

Report of the Corporate Director of Planning & Community Services

Address 350-352 BATH ROAD HARMONDSWORTH

Development: Change of use to Class A3 (Restaurants and Cafes) with ancillary takeaway use (Class A5) with associated parking and the erection of a extraction flue (involving demolition of part existing single storey rear extension).

LBH Ref Nos: 1767/APP/2009/2494

Drawing Nos: PD/350-352/04C
PD/350-352/05a
PD/350-352/03a
PD/350-352/02a
Design and Access Statement

Date Plans Received: 16/11/2009

Date(s) of Amendment(s):

Date Application Valid: 30/11/2009

1. SUMMARY

Members will recall that a planning application, ref: 1767/APP/2009/700 for the change of use of existing commercial premises to an A3 restaurant use with ancillary takeaway uses (Class A5) and the erection of an extraction flue, was heard at the Central & South Planning Committee on 8th September 2009 with a recommendation to grant planning permission subject to conditions. However, Members resolved to refuse planning permission as the proposal failed to provide adequate space to accommodate both usable car parking and refuse/cycling storage facilities.

This current application seeks to address these concerns by revising the layout of the rear yard to accommodate both usable car parking and refuse/cycling storage facilities. These facilities are considered to be acceptable.

The remainder of the scheme, comprising the change of use to restaurant use with ancillary takeaway uses (Class A5) and an extraction flue, is identical to that which formed part of the previously refused scheme. No objections were raised to those elements of the previously refused scheme and therefore, that consideration remains the same for this current scheme.

Accordingly, approval is recommended subject to conditions.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

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

3 M2 External surfaces to match existing building

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 H10 Parking/Turning/Loading Arrangements - Commercial Devs.

The use hereby approved shall not commence until the parking areas (including the marking out of parking spaces) shown on the approved plans are provided and thereafter permanently retained and used for no other purpose.

REASON

To ensure that the loading, roads, turning facilities and parking areas are satisfactorily laid out on site in accordance with Policies AM3 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

5 H16 Cycle Storage - details to be submitted

The use hereby approved shall not commence until the 6 cycle parking spaces are provided in accordance with the approved plans and thereafter permanently retained for as long as the development remains in existence.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

6 MCD10 Refuse Facilities

The use hereby approved shall not commence until the secure and covered refuse and recycling facilities hereby approved have been provided in accordance with the approved plans and thereafter permanently retained for as long as the development remains in existence.

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 (February 2008) Policy 4B.1.

7 N5 Control of noise emission from the site

The development shall not begin until a scheme which specifies the provisions to be made for the control of noise emanating from the site has been submitted to and approved by the Local Planning Authority. The approved scheme shall then be implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the site remains in use.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

8 N12 Air extraction system - noise and odour

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented before the development is occupied/the use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

9 N13 Sound insulation of commercial/entertainment premises

The development shall not begin until a sound insulation scheme for the control of noise transmission to the adjoining dwellings/premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

10 HLC3 Hours of Use

No persons other than staff shall be permitted to be on the premises between the hours of 23.00 hours and 08.00 hours.

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).

11 NONSC Delivery Hours

No deliveries servicing the development shall take place outside the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 hours on Saturdays. No deliveries servicing the development shall take place on Sundays, Bank Holidays or Public Holidays.

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).

12 OM15 General Litter/Waste

No development shall take place until a scheme detailing the method of disposal, storage and collection of litter and waste materials, generated by the business and/or discarded by patrons, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided and the methods for collection of litter within and in the vicinity of the premises. The approved scheme shall be implemented in full thereafter.

REASON

To ensure that adequate provision is made for the disposal of litter and waste, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Plans (September 2007).

13 OM16 Notice advertising customer responsibilities

A notice shall be displayed permanently and prominently within the premises requesting that customers dispose of their litter responsibly.

Reason:

To ensure the satisfactory disposal of litter in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

14 MCD1 Ancillary Uses

The takeaway use hereby approved shall be used only for purposes ancillary to the use of the premises as a restaurant

REASON

To safeguard the amenities of nearby residents and to prevent on-street parking to the detriment of highway and pedestrian safety, in accordance with policies OW1 and AM7 adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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 GRANT 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 (February 2008) and national

guidance.

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.
OE1	Protection of the character and amenities of surrounding properties and the local area
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
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
AM14	New development and car parking standards.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 4A20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 4A.22	Spatial policies for waste management

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 I12 Notification to Building Contractors

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

5 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

6 I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

7 I34 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from

www.drc-gb.org.

· Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

8 I43 Keeping Highways and Pavements free from mud etc

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

9 I46 Renewable Resources

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

10 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.

11 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).

12 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).

13 I47 Damage to Verge

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the north side of Bath Road near its junction with Pinglestone Close and forms part of a local parade comprising commercial units on the ground floor with residential accommodation above accessed from the rear of the terrace. A service road lies to the rear of the terrace accessed from Pinglestone Road.

The application property has a single storey rear extension and is currently vacant. The lawful use of the ground floor is as an office with storage at rear within Class B1(a). Access to the upper floor residential units is via an entrance door along the flank wall of the application property. The attached property, 354 Bath Road, lies to the west and to the east lies a footpath with 348 Bath Road beyond. The application site lies within a local shopping parade, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the change the use of an existing commercial premises to a restaurant use (class A3) with ancillary takeaway uses (Class A5) and the erection of an extraction flue. The proposal would involve internal alterations to provide a kitchen area and toilets.

It is also proposed to demolish a substantial part of the existing single storey rear extension to enable the provision of three parking spaces, cycle parking spaces and 2no. 660ltr refuse and recycling storage facilities each measuring 1.4m wide by 0.8m wide. Access to the refuse and recycling storage facilities would be from the rear service road accessed off Pinglestone Close.

The proposed extraction flue would be attached to the east facing flank wall of the premises. It would measure 0.5m in diameter and extend 1m beyond the eaves of the roof.

3.3 Relevant Planning History

1767/APP/2007/3212 350-352 Bath Road Harmondsworth

CHANGE OF USE OF EXISTING COMMERCIAL PREMISES TO A RESTAURANT WITH
ANCILLARY TAKEAWAY (CLASS A3)

Decision: 18-03-2008 Refused

Appeal: 12-01-2009 Dismissed

1767/APP/2009/700 350-352 Bath Road Harmondsworth

Following demolition of part single storey rear extension to incorporate parking, change of use of the premises to restaurant use with ancillary takeaway use (Class A3) and an extraction flue

Decision: 23-09-2009 Refused

Comment on Relevant Planning History

Planning application ref: 1767/APP/2009/700 was refused for the following reason:

"The layout of the proposed development fails to provide adequate space to accommodate both usable car parking and refuse/recycling storage facilities contrary to policies AM7(ii) and AM14 of the London Borough of Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.22 of the London Plan."

4. Planning 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:

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.
OE1	Protection of the character and amenities of surrounding properties and the local area
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
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
AM14	New development and car parking standards.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 4A20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 4A.22	Spatial policies for waste management

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

12 adjoining owner/occupiers and the Harmonsworth & Simpson Residents' Association have been consulted. 2 letters of objection and a petition with 63 signatories have been received making the following comments:

Letters of objection:

- (i) Parking is extremely limited. Bath Road is a red route and Pinglestone Road has residents parking. The proposal would result in an increase in on-street parking.
- (ii) The proposal would lead to an increase in litter on the road;
- (iii) The proposal would increase smells and noise, particularly late at night;
- (iv) There are already several food outlets within walking distance. We do not need another one;
- (v) There are no details of the type of restaurant or number of seating. The takeaway use could become the primary use;
- (iv) The proposal would cause noise and disturbance to local residents, particularly late at night when employers leave;
- (vii) The service road is too narrow for commercial delivery vehicles and no details have been submitted to demonstrate how refuse vehicles would access the site; and
- (viii) Access to the existing garage at 2 Pinglestone Close would be constantly blocked by delivery vehicles.

Petition:

"We are still of the firm belief it (the proposal) would cause severe parking congestion in this area.

London Transport made a decision some years back it would be dangerous for them to allow any more vehicle crossover on the Bath Road from 316 to 348, surely if they are of the opinion the amount of vehicles this type of business would create must also pose a real danger.

We have already a parking problem with taxi drivers and airport workers in the area.

The new proposal site layout plan now has the cycle rack, refuse and recycling bins taking up part of the space which on the other application was marked solely as three parking spaces. Is there adequate space left for three parking spaces, also enough room for bins to be opened and cycles parked without encroaching on the side access way?"

Harmonsworth & Simpson Residents' Association:

"The executive committee of the above association is against this proposal for the same reason we have opposed the last planning application for this site. Parking. This is an ongoing problem in this location for the local residents, and with a takeaway restaurant this would cause added chaos. We also believe that there is no room for parking at the rear of these premises. We therefore ask that once again this proposal be turned down"

NATS: No safeguarding objections.

BAA: No safeguarding objections

Internal Consultees

Environmental Projection Unit:

No objections subject to conditions relating to sound insulation, hours of operation and deliveries, details of the extract ventilation equipment, and litter.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There are no policies in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) that protect office uses within class B1(a). The application site lies within a local parade. Table 8.1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) defines parades as:

"Groups of shops which provide at least 3 essential local shop uses and other retail and service uses for people living or working within a walking distance of around 800m."

Local shopping parades serve an important role in providing convenience shopping that caters for the needs of local residents. Paragraph 8.22 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) seeks to ensure that all residential areas are within half a mile of a least 5 essential shop uses, although not necessarily within the same parade. For some local shopping areas the closure of just one essential shop may be so significant as to precipitate the closure of other shops and the ultimate demise of the centre as a whole. The LPA seeks to protect vulnerable parades and corner shops which have a particularly important role for the local community and to provide opportunities for the establishment of new essential shop uses in existing class A1 premises. Ideally there should be no less than 3 (essential shops) in the smaller parades and a choice of essential shops in the larger parades.

As the proposal involves the change of use of a non-shop use, it would not affect local essential shopping provision. Therefore, the proposal would comply with policy S7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.02 Density of the proposed development

This is not applicable to this application for a change of use to a restaurant with ancillary takeaway.

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

This is not applicable to this application for a change of use to a restaurant with ancillary takeaway.

7.04 Airport safeguarding

BAA and NATS raises no safeguarding objections to this application.

7.05 Impact on the green belt

The application site does not lie within the Green Belt.

7.07 Impact on the character & appearance of the area

No external alterations are proposed to the ground floor shop front. The proposed external flue would be located along the eastern flank wall of the application property and as such would be visible from Bath Road. However, the proposed flue, by reason of its overall size, siting and design, is not considered to harm the appearance of the original building or the street scene generally given the commercial character of Bath Road.

The proposed rear extension would be reduced from 15.9m to 13.4m deep. The resultant rear wall of the extension is acceptable and would not harm the appearance of the surrounding area.

Therefore, the proposal is considered to comply with Policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, smell and disturbance. The nearest residential properties lie above and adjacent to the application unit and a ventilation duct is proposed on the flank wall of the building adjacent to flank windows which provide natural light to the staircase for the upper floor units. Therefore, the proposed flue would not harm the residential amenities of adjoining occupiers through smells and odour.

It is therefore considered that planning conditions requiring details of the ventilation equipment, the installation of appropriate sound attenuation and insulation between floors and the imposition of limitations on hours of operation and deliveries would be sufficient to maintain the residential amenity of the occupiers of adjoining and nearby residential properties, should planning permission be granted. The proposal would therefore comply with policies OE1 and S6 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and 4A.20 of the London Plan 2008.

7.09 Living conditions for future occupiers

This is not applicable to this application for a change of use to a restaurant with ancillary takeaway.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application property has a site area of 270sq.m. The internal floor area of the proposed ground floor would be 148sq.m. The Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan Saved Policies, September 2007) requires 1 parking space per 50sq.m. This would equate to 3 parking spaces.

The current application proposes 3 parking spaces in the rear yard each of which would meet the Council's parking standard of 2.4m by 4.8m. Cycle parking is also proposed. The rear service road is of a sufficient width to accommodate delivery vehicles and refuse vehicles. The application site is within 24m from Pinglestone Close, enabling an alternative location for serving by a refuse vehicle.

As such, the proposal would not result in a significant increase in on-street parking to the detriment of highway and pedestrian safety, and would promote a sustainable mode of transport, in accordance with policies AM7(ii), AM9 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

7.11 Urban design, access and security

This is addressed at section 07.07.

7.12 Disabled access

The proposal seeks the change of use of an existing ground floor unit into a restaurant. The proposed layout would provide a disabled WC and is located solely on ground floor level. It is not considered to give rise to any concerns with regard to accessibility.

7.13 Provision of affordable & special needs housing

This is not applicable to this application for a change of use to a restaurant with ancillary takeaway.

7.14 Trees, landscaping and Ecology

This is not applicable to this application for a change of use to a restaurant with ancillary takeaway.

7.15 Sustainable waste management

The London Borough of Hillingdon does not have any recommended waste standards for commercial units and it is generally for operators to determine their own requirements in terms of provision.

The application now includes the provision of refuse and recycling storage facilities which would be accessed from the rear service road. This is considered to be acceptable and the submitted plans demonstrate that there is sufficient space at rear to provide 3 off-street parking spaces and refuse facilities without encroaching onto the access way.

Therefore, the proposal would overcome the reason for refusal of the previous scheme and would now comply with policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and Policy 4A.22 of the London Plan.

7.16 Renewable energy / Sustainability

This is not applicable to this application for a change of use to a restaurant with ancillary takeaway.

7.17 Flooding or Drainage Issues

The application site does not lie within the flood plain.

7.18 Noise or Air Quality Issues

This Council's Environmental Protection Unit raises no objection to the proposed development subject to conditions which require a scheme for the control of noise to be submitted to and approved by the Local Planning Authority.

It should be noted that the flue extends above the eaves level of the building and would be fitted with carbon filters which should ensure there is no unacceptable odour nuisance to neighbours.

7.19 Comments on Public Consultations

On the third party comments, point (iv) is not a material planning consideration. On point (v), a condition is recommended to ensure that the takeaway use remains ancillary. On point (viii), there is sufficient space on site to service the proposed use without causing an obstruction to the existing vehicular access at 2 Pinglestone Close. The remaining points and the comments of the petitioner are addressed in the report.

7.20 Planning obligations

This is not applicable to this application.

7.21 Expediency of enforcement action

This is not applicable to this application.

7.22 Other Issues

There are no other relevant issues.

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

10. CONCLUSION

The proposal would not harm existing essential shop uses, would provide sufficient facilities and would not harm residential amenity. It would overcome the reason for refusal of the previous scheme and is therefore recommended for approval.

11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Contact Officer: Sonia Bowen

Telephone No: 01895 250230



Notes



Site boundary

For identification purposes only.

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London Borough of Hillingdon
100019283 2009

Site Address

**350 - 352 Bath Road
Harmondsworth**

Planning Application Ref:

1767/APP/2009/2494

Planning Committee

Central and South

Scale

1:1,250

Date

February 2010

**LONDON BOROUGH
OF HILLINGDON**

**Planning &
Community Services**

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



HILLINGDON
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Notes



Site boundary

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London Borough of Hillingdon
100019283 2009

Site Address

**350 - 352 Bath Road
Harmondsworth**

Planning Application Ref:

1767/APP/2009/2494

Planning Committee

Central and South

Scale

1:1,250

Date

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