

Item No. **Report of the
Head of Planning, Green Spaces and Culture**

Address: SAINSBURYS SUPERMARKET, YORK ROAD, UXBRIDGE

Development: Erection of front and side extensions to accommodate a 120-
seat restaurant (involving loss of 116 car parking spaces) and
creation of a pedestrian access to Belmont Road

LBH Ref Nos: 39439Z/99/0896

Drawing Nos: N/A

**Date
applications
approved at
Committee** Permission Granted on 30th January 2001. S106 Agreement
Dated 29th January 2001.

**S106
Agreement** That the recommendation to allow the alterations to Schedule
6 'The Customer Car Parking Management Scheme' of the
S106 Agreement dated 29th January 2001 be approved.

1.0 CONSULTATIONS

1.1 Internal Consultees

Planning Obligations Officer	The applicant has requested that schedule 6 'The Customer Car Parking Management Scheme' be amended to reflect the new Management Scheme that is to be put in place. The new Management Scheme uses modern Automatic Number Plate Recognition (ANPR) technology and is a far more efficient and precise way of controlling parking on the site. No objections raised.

2.0 RECOMMENDATION

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

Amend Schedule 6 "The Customer Car Parking Management Scheme' to reflect the new Car Parking Management Scheme that is to be introduced.

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.

3.0 KEY PLANNING ISSUES

3.1 Planning Permission was granted on 30th January 2001 for the Erection of front and side extensions to accommodate a 120-seat restaurant (involving loss of 116 car parking spaces) and creation of a pedestrian access to Belmont Road.

3.2 Schedule 6 'The Customer Car Parking Management Scheme' of the S106 Agreement dated 29th January 2001. The key elements are:

- i) The car parking fee shall be charged at a rate of £2 per visit which shall be redeemable at the till point when paying for goods purchased in Sainsbury's costing £5 or more.
- ii) The maximum duration of stay within Sainsbury's car park shall be 1.5 hours including no return to the car park within 2 hours of exit.
- iii) A car park attendant will undertake patrols of the car park at times between 7am – 7pm Monday to Saturdays and 10am – 6pm on Sundays and Bank Holidays to ensure that customers have not stayed longer than the permitted 1.5 hours of returned within 2 hours.
- iv) The car parking attendant shall issue a parking ticket incorporating a fine of £35 to vehicles that have overstayed the 1.5 hours' time period or returned within 2 hours.
- v) Vehicles issued with a second parking ticket shall be automatically wheel clamped.

3.3 The current proposal is to amend Schedule 6. The key point of thw revised scheme are:

- i) The car park will operate a formal automatic number plate recognition system (ANPR).
- ii) The car park will be free for up to 60 minutes and thereafter customers who have spent £5 or more within Sainsbury's will be given a parking discount voucher at store checkout. Once validated at a payment kiosk, the customer will receive two hours free parking.
- iii) Visitors who have not shopped at Sainsbury's will be required to pay for their parking. Charges will initially be set at £2 for up to 2 hours and the maximum car parking duration will be set at two hours.
- iv) The ANPR system will be able to track customers who overstay the two hour period and the registered keeper of the vehicle will receive a £60 charge notice through the post. Attendants will also patrol the car park on a random basis.
- v) The charges will operate 06.00 – 23.00 Monday to Saturday and 10.00 – 16.00 on Sunday.

- 3.4 The Council's S106 Officer reviewed the proposal and raises no objection to the amended Schedule 6 'Customer Car Parking Management Scheme'.
- 3.7. Approval is recommended.

OBSERVATIONS OF 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'.

OBSERVATIONS OF THE DIRECTOR OF FINANCE

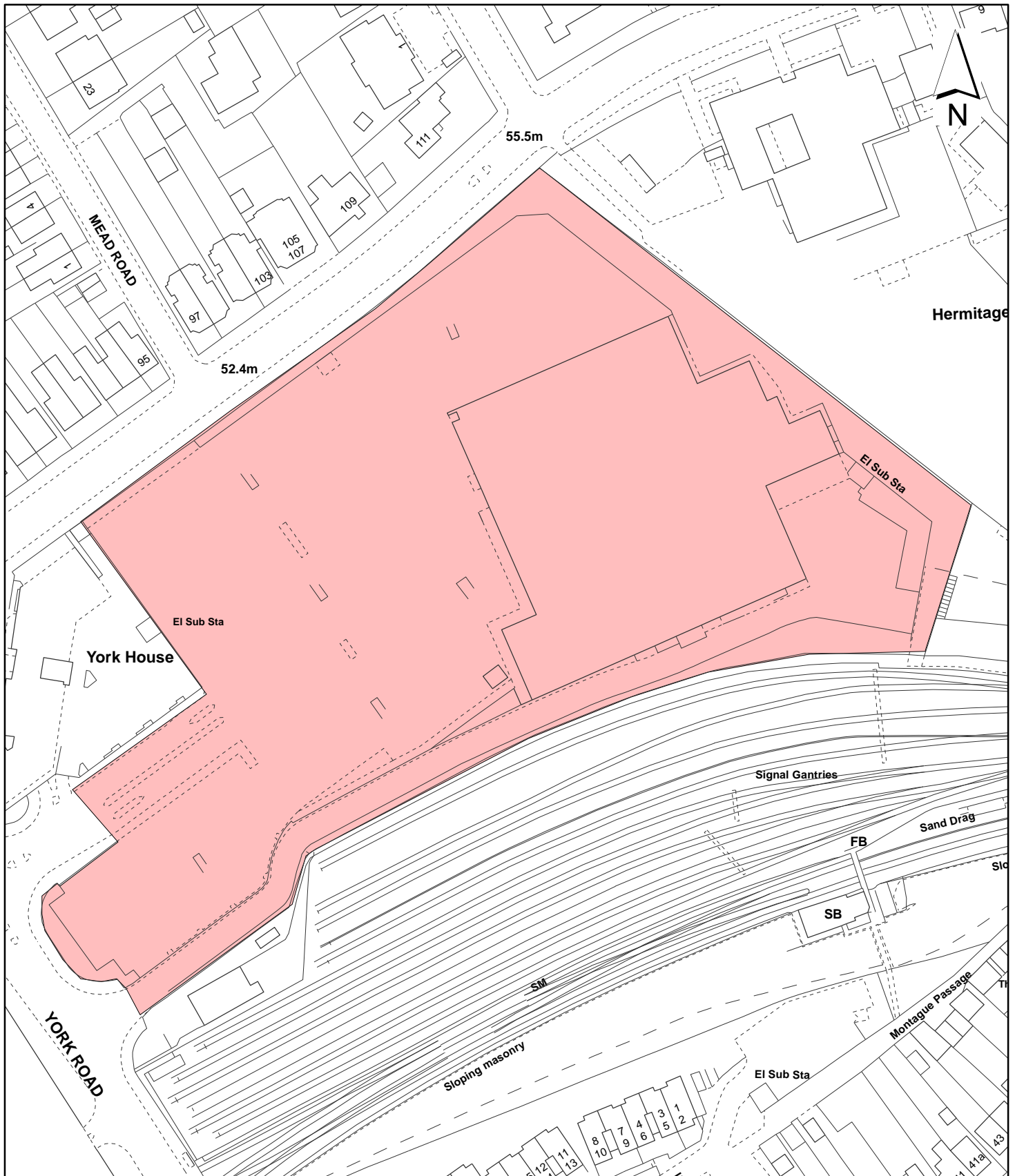
The report indicates that the costs of the development will be fully met by the developer, and the developer will make a Section 106 contribution to the Council towards associated public facilities. The developer will also meet the reasonable costs of the Council in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed. Consequently, there are no financial implications for this Planning Committee or the Council.

Reference Documents


None.

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Notes

 Site boundary

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**LONDON BOROUGH
 OF HILLINGDON**

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 Telephone No.: Uxbridge 250111

Planning Application Ref:
DOV to S106

Scale
1:1,250

Planning Committee
Major

Date
December 2014



HILLINGDON
 LONDON