



REASON

To ensure that the external appearance of the development is satisfactory and complies with Policies BE4, BE13 & BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**2 HLC1 Restaurants/Cafes/Snack Bars**

No persons other than staff (who may undertake preparation/cleaning work from 07.00 hours to 22.00 hours) shall be permitted to be on the premises between the hours of 21.30 hours and 07.30 hours on any day.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 HLC3 Delivery Times**

Deliveries and collections, including waste collections, shall be restricted to the following hours: 0800 hours to 1800 hours Monday to Fridays; 0800 hrs to 1300 hrs on Saturdays; and not at all on Sundays, Public and Bank Holidays.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

**4 NONSC Non Standard Condition**

The kitchen extract ventilation system shall accord with the details hereby approved, and specifically shall be a LINCAT LT fume filtration unit. The extract ventilation system equipment and odour control equipment shall be operated at all times when cooking is carried out and maintained in accordance with the manufacturers instructions for the life of the development.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

**5 MCD10 Refuse Facilities**

The development shall strictly accord with the Refuse Management Plan hereby approved, and in particular the storage location, use, maintenance, collection and ownership arrangements of refuse and recycling facilities shall all accord with the approved plan.

REASON

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011).

**6 MCD9 No External Storage**

No display, placing or storage of goods or materials shall take place other than within the buildings.

REASON

In the interests of amenity and to ensure that external areas are retained for the purposes indicated on the approved plans in accordance with Policy OE1 of the Hillingdon Unitary

Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.1

**7 NONSC Non Standard Condition**

Within 2 months of the date of this permission a sound insulation scheme for the control of noise transmission to the residential dwellings above the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Within 3 months of the Council's written approval, the scheme shall be implemented in its entirety and maintained thereafter in full compliance with the approved measures.

**REASON**

To safeguard the amenity of the future occupants of development in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**8 NONSC Non Standard Condition**

The rating level of the noise emitted from the plant and equipment hereby approved shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential property during the relevant periods of operation and with all other items of machinery operating together. The measurements and assessment shall be made in accordance with British Standard 4142 -Method for rating industrial noise affecting mixed residential and industrial areas.

**REASON**

To protect the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

**9 NONSC Non Standard Condition**

No refuse shall be stored on the site other than within the building or the refuse bin at the rear of the site shown on drawing no. 3173/3B and referred to in the Refuse Management Plan hereby approved.

**REASON**

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011).

**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 I53 Compulsory Informative (2)**

The decision to GRANTE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all

relevant material considerations, including the London Plan (July 2011) and national guidance.

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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 4.9	(2011) Small Shops
LPP 7.2	(2011) An inclusive environment
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-NO	Noise Supplementary Planning Document, adopted April 2006

### **3            I18            Storage and Collection of Refuse**

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

### **4            I28            Food Hygiene**

The Council's Commercial Premises Section should be consulted prior to the use of the premises so as to ensure compliance with the Food Safety Registration Regulations 1990, Hygiene (General) Regulations 1970, The Food Act 1984, The Health and Safety at Work Act 1974 and any other relevant legislation. Contact: - Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Telephone 01895 250190).

### **5            I44A            Prevention of Litter**

You should ensure that your premises do not generate litter in the streets and nearby areas. Sections 93 and 94 of the Environmental Protection Act 1990 give local authorities the power to serve 'Street Litter Control Notices' requiring businesses to clear up the litter and implement measures to prevent the land from becoming littered again. By imposing a 'Street Litter Control Notice', the local authority has the power to force businesses to clean up the area in the vicinity of their premises, provide and empty bins and do anything else which may be necessary to remove litter. Amendments made to the 1990 Act by the

Clean Neighbourhoods and Environment Act 2005 have made it immediately an offence to fail to comply with the requirements of a Street Litter Control Notice, and fixed penalties may be issued as an alternative to prosecution.

Given the requirements of the Clean Neighbourhoods and Environment Act 2005, you are advised to take part in Defra's Voluntary Code of Practice for 'Reducing litter caused by Food on the Go', published in November 2004.

Should you have any queries on the above, please contact the Environmental Enforcement Team within the Environment and Consumer Protection Group on 01895 277402 at the London Borough of Hillingdon.

## **6**

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a protected characteristic, which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

## **7**

Your attention is drawn to the following matters:

a) The application is for a restaurant and cafe. One x 1,100 litre type of bulk bin is usually needed to safely and hygienically contain the waste arising from a hot food takeaway business. Three bulk bins are shown on the plan; one could be used for collecting recyclable waste.

b) The bulk bins should be sited on an area of hard-standing, with a smooth surface, so that it can be washed down with water and disinfectant. The surface should be cambered so the 'run off' flows towards a proper drain.

c) The collectors should not have to cart a bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard). The collection crew would therefore need to access the rear of the shop, via Vine Street. Alternatively the owners would have to present the bulk bin at an agreed collection point on the allocated day.

d) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the path is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

## **8**            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. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

## **9**            I25A            **The Party Wall etc. Act 1996**

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations or planning controls. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application relates to the ground floor retail unit located on southern side of High Street, Uxbridge. The unit forms part of a terraced four storey building, with a 4 bedroom residential dwelling set on the first to third floors of the property.

The site is part of a four storey facade with a row of retail units at ground floor level on both sides of the street. The unit has an internal floor area of 233 square metres, which consists of a seating area for customers at the front of the unit and a serving, preparation and kitchen area towards the rear of the unit. In addition, an outdoor seating area is provided in front of the shopfront window, with space for four tables.

The unit is flanked on either side by two A1 units, British Heart Foundation and Weasels bakery and this area of the High Street forms an important link between the retail area around Uxbridge Tube Station and the Secondary Shopping Area at the south eastern end of the High Street.

At the rear of the unit is a parking area, which also provides a refuse storage area for the ground floor commercial units on the southern side of the High Street.

#### **3.2 Proposed Scheme**

The application is for retrospective planning permission for the change of use of the retail unit from A1 to A3 for the continued operation of Coffee Break Cafe.

As part of the development a internal extraction system would be installed within the unit, which would prevent the requirement for an external flue to be erected on the external elevations of the property. The proposed development would require no external additions or extension to the form of the building.

In addition, the development proposes the continued use of a refuse storage area within the car park to the rear of the site.

### 3.3 Relevant Planning History

26196/APP/2000/2247 7 High Street Uxbridge

RENEWAL OF PLANNING PERMISSION REF. 26196/95/1785 DATED 16/01/96; USE OF FIRST, SECOND AND THIRD FLOORS AS OFFICES INDEPENDENT OF THE RETAIL USE A NO.7 HIGH STREET

**Decision:** 09-11-2000 Approved

26196/APP/2001/2731 7 High Street Uxbridge

CHANGE OF USE OF GROUND FLOOR FROM CLASS A1 (RETAIL) TO CLASS A2 (RECRUITMENT AGENCY)

**Decision:** 18-02-2002 Refused **Appeal:** 30-12-2002 Dismissed

26196/APP/2011/1004 7 High Street Uxbridge

Conversion of first, second and third floors from a four-bedroom flat to 3 x one-bedroom flats.

**Decision:** 09-03-2012 Approved

26196/APP/2011/1652 7 High Street Uxbridge

Change of use from Use Class A1 (Shops) to A3 (Restaurants and Cafes) (Retrospective)

**Decision:** 01-09-2011 Withdrawn

26196/B/80/2074 7 High Street Uxbridge

Extension/Alterations to Retail premises (P) of 35 sq. m. (also relaxation).

**Decision:** 13-01-1981 Approved

26196/C/90/1430 7 High Street Uxbridge

Use of first, second and third floors as offices independent of the retail use at No. 7 High Street and without complying with condition 3 of planning permission ref. 26196B/80/2074 dated 13/01/81

**Decision:** 30-11-1990 Approved

26196/F/95/1785 7 High Street Uxbridge

Renewal of planning permission ref. 26196C/90/1430 dated 30/11/90; Use of first, second and third floors as offices independent of the retail use at No.7 High Street

**Decision:** 16-01-1996 Approved

#### Comment on Relevant Planning History

The application is a resubmission of a previously withdrawn application 26196/APP/2011/1652. The current submission has provided details of the refuse storage area and the LINCAT LT fume extraction system, which does not require an external flue to be erected at the site.

Planning permission was refused on 18th February 2002 for the change of use of the ground floor from A1 to A2 for use as a recruitment agency (application reference 26196/APP/2001/2731). This application was refused on the following grounds:

1. The proposed change of use would result in the unacceptable loss of a retail unit, lead to a concentration of non-retail uses within this part of the town centre and the unacceptable separation of remaining retail units. It would therefore detract from the character and function of this part of the town centre and the Old Uxbridge Conservation Area, contrary to Policies S11 and BE4 of the Adopted Unitary Development Plan.

This application was also dismissed at appeal on the 30th December 2002, however, the planning inspector in his determination wrote that they were not satisfied that the use of the appeal site as an employment agency would generate comparable pedestrian activity to an A1 use. The retrospective change of use has operated for a number of years at the site and has maintained a consistent customer activity to the site. As the business offers food produce for purchase it operates in a way similar to a standard A1 unit, thereby, retaining some level of pedestrian activity within the Primary Shopping Area.

A recent Appeal decision is relevant to this case. The appeal decision for Nos.198-200 High Street (APP/R5510/A/11/2163364, dated 15/02/2012) allowed the change of use of the triple width unit with a frontage of 17 metres from A1 use to A3 use. As part of appeal determination the inspector noted that the percentage of A3 and A5 units in the Uxbridge Town Centre was low at 6.9% when compared to the national average of 11.3%. Therefore, the inspector determined that the change of use would not result in a concentration of non-retail uses which would harm the vitality or viability of the centre.

#### **4. Planning Policies and Standards**

No additional policies and standards.

#### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.



S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 4.9	(2011) Small Shops
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LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-NO	Noise Supplementary Planning Document, adopted April 2006

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **21st December 2011**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

Press Advertisement: Printed 30th November 2011 Expired 21st December 2011.

Site Notice: Erected 30th November 2011 Expired 21st December 2011.

7 neighbouring dwelling were notified of the proposed development on 17th November 2011. By the close of the consultation period one letter of objection had been received, which objected on the following grounds:

- The provided floor plans do not indicate a separate male and female toilet,

This objection would not be a material planning consideration as the development would contain a single unisex toilet for use by customers of the cafe.

### THAMES WATER:

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel.

Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 3577 9939

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

### Internal Consultees

#### ENVIRONMENTAL PROTECTION UNIT:

We raise no objection to this proposal. Should planning permission be approved I would recommend the following conditions be applied;

#### Hours of use

The application form states proposed trading hours of 07:30 to 16:30 each day; I would therefore recommend suitable hours be applied to the business activities which have the potential to give rise to disturbance to neighbouring occupiers;

#### Condition 1

No customers shall be present on the premises, nor shall the premises be used for the preparation or sale of food or drinks other than between the following times;

- 0730hrs and 1800hrs on any day

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

#### Condition 2

Deliveries and collections, including waste collections, shall be restricted to the following hours: 0800 hrs to 1800 hrs Monday to Fridays; 0800 hrs to 1300 hrs on Saturdays; and not at all on Sundays and Bank Holidays.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

The re-submitted application includes a kitchen extraction system which EPU would support in this particular location. This is because it removes the requirement for an external fan, filters and flue. This can be considered due to the fact stated on page 3 of the Design & Access Statement that the premises are restricted by a 14kW loading on their electric cooking appliances. I would therefore recommend a condition be drafted which maintains the proposed filtration system in this location, which it should be noted is unsuitable for use with gas cooking;

#### Condition 3

The kitchen extract ventilation system hereby approved is a LINCAT LT fume filtration unit. The approved extract ventilation system equipment and odour control equipment shall be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

#### Informative

Please add the construction times informative.

#### WASTE MANAGEMENT:

I would make the following comments on the above application regarding waste management.

a) The application is for a restaurant and cafe. One x 1,100 litre type of bulk bin is usually needed to safely and hygienically contain the waste arising from a hot food takeaway business. Three bulk bins are shown on the plan; one could be used for collecting recyclable waste.

b) The bulk bins should be sited on an area of hard-standing, with a smooth surface, so that it can be washed down with water and disinfectant. The surface should be cambered so the run off flows towards a proper drain.

c) The collectors should not have to cart a bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard). The collection crew would therefore need to access the rear of the shop, via Vine Street. Alternatively the owners would have to present the bulk bin at an

agreed collection point on the allocated day.

d) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the path is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

#### ACCESS OFFICER:

As the above application seeks to formalise the change of use from Class A1 to A3, and proposes no alterations, no accessibility observations are offered. However, the following informative should be attached to any grant of planning permission.

#### Informative:

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a protected characteristic, which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

Conclusion: Acceptable from an accessibility perspective.

#### CONSERVATION AND URBAN DESIGN:

No objection.

## **7. MAIN PLANNING ISSUES**

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

The application site is located within the Primary Shopping Area of Uxbridge Town Centre. Therefore Policy S11 of the adopted UDP (Saved Policies September 2007) would require the change of use of the premises to ensure the remaining retail facilities in the Primary Shopping Area would be adequate for the need of the retail area. In addition the development would not lead to concentration of non-retail uses which might harm the viability of the retail centre.

The Uxbridge 2011 Annual Shopping Survey showed that of 76.0% of frontages in the Primary Shopping Area were in A1 use, with 77.2% of the units being in A1 use.

Policy S11 of the adopted UDP (Saved Policies September 2007) requires more than 70% of a Primary Shopping Area to be retained within A1 use, in order for the shopping area to remain as a viable retail destination.

Whilst the change of use of the site would reduce the frontages in A1 use below the existing 76.0% figure. The Primary Shopping Area would remain above the 70% threshold. Furthermore, the existing unit is flanked on either side by the British Heart Foundation and Wenzels bakery, both of which are in A1 operation. Therefore, the change of use would not lead to a continuous non-A1 frontage of more than 12 metres.

Consideration is given to appeal decision for Nos.198-200 High Street (APP/R5510/A/11/2163364, dated 15/02/2012) which allowed the change of use of the triple width unit with a frontage of 17 metres from A1 use to A3 use. The premises

considered at appeal is located opposite No.198-200 High Street. As part of appeal determination the inspector noted that the percentage of A3 and A5 units in the Uxbridge Town Centre was low at 6.9% when compared to the national average of 11.3%. Therefore, the inspector determined that the change of use would not result in a concentration of non-retail uses which would harm the vitality or viability of the centre.

Given that the applicant has been operating the business at the premises since 2008 without seriously harming the town centre as retail destination, the development would be in compliance with Policy S11 of the adopted UDP (Saved Policies September 2007) and the Planning Inspectors decision in relation to a change of use from A1 to A3 of a substantially larger scheme in close proximity, it is considered that the retention of the unit as A3 use would have an acceptable impact on the vitality and viability of the Primary Shopping Area and Uxbridge Town Centre as a retail destination.

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

Not applicable to this application.

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

Whilst the development is located within an Archaeological Priority Area, the change of use would not require any extensions to the site. Therefore, it is considered the change of use would not disturb the Archaeological Priority Area.

Whilst the development is located within an Archaeological Priority Area, the change of use has not required any extensions to the site. Therefore, it is considered the change of use has not disturbed the Archaeological Priority Area.

The proposed development has required no significant alterations to the appearance of the building and is considered to have an acceptable impact on the Character and Appearance of the Conservation Area. Therefore, the development complies with Policies BE4, BE13 and BE19 of the adopted UDP (Saved Policies September 2007).

#### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

#### **7.06 Environmental Impact**

Not applicable to this application.

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

The proposed development has required no significant alterations to the appearance of the building and is considered to have an acceptable impact on the Character and Appearance of the Conservation Area. Therefore, the development complies with Policies BE4, BE13 and BE19 of the adopted UDP (Saved Policies September 2007).

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

The proposed development would include the installation of the LINCAT LT fume extraction system, which is yet to be installed at the development site. The proposed internal extraction system would not require an external flue to be erected at the site. The proposed system would ensure no significant noise or odour disturbance would occur to the residential dwelling on the upper floors of the dwelling.

Due to the location of the site below a residential dwelling, the Environmental Protection Unit have requested conditions to limit the hours of use and servicing and noise. With these conditions attached, the continued use of the site as a Cafe would not be considered to cause significant noise disturbance to any neighbouring occupier.

**7.09 Living conditions for future occupiers**

Not applicable to this application.

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

The application site has no off-street parking allocated to the retail unit. However, the site is located within the Town Centre of Uxbridge and has good links to public transport, including Uxbridge tube station and nearby bus stops. Therefore, it would be anticipated that the majority of visitors to the site would arrive on foot and the provision of no off-street parking would be considered acceptable. It is also noted that the previous A1 unit at the site had no off-street parking allocation.

**7.11 Urban design, access and security**

No comments required in relation to urban design, access or security.

**7.12 Disabled access**

The Accessibility Officer has reviewed the proposed change of use and floor plans and considered that the proposed development would be accessible to all and would comply with the Hillingdon Design and Accessibility Statement Accessible Hillingdon.

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

Not applicable to this application

**7.14 Trees, landscaping and Ecology**

Not applicable to this application.

**7.15 Sustainable waste management**

The applicant has provided a refuse management plan and a block plan to show the location of the 1,100 litre euro bin in the car parking area to the rear of the site.

The applicant and previous occupier have stored the bins in this location since March 2006, without complaint. The refuse collectors move the bin to and from the storage area. The applicant is responsible for the cleaning and maintenance of the refuse bin and store. Given the length of time this unit has been operating (with out generating complaints relating to refuse the arrangements are considered acceptable. However in view of the restricted nature of the site, it is considered necessary to impose a condition to ensure that no refuse is stored on the site other than within the building or the refuse bin at the rear of the site shown on the submitted drawing and refuse management plan in the interests of visual amenity.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

Not applicable to this application.

**7.18 Noise or Air Quality Issues**

The proposed internal extraction system would ensure no significant noise disturbance would occur to any neighbouring occupier from the plant and machinery required within the site. Therefore, the development would comply with Policy OE1 and OE3 of the adopted UDP (Saved Policies September 2007).

**7.19 Comments on Public Consultations**

No further comments required in relation to the public consultation.

**7.20 Planning obligations**

None required.

**7.21 Expediency of enforcement action**

No further enforcement action required.

## **7.22 Other Issues**

No further issues for consideration in the determination of this application.

## **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 received.

## **10. CONCLUSION**

The change of use would not cause unacceptable harm to the vitality and viability of the Primary Shopping Area as a retail destination and would ensure a vibrant mix of retail uses would be provided within the Town Centre. The change of use has had an acceptable impact on the residential amenity of the neighbouring occupiers and the application is recommended for approval.

## **11. Reference Documents**

Hillingdon Unitary Development Plan (Saved Policies September 2007).  
Supplementary Planning Document 'Accessible Hillingdon'.  
Supplementary Planning Document Noise.  
The London Plan 2011.  
National Planning Policy Framework (March 2012).

**Contact Officer:** Gareth Gwynne

**Telephone No:** 01895 250230

# UXBRIDGE



## Notes

 Site boundary

For identification purposes only.

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Site Address

**7 High Street  
Uxbridge**

Planning Application Ref:

**26196/APP/2011/2763**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**February  
2012**

**LONDON BOROUGH  
OF HILLINGDON**  
Planning,  
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