

Report of the Head of Planning & Enforcement

Address 94 GLEBE AVENUE ICKENHAM

Development: Change of use from Class A1 (Shops) to Class A2 (Financial and Professional Services.)

LBH Ref Nos: 54202/APP/2009/2171

Drawing Nos: 2582/2 Rev. A

Date Plans Received: 07/10/2009 **Date(s) of Amendment(s):**

Date Application Valid: 19/11/2009

1. SUMMARY

Planning permission is sought for the change of use from class A1 and A2. The proposal would not harm the character and function of the shopping parade and as such is recommended for approval.

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 MCD10 Refuse Facilities

No development shall take place until details of facilities to be provided for the covered, appropriately sign posted, secure and screened storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

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.

3 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 and impact of the development is satisfactory and complies with Policies BE13 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC Non Standard Condition

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

REASON

To safeguard the amenity of surrounding areas, 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).

5 H8 Surfacing and marking out of access/parking/servicing areas

The development shall not be occupied until the parking spaces shown on the approved plans have been drained, surfaced and marked out in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be permanently retained and used for no other purpose.

REASON

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

6 H14 Cycle Storage - details to be submitted

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for users of and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

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).

7 DIS2 Access to Buildings for People with Disabilities

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

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.

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.
AM14	New development and car parking standards.
LPP 2A.9	The Suburbs: supporting sustainable communities
LPP 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes

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 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).

5 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

6 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.

7 125 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).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the west side of Glebe Avenue at its junction with Clovelly Avenue and comprises a recently constructed single storey retail unit forming the end of a terrace of 5 commercial units on the ground floor, four of which have residential accommodation above. To the north lies 94 Glebe Avenue and to the south lies Clovelly Avenue with 96 Glebe Avenue beyond. The street scene is residential in character and appearance comprising predominantly two storey semi-detached houses and the application site lies within the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

The unit has recently been constructed and remains vacant. Planning permission is sought for the change of use of the retail unit to a use within class A2. No external alterations are proposed.

3.3 Relevant Planning History

54202/APP/2004/1043 94 Glebe Avenue Ickenham

CONVERSION OF AN EXISTING RETAIL UNIT (CLASS A1) INTO TWO EQUAL SELF-CONTAINED UNITS, ONE FOR RETAIL (CLASS A1) AND THE OTHER FOR CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES) WITH A MODIFIED FRONTAGE

Decision: 13-07-2004 Refused

Appeal: 15-02-2005 Allowed

54202/APP/2008/1578 94 Glebe Avenue Ickenham

Single storey side extension for use as a Class A1 retail shop unit.

Decision: 28-07-2008 Approved

Comment on Relevant Planning History

As above.

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:

- 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.
- AM14 New development and car parking standards.
- LPP 2A.9 The Suburbs: supporting sustainable communities
- LPP 4A.20 London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

32 adjoining owner/occupiers and the Ickenham Residents' Association (x2) consulted. 1 letter of objection has been received making the following comments:-

- (i) There is little or no demand for A2 uses for a unit of this size.
- (ii) There is an underlying concern that this application will trigger an application for a class A5 use. Then seek to combine this unit with 94 Glebe Avenue.
- (iii) If approved, the applicant should be required to fulfil all the conditions of the previous permission (ref:54202/APP/2008/1578); that there is no further change of use without the unit reverting to and being used for class A1 for at least 3 years and the proposed use does not operate on Sundays and bank holidays.
- (iv) The applicant has not fully complied with conditions of the previous permission for an extension.

Internal Consultees

Highways:

The site is located on the north-western corner of the junction of Glebe Avenue and Clovelly Avenue.

Two off-street car parking bays are proposed for the proposed Class A2 (Financial and Professional Services), which accords with the Council's car parking requirements. The parking layout for 5 spaces was approved on a previous application reference 54202/APP/2008/1578, two of which would be allocated to this site. Customer parking can be accommodated on street in vicinity of the site.

The Council's minimum cycle parking standards stipulate a cycle parking requirement of approximately 2 spaces. This should be covered through a suitable planning condition.

There are no objections on the highways aspect of the proposals, subject to the conditions relating to surface water and cycle provision.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site forms part of a small parade of shops in Glebe Avenue. Local shopping parades serve an important role in providing convenience shopping that caters for the needs of local residents. Paragraph 8.22 and policy S7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) seeks to ensure that all residential areas are within half a mile of at 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.

The parade comprises the following uses:

90 Glebe Avenue - Vacant A1 unit

92 Glebe Avenue - Supermarket (A1)

94 Glebe Avenue - Converted into two separate units - One as a hair dresser (A1) the other as a vacant A1 unit.

The new building is an addition to the parade of shops and is yet to be included in the Annual Shopping survey. However, its loss to a non-retail use within class A2 would not harm the character and function of the parade as an essential use would be retained and the vacant units have the potential to provide essential retail uses, within the parade.

Given the above, it is considered that the level of essential shop uses is adequate to maintain the viability, character and function of the parade and would be sufficient to cater for the local convenience shopping needs of local residents. As such, the proposal would not harm the vitality and viability of the Glebe Avenue Parade in accordance with Policy S7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and policy 2A.9 of the London Plan 2008 which seek to meet special retail needs and to encourage sustainable communities.

7.02 Density of the proposed development

This is not applicable to this application.

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

This is not applicable to this application.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

This is not applicable to this application.

7.06 Environmental Impact

This is not applicable to this application.

7.07 Impact on the character & appearance of the area

No external alterations are proposed and therefore, the proposal would not have an adverse impact on the appearance of the street scene.

7.08 Impact on neighbours

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise and disturbance. The nearest residential property lie above the adjoining unit at 94 Glebe Avenue. The proposed use is not considered to generate additional noise and disturbance over and above the current permitted use nor is it considered to be a use that would generate excessive noise or disturbance. Thus an hours of operation condition is not recommended. A condition requiring limitations on hours of deliveries, which may generate noise and impact on the occupiers of adjoining and nearby residential properties, is recommended. 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.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) requires 1 space per 25sqm for non-shop uses. This requirement is the same for shop uses. The previously approved scheme for the building incorporated 2 parking spaces to the rear. These spaces would now be for the proposed use. As such, the proposal would not result in an increase in demand for on-street parking and would comply with policies AM7(ii) 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 7.2

7.12 Disabled access

This is not applicable to this application.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, Landscaping and Ecology

This is not applicable to this application.

7.15 Sustainable waste management

This is not applicable to this application.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

This is not applicable to this application.

7.19 Comments on Public Consultations

With regards to the third party comments, point (i) This is not a factor which is relevant to the planning decision. There is also no factual evidence to support such an argument. On point (ii), planning permission will be required for the change of use to class A5 and such an application would be considered on its merits. On point (iii), it would be unreasonable to attach a planning condition to prevent any further change of use without the unit reverting to and being used for class A1 for at least 3 years and on point (iv) this is a matter for the enforcement section and is separate to the determination of this application.

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

This is not applicable to this application.

10. CONCLUSION

The proposed change of use would not harm the character and function of the shopping parade which is to provide convenience shopping for local residents. Therefore, this application is recommended for approval.

11. Reference Documents

London Plan 2008


Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

Contact Officer: Sonia Bowen

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Notes

 Site boundary

For identification purposes only.

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Site Address	
94 Glebe Avenue, Ickenham	
Planning Application Ref:	Scale
54202/APP/2009/2171	1:1,250
Planning Committee	Date
North	January 2010

**LONDON BOROUGH
OF HILLINGDON**

**Planning &
Community Services**

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