

Report of the Head of Planning & Enforcement Services

Address RELIANCE SERVICE STATION HARLINGTON ROAD HILLINGDON

Development: Variation of condition 3 of planning permission ref. 10605/APP/2005/3028 dated 21/12/2005 (Part change of use from selling and displaying motor vehicles, servicing and repairing motor vehicles to a mixed use for selling and display of motors vehicles, servicing and repairing motor vehicles and car valeting) to allow for change of opening hours to 8am-8pm on Mon-Fri, 10am-8pm on Saturday and 10am-6pm on Sunday

LBH Ref Nos: 10605/APP/2011/2696

Drawing Nos: D & A
CWHRD-S-002 REV //
CWHRD-S-001 REV //
CWHRD-P-002 REV //
CWHRD-P-001 REV //
CWHRD-L-002 REV //
CWHRD-L-001 REV /
CWHRD-E-001 REV //

Date Plans Received: 02/11/2011 **Date(s) of Amendment(s):** 02/11/0011
Date Application Valid: 08/11/2011 02/11/2011

1. SUMMARY

The application proposes a scheme to modify the hours of operation to ensure that the business is able to operate in a profitable way. Alternative hours of operation have been suggested and additional information requested to demonstrate the applicant's assertions, however the applicant has not provided any additional information and wish to seek the full hours requested by the application, advising that it is essential that the business operates on Sundays.

No evidence has been submitted to demonstrate that the additional hours of operation would not have an unacceptable impact upon the residential amenities of occupants of nearby properties. As such the proposal would be in conflict with Policy OE1 of the Hillingdon UDP (Saved Policies 2007) and is recommended for REFUSAL.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The application has failed to demonstrate that the additional hours of operation proposed would not have an unacceptable impact upon the residential amenities of occupants of nearby properties. As such the proposal would be in conflict with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies 2007) and the Council's 'Noise' Supplementary Planning Document (May 2006).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Harlington Road at the site of a former petrol filling station. The original canopy has been retained and there is an access and exit onto the Harlington Road. A single storey flat roofed garage building is located along the northern boundary of the site.

Directly to the western boundary is a row of single storey flat roofed garages. To the south-east of the site is a terrace of properties within Aintree Close.

3.2 Proposed Scheme

The application seeks permission to vary Condition 3 of planning approval ref: 10605/APP/2005/3020 dated 21st December 2005 to allow extended operating hours to the car wash and valeting facility on Harlington Road, from the previously permitted hours to the following hours: 08.00 - 20.00 Monday to Friday, 10.00 - 20.00 Saturdays and 10.00 to 18.00 on Sundays.

The applicants have advised that the business would not be viable if it were not allowed to operate within these extended operating hours.

3.3 Relevant Planning History

10605/APP/2002/428 Reliance Service Station Harlington Road Hillingdon

CHANGE OF USE FROM SELLING AND DISPLAYING MOTOR VEHICLES, SERVICING AND REPAIRING MOTOR VEHICLES, PETROL FILLING STATION AND SHOP (SUI GENERIS) TO SELLING AND DISPLAYING MOTOR VEHICLES, SERVICING AND REPAIRING MOTOR VEHICLES (CLASS B2) (RETROSPECTIVE APPLICATION)

Decision: 09-04-2003 Approved

10605/APP/2005/1099 Reliance Service Station Harlington Road Hillingdon

ERECTION OF A FOUR STOREY BUILDING TO PROVIDE 16 ONE-BEDROOM FLATS WITH ASSOCIATED PARKING (OUTLINE APPLICATION)

Decision: 28-06-2005 Refused

10605/APP/2005/3028 Reliance Service Station Harlington Road Hillingdon

PART CHANGE OF USE FROM CLASS B2 SELLING AND DISPLAYING MOTOR VEHICLES, SERVICING AND REPAIRING MOTOR VEHICLES TO A MIXED USE FOR SELLING AND DISPLAY OF MOTOR VEHICLES, SERVICING AND REPAIRING MOTOR VEHICLES FOR CAR VALETING (SUI GENERIS)

Decision: 21-12-2005 Approved

10605/APP/2006/1701 Reliance Service Station Harlington Road Hillingdon

ERECTION OF A PART THREE STOREY, PART FOUR STOREY BUILDING COMPRISING FIVE TWO-BEDROOM AND THREE ONE-BEDROOM RESIDENTIAL FLATS WITH ASSOCIATED PARKING AND LANDSCAPING (INVOLVING DEMOLITION OF FORMER PETROL FILLING STATION) (OUTLINE APPLICATION)

Decision: 04-08-2006 Refused

10605/D/81/0703 Reliance Service Station Harlington Road Hillingdon
Private/public utilities - boiler room, lifts etc. (P)

Decision: 26-05-1981 Approved

10605/E/84/3135 Reliance Service Station Harlington Road Hillingdon
Advertisement (P)

Decision: 10-12-1984 Approved

10605/G/85/1292 Reliance Service Station Harlington Road Hillingdon
Extension/Alterations to petrol/service station (P) of 21 sq.m.

Decision: 13-09-1985 Approved

10605/M/97/0083 Reliance Service Station Harlington Road Hillingdon
Use of workshop as an MOT Testing Station

Decision: 11-04-1997 Approved

10605/PRE/2004/14 Reliance Service Station Harlington Road Hillingdon
T P PRE-CORRES: REDEVELOPMENT OF SITE

Decision:

10605/PRE/2005/45 Reliance Service Station Harlington Road Hillingdon
TP PRE-CORRES:REDEVELOPMENT (16 ONE BEDROOM FLATS)

Decision:

Comment on Relevant Planning History

10605/APP/2005/3020 dated 21st December 2005 was granted for the part change of use from class B2 selling and displaying motor vehicles, servicing and repairing motor vehicles for car valeting (sui generis).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

BE19 New development must improve or complement the character of the area.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

41 Neighbours were consulted by letter dated 10.11.11. A petition of has been received objecting to the proposal, however no specific concerns are identified within the petition.

Internal Consultees

EPU:-

I refer to your request for comments on the above planning application. The proposal seeks to vary condition 3 of planning approval ref: 10605/APP/2005/3020 dated 21st December 2005 to allow extended operating hours to the car wash and valeting facility on Harlington Road, from the permitted hours to the following hours: 8am - 20.00 Monday to Friday, 10.00 - 20.00 Saturdays and 10.00 to 18.00 on Sundays. No proposed operating hours for bank holidays have been indicated in the scheduled contained in the applicant's design and access statement.

Complaints have been received by the Environmental Protection Unit (EPU) regarding audible noise from, the four industrial hoovers and use of jet wash at the site, amongst other sources. The applicant has carried out noise screening to the 4 noisy industrial hoovers directing residual sound towards the road traffic and away from residential properties. However, a subsequent site visit showed detectable noise at the nearest residential flats on Aintree Close during the day with road traffic being the dominant noise source to some extent. Whilst the applicant agreed to carry out further noise screening to the south western section of the carwash to afford further noise protection for the residential houses and flats on Aintree Close alike, EPU are concerned that the later the premises remains open, the more likelihood noise will become an issue and have a detrimental impact on the amenity of those residents identified. This will be as a result of obvious reduction in background noise levels generated predominantly by road traffic on Harlington Road.

During previous meetings held with the applicants regarding noise issues from the site, they have advised that the business tends to thrive during later hours as opposed to early hours and that

significant restriction on the operating hours will have adverse impact on the carwash's ability to operate profitably. Given, the current noise protection scheme noted at this premises and proposed for future implementation and to ensure material planning considerations including economic considerations EPU recommends a variation to the previously approved operating hours to reflect a balance taking into account the noise criteria set by BS8233 1999 and the Council's noise SPD to allow the use of the premises for car wash and car valeting only between the hours of 08:00 and 19:00 hours, Monday to Saturday, with no use for any activity on Sundays and Bank Holidays.

The applicant has failed to demonstrate that any further relaxation would not have an unacceptable impact on nearby occupiers and EPU would object to the application as currently proposed.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the use of the site has already been accepted when planning permission was granted in 2005.

7.02 Density of the proposed development

Not applicable.

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

Not applicable.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

7.07 Impact on the character & appearance of the area

Not applicable.

7.08 Impact on neighbours

Condition 3 of the original planning permission was imposed to safeguard the amenity of the surrounding residential properties. The business has been operating for more than 6 years and the Council's EPU has received a number of complaints relating to noise. The business has been operating outside of the hours imposed by Condition 3.

Historically neighbours have raised concerns relating to noise, and while some mitigation measures have been introduced the comments from the Environmental Protection Unit indicates concerns relating to the impacts of the proposal on the amenity of nearby occupiers.

It is recognised that planning policy, in particular within the National Planning Policy Framework requires for a balance to be reached between relevant material planning consideration including noise and amenity impacts. Having regard to this and the information submitted the Council's Environmental Protection Unit have suggested that a lesser variation might be acceptable. However, there is insufficient information provided within the application to quantify the noise impacts or demonstrate that the noise impacts of the full operating hours requested within the application could be properly mitigated. On the basis of the information provided the proposed hours of operation are considered likely to result in harm to the amenity of nearby residential occupiers contrary to Policies OE1 and OE3 of the Saved Policies UDP.

The applicants' agent has advised that the noise resulting from the business is not sufficient to cause harm to the residential amenities of occupants of nearby properties in view of the background noise in the locality. However, has failed to produce noise reports to demonstrate this lack of harm and has indicated that his client would not agree to reduced

hours from those sought by the application. As such, it has not been demonstrated that the occupants of nearby properties would suffer any loss of residential amenity by way of increased noise and disturbance. The proposal would therefore conflict with policy OE1 and OE3 of the Hillingdon UDP (Saved policies 2007).

7.09 Living conditions for future occupiers

Not applicable.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not applicable.

7.11 Urban design, access and security

Not applicable.

7.12 Disabled access

Not applicable.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, landscaping and Ecology

Not applicable.

7.15 Sustainable waste management

Not applicable.

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

Not applicable.

7.18 Noise or Air Quality Issues

The noise issues have been addressed in paragraph 7.08 above.

7.19 Comments on Public Consultations

Not applicable.

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

Not applicable.

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

None.

10. CONCLUSION

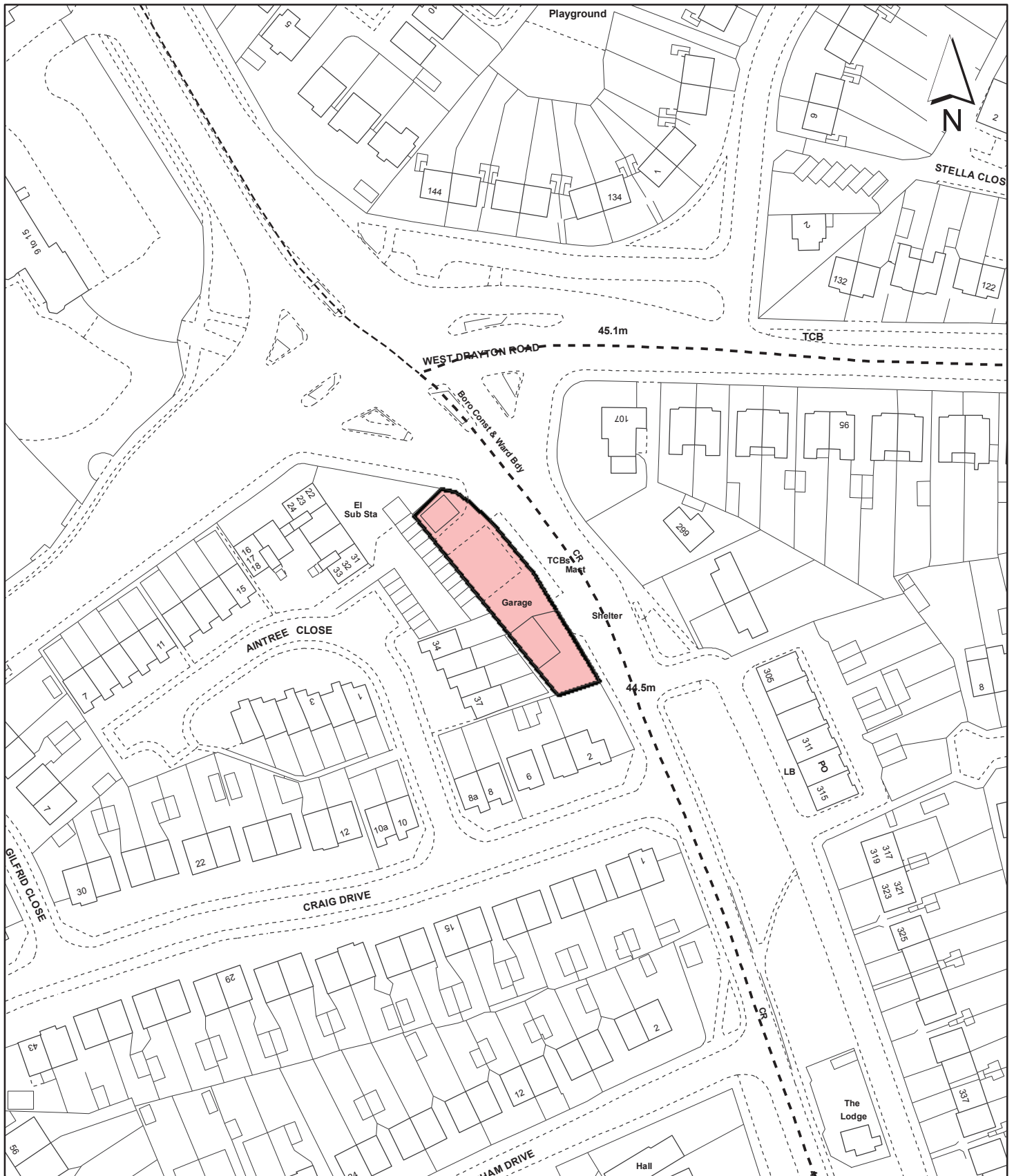
The application to modify the hours of operation of the existing car wash and valeting facilities to allow the business to operate on Sundays and Bank Holidays has failed to demonstrate that the additional hours of operation would not have an unacceptable impact upon the residential amenities of occupants of nearby properties. As such the proposal would be in conflict with Policy OE1 of the Hillingdon UDP (Saved Policies 2007) and is recommended for REFUSAL.

11. Reference Documents


Hillingdon Unitary Development Plan (Saved Policies September 2007).
Hillingdon Design and Access Statement 'Residential Layouts'.
The London Plan 2011.
Supplementary Planning Document - Planning Obligations (July 2008).
Supplementary Planning Document - Noise (May 2006).
Supplementary Planning Document - Accessible Hillingdon (January 2010).
National Planning Policy Framework.

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Reliance Service Station Harlington Road Hillingdon	
Planning Application Ref:	Scale
10605/APP/2011/2696	1:1,250
Planning Committee	Date
Central and South	May 2012

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