188/APP/2013/477

Drawing Nos: 511/PL/002 B
511/525 Rev A

Date Plans Received: 27/02/2013 **Date(s) of Amendment(s):**

Date Application Valid: 29/05/2013

1. SUMMARY

The application seeks minor material amendments to planning permission ref. 188/APP/2008/3309 which was granted by the Planning Inspectorate's letter dated 13/11/2009. The applicants are seeking seeking alterations to the layout involving the arrangements for refuse storage for Blocks C and D.

The amendments would not result in any adverse impacts on the character of the area, the amenity of neighbouring residents or future occupiers of the development. Furthermore, the development would maintain compliance with all other policies as secured under the original permission. Subject to appropriate conditions and a legal agreement, the application is recommended for approval.

2. RECOMMENDATION

That delegated powers be given to the Head of Planning, Sport and Heritage to grant planning permission, subject to the following:

1. That the Council enter into a legal agreement with the applicants under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act (as amended) or other appropriate legislation to secure:

(i) Education: A £17,213 financial contribution for nursery and primary school places has been agreed.

(ii) Health: A 12,030.11 contribution has been agreed.

(i11) Libraries: A £1,495 contribution has been agreed.

(iv) Construction Training: A contribution of £17,190 towards the cost of providing construction skills training within the Borough has been agreed.

(v). Project Management and Monitoring: A contribution to wards project management and monitoring has been agreed, equal to 5% of the total cash contributions secured from this proposal.

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

3. If the Legal Agreement(s) has not been finalised before xx/08/13, delegated

authority be given to the Head of Planning, Sport and Heritage to refuse permission for the following reason:

The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development, including the provision of off-site highways works and contributions for education, health, community facilities, libraries, open space provision and construction training. The scheme therefore conflicts with Policies AM2, AM7 and R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Hillingdon Planning Obligations Supplementary Document (July 2008).

4. That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.

5. That on completion of the S106 Agreement, the application be deferred for determination by the Head of Planning, Sport and Heritage under delegated powers.

6. That if the application is approved, the following conditions be attached:

1 NONSC Non Standard Condition

No development shall take place until details and/or samples of the external materials to be used in the construction of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out as approved.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

2 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

1:1250 scale Site Plan

1602/00/001 Rev 00

1602/00/002 Rev 02

1602/04/001 Rev 00

DURK 16799-10

1602/00/00 Rev 11

1602/00/01 Rev 06

1602/00/02 Rev 06

1602/00/03 Rev 06

1602/00/04 Rev 06

1602/04/01 Rev 03

1602/04/02 Rev 03

1602/00/100 Rev 01

1602/200 Rev 00

DURK16799-10A

DURK16799-11

511PL002 Rev B

511/525 Rev. A

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: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

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:

Design and Access Statement

Public Consultation Report

Transport Impact Assessment & Draft Residential Travel Plan

Flood Risk Assessment

Sustainable Energy Strategy

Sustainability Statement

Geotechnical and Environmental Assessment

Phase 1 Habitat Survey

Air Quality Assessment

Noise Assessment

Permanent / Transient Overshadowing Report

Planning Statement

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 . Specify Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 NONSC Non Standard Condition

No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be provided and details of the treatment to be provided and details of the treatment of all boundaries of the site, including planting around them. The boundary treatment shall be completed in accordance with the approved details before any of the dwellings hereby permitted are occupied.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

5 NONSC Non Standard Condition

No dwelling shall be occupied until space has been constructed and laid out within the site in accordance with drawing No 1602-00-00 Revision 11 for 45 cars to be parked, including 4 spaces for the disabled, and for vehicles to access the site and turn. This space shall be retained for the parking, access and turning of vehicles thereafter.

REASON

To ensure that adequate parking facilities are provided in accordance with Policy AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

NONSC

~~No dwelling shall be occupied until a landscaping management scheme has been implemented in accordance with details that shall be first submitted to and approved in writing by the local planning authority. The scheme shall be maintained as approved thereafter.~~

REASON

To ensure that adequate parking facilities are provided in accordance with Policy AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 NONSC Non Standard Condition

No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No 1602-00-00 Revision 11 for a minimum of 49 bicycles to be parked and stored. This space shall be retained for the parking and storage of bicycles thereafter.

REASON

To ensure that adequate parking facilities are provided in accordance with Policy AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

8 NONSC Non Standard Condition

No development shall take place until a landscaping scheme providing full details of both hard and soft landscape works has been submitted to and approved in writing by the local planning authority. The details shall include proposed finished levels and contours; planting plans at not less than a scale of 1:100; written specification of planting and cultivations works to be undertaken; a schedule of plants, giving species, plant size and numbers/densities where appropriate; an implementation programme; means of enclosure; hard surfacing materials; minor artefacts and structures such as furniture, signs or lighting; existing and proposed functional services above and below ground, such as drainage, power cables, and communications equipment, indicating lines, inspection chambers or associated structures; and a landscape maintenance schedule to cover a minimum period of 5 years. The planting and landscape operations shall comply with the requirements in BS 3936 (1992) Nursery Stock Part 1, Specification for Trees and Shrubs and BS 4428 (1989) Code of Practice for General Landscape Operations (Excluding Hard Surfaces).

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (July 2011)

9 NONSC Non Standard Condition

All hard and soft landscaping works shall be carried out in accordance with the approved landscaping scheme and implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy BE38 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November

2012).

10 NONSC Non Standard Condition

The dwellings hereby permitted shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with policies 5.1, 5.3, 5.4, 5.5, 5.7, and 5.9 of the London Plan.

11 NONSC Non Standard Condition

Before the development hereby permitted begins, details of energy efficiency measures shall be submitted to and approved in writing by the local planning authority. These measures shall demonstrate that at least 20% of the development's electricity and/or heat needs shall be derived from renewable technologies. The approved measures shall be implemented prior to the occupation of the building to which it relates and shall remain operational for the lifetime of the development.

REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with policies 5.1, 5.3, 5.4, 5.5, 5.7, and 5.9 of the London Plan.

12 NONSC Non Standard Condition

No dwelling shall be occupied until the outdoor amenity areas shown on the plans and a dedicated and secure play area, together with play equipment in accordance with details that shall first be submitted to and approved in writing by the local planning authority, have been made available for use by future occupiers of the dwellings hereby permitted.

REASON

To ensure that adequate facilities are provided in accordance with Policy BE23 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and policy xx of the London Plan (2011).

13 NONSC Non Standard Condition

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the layout of storage areas and temporary site buildings/works, compounds, the routing of construction traffic, and control of dust and vibration.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

14 NONSC Non Standard Condition

The dwellings hereby permitted shall be constructed to Lifetime Homes standards.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and

elderly people in accordance with London Plan Policies 3.1, 3.8 and 7.2.

15 NONSC Non Standard Condition

No development shall take place until a scheme to manage on site grey water/rainwater from areas of hardstanding and the roofs of the buildings hereby permitted has been submitted to, and approved in writing by, the local planning authority. The scheme shall adopt sustainable drainage solutions and shall include details of its implementation, maintenance and management. Development shall be carried out in accordance with the approved scheme and the scheme shall thereafter be managed and maintained as approved.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 5.13 of the London Plan and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and policy 5.12 of the London Plan.

16 NONSC Non Standard Condition

No development shall take place until plans and elevations showing proposed floor slab levels of the buildings hereby permitted in relation to existing and proposed ground levels have been submitted to, and approved in writing by, the local planning authority. The ground floor slab levels shall be a minimum level of 30.7m above ordnance datum (AOD). Development shall be carried out in accordance with the approved levels.

REASON

To ensure that the development relates satisfactorily to adjoining properties and to ensure the development does not increase the risk of flooding in accordance with Policies BE13 and OE8 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and London Plan (July 2011) Policies 5.12 and 5.15.

17 NONSC Non Standard Condition

Before the dwellings hereby permitted are occupied details of any floodlighting or other forms of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include location, height, type and direction of light sources and intensity of illumination. Development shall be carried out in accordance with the approved details.

REASON

To safeguard the amenity of surrounding properties in accordance with policies BE13 and OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012); and to protect the ecological value of the area in accordance with Policy EC3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

18 NONSC Non Standard Condition

No development shall take place until there have been submitted to and approved in writing by the local planning authority details of an ecological management plan for the site based on the recommendations contained in Section 5 of the Phase 1 Habitat Survey accompanying the application. The ecological management plan shall be implemented as approved before the buildings hereby permitted are occupied and retained thereafter.

REASON

To protect the ecological value of the area in accordance with Policy EC3 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

19 NONSC Non Standard Condition

No development shall take place until there has been submitted to and approved in writing by the local planning authority a method statement that gives details of measures to protect the culvert beneath the site during construction. The method statement shall include a survey of the condition of the culvert. Development shall proceed thereafter in accordance with the approved method statement.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and London Plan (July 2011) Policies 5.12 and 5.15.

20 NONSC Non Standard Condition

No piling or any other type of foundation construction using penetration methods shall be undertaken unless a method statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved method statement.

REASON

To comply with with Policies OE7 and OE8 of the the Hillingdon Local Plan: Part2 - Saved UDP Policies (November 2012) and Policy 5.14 of the London Plan (July 2011).

21 NONSC Non Standard Condition

The windows above ground floor level on the east elevation of Block A, facing 45 St Johns Road, shall be obscure glazed and non opening below a height of 1.8m above floor level and shall be permanently retained in that condition thereafter.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

22 NONSC Non Standard Condition

No development shall take place until there has been submitted to and approved in writing by the local planning authority a Travel Plan based on the Draft Residential Travel Plan by Transport Planning Consultants Limited, dated November 2008, accompanying the application. The Travel Plan shall be implemented as approved before the dwellings hereby permitted are occupied and retained thereafter.

REASON

To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with London Plan (July 2011) Policies 6.1 and 6.3.

23 NONSC Non Standard Condition

Before the development hereby permitted begins, a survey to assess the contamination levels on the site shall be undertaken and the results submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the local planning authority may stipulate and shall include an assessment of gas and vapour levels. A scheme for decontamination of the site and any measures to prevent gas and

or/vapour ingress to any of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented and completed before any dwelling hereby permitted is first occupied. If during development, contamination not previously identified is found to be present on the site then no further development shall be carried out until there has been submitted to and approved in writing by the local planning authority a remediation strategy detailing how the contamination shall be dealt with. Development shall thereafter be carried out in accordance with the remediation strategy.

REASON

To ensure that future occupiers of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

3. CONSIDERATIONS

3.1 Site and Locality

The application site has an area of approximately 0.44 ha and is located on the south east corner of St Johns Road and Cowley Mill Road. The site was previously in use as a petrol filling station and motor car dealership by Dagenham Motors, but is now being re-developed for housing.

The site is adjoined by a row of two storey brick built semi-detached houses to the east at Nos. 38-45 St Johns Road. Otherwise it does not share boundaries with any other properties. The area to the east and south of the site is primarily residential in character consisting of two and three storey brick built properties, whilst the area directly opposite the site to the south west is predominantly in industrial and business use comprising warehouse and office units with associated car parking and landscaping. The eastern part of the site is located over a watercourse running in a culvert beneath the site. The site has a Public Transport Accessibility Level of 1a on a scale of 1 to 6 where 1 represents the lowest level of public transport accessibility.

3.2 Proposed Scheme

This application seeks permission for a material amendment to allow the re-location of the refuse storage area serving Blocks C and D from the ground floor of the service areas within each building to a shared compound opposite the blocks on the northern side of the access road.

The storage building would be 5.46m by 3.14m with a dual pitched roof with a central gutter, to a maximum height of 2.0m. The structure would be brick built.

3.3 Relevant Planning History

Comment on Relevant Planning History

Planning permission for the redevelopment of the site involving the demolition of existing buildings and the construction of 4 blocks of between 3 and 4 storeys comprising 41 residential units, with associated access, landscaping, amenity space, car/cycle parking and related works (App. No. 188/APP/2008/3309 refers) which was initially refused at the Central and South Planning Committee meeting on 21/04/09 as it was considered that the flatted blocks, by reason of their overall size, bulk, scale and design, would constitute an unduly obtrusive and incongruous form of development, detrimental to the character and

appearance of the surrounding area, in particular St Johns Road. A subsequent appeal was allowed in the Inspector's decision letter dated 13/11/09.

Numerous applications have been submitted since, seeking to discharge the various conditions attached by the Planning Inspector. An application for a non-material amendment seeking alterations to the building elevations and removal of the lifts from Blocks C and D was refused on 21/12/12 as the removal of the lifts was not considered to be non-material (App. No. 188/APP/2012/2871 refers). A revised non-material amendment application, only dealing with the elevational alterations was approved on 12/4/13 (App. No. 188/APP/2013/177).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.CI1 (2012) Community Infrastructure Provision
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.H1 (2012) Housing Growth
- PT1.H2 (2012) Affordable Housing

Part 2 Policies:

- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- EC3 Potential effects of development on sites of nature conservation importance
- H4 Mix of housing units
- H5 Dwellings suitable for large families

OE1	Protection of the character and amenities of surrounding properties and the local area
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE5	Siting of noise-sensitive developments
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.14	(2011) Water quality and wastewater infrastructure
LPP 7.19	(2011) Biodiversity and access to nature
NPPF	

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **24th April 2013**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

18 neighbouring properties have been consulted. 1 response has been received, making the following comment:-

(i) Application provides no detail of the change and therefore can not state if object or not.

Internal Consultees

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development has been established under the original grant of planning permission ref. 188/APP/2008/3309 granted by the Planning Inspectorate's letter dated 13/11/2009.

7.02 Density of the proposed development

The density of the development has been established under the original grant of planning permission (Ref: 188/APP/2008/3309). There are no changes proposed with respect to the number of units or habitable rooms.

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

The proposed siting of the bin store would not be likely to affect any archaeological remains, nor would it affect any listed building or its setting. There are also no conservation areas or areas of special local character in the vicinity of the site.

7.04 Airport safeguarding

The proposal would not have any additional impact on airport safeguarding over that considered within the original grant of planning permission.

7.05 Impact on the green belt

The application is not located within or in proximity to the Metropolitan Green Belt.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) attempt to ensure that new development makes a positive contribution to the character and amenity of the area in which it is proposed. Policy BE13 states that, in terms of the built environment, the design of new buildings should complement or improve the character and appearance of the surrounding area and should incorporate design elements which stimulate and sustain visual interest. Policy BE38 of the UDP requires new development proposals to incorporate appropriate landscaping proposals.

The proposed changes would have a minimal impact on the external appearance of the scheme. The refuse store would be sited to the rear of the residential blocks so that it would not be discernible with the street scene. The store would provide a satisfactory built form, in compliance with Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

The proposed change would not result in any adverse impacts upon the amenity of neighbouring occupiers. The store would be sited some 13m from the nearest residential boundary, being the rear boundary of properties on St John's Road.

7.09 Living conditions for future occupiers

It is considered that the development as proposed would maintain an appropriate environment for future occupiers. Although the refuse store would be located within the rear garden area, adequate amenity space would be retained.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

There are no changes to the proposed parking layout or access arrangements.

7.11 Urban design, access and security

Issues of design and access have been discussed elsewhere in the relevant sections of this report.

7.12 Disabled access

The proposals would not alter the level of accessibility achieved within the development from that previously agreed within the original grant of planning permission (Ref:188/APP/2008/3309). The scheme would retain appropriate internal layouts to comply with Lifetime Homes Standards and an appropriate number of disabled units would be provided.

7.13 Provision of affordable & special needs housing

The proposals would not alter the level of accessibility achieved within the development from that previously agreed within the original grant of planning permission (Ref:188/APP/2008/3309). The scheme would retain appropriate internal layouts to comply with Lifetime Homes Standards and an appropriate number of disabled units would be provided.

7.14 Trees, landscaping and Ecology

The proposal would not significantly alter the development in terms of landscaping, trees and ecology from the scheme previously agreed within the original grant of planning

permission (Ref: 188/APP/2008/3309).

7.15 Sustainable waste management

The bin store would provide adequate storage space for waste and recycling.

7.16 Renewable energy / Sustainability

The proposal would not alter the development in terms of renewable energy/sustainability from the scheme previously agreed within the original grant of planning permission (Ref: 188/APP/2008/3309).

7.17 Flooding or Drainage Issues

The proposal would not alter the development in terms of drainage or flood risk.

7.18 Noise or Air Quality Issues

The proposal would result in no additional impacts on noise or air quality over those considered within the original grant of planning permission (Ref: 188/APP/2008/3309).

7.19 Comments on Public Consultations

The comments from the neighbour are noted.

7.20 Planning obligations

The original Grant of planning permission secured the following planning obligations by way of a legal agreement:

(i) Education: A £17,213 financial contribution for nursery and primary school places has been agreed.

(ii) Health: A 12,030.11 contribution has been agreed.

(i11) Libraries: A £1,495 contribution has been agreed.

(iv) Construction Training: A contribution of £17,190 towards the cost of providing construction skills training within the Borough has been agreed.

(v) Project Management and Monitoring: A contribution to wards project management and monitoring has been agreed, equal to 5% of the total cash contributions secured from this proposal.

Subject to a legal agreement to ensure that these matters are delivered in relation to this application, the proposal would adequately mitigate the impacts of the development and would accord with Policy R17 of the Saved Policies UDP and the Planning Obligations SPD.

7.21 Expediency of enforcement action

There are no enforcement issues associated with this site.

7.22 Other Issues

There are no other issues associated with this site.

8. Observations of the Borough Solicitor

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

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

(protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

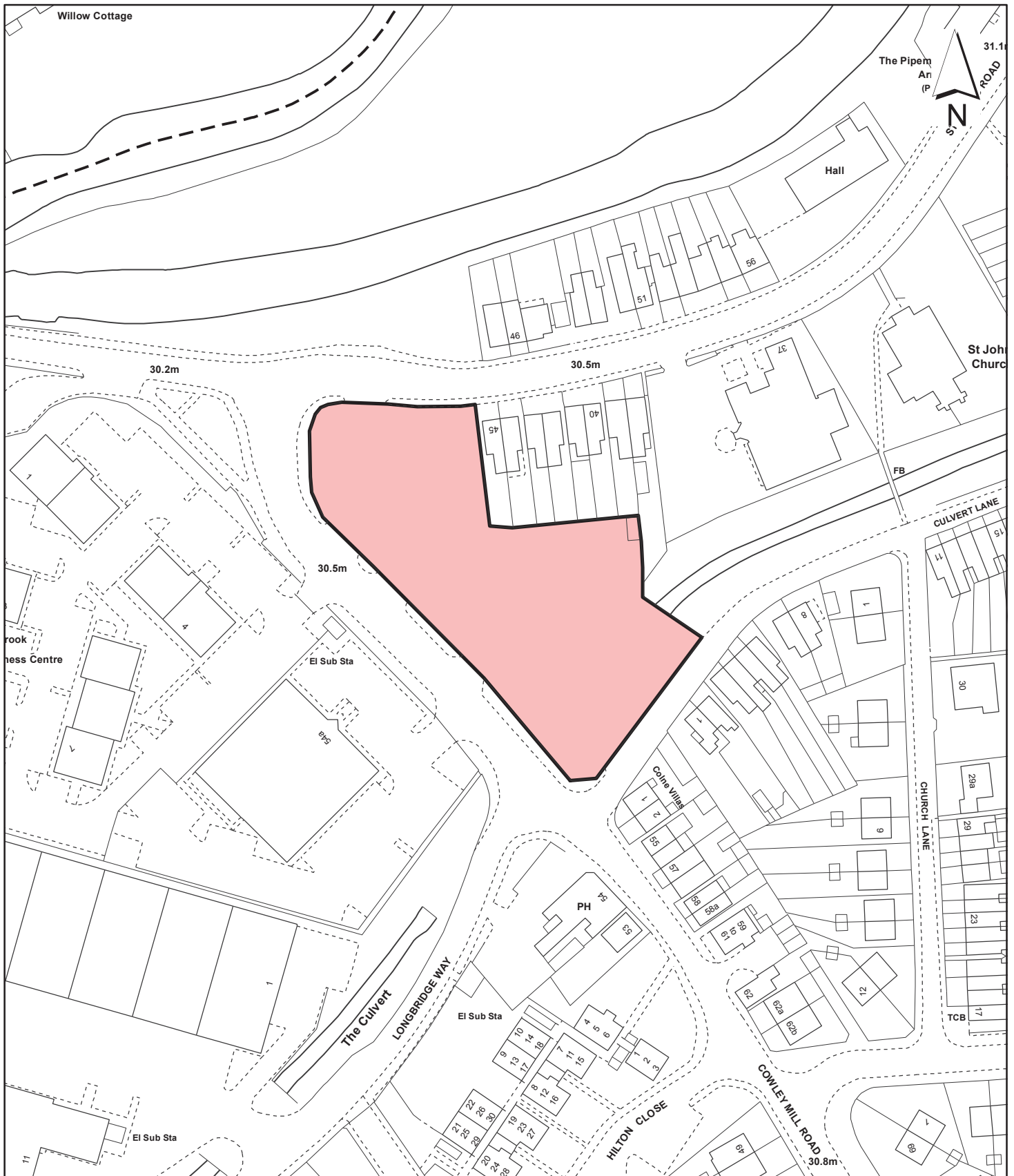
The application seeks minor material amendments to the planning permission which was granted on the 13 July 2011. The amendments would not result in any adverse impacts on the amenity of neighbouring or future occupiers of the development. Further the development would maintain compliance with all other policies as secured under the original permission. Subject to appropriate conditions and a legal agreement the application is recommended for approval.

11. Reference Documents

National Planning Policy Framework (NPPF)
The London Plan
Hillingdon Local Plan
Consultation Responses

Contact Officer: Richard Phillips

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.
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Site Address

**Dagenham Motors junction of
 St. Johns Road and Cowley
 Mill Road, Uxbridge**

**LONDON BOROUGH
 OF HILLINGDON
 Residents Services**

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

Planning Application Ref:
188/APP/2013/477

Scale
1:1,250

Planning Committee
Major Applications

Date
**July
 2013**



HILLINGDON
 LONDON