

Report of the Head of Planning & Enforcement Services

Address 610 UXBRIDGE ROAD HAYES
Development: Alterations to existing front and rear elevations.
LBH Ref Nos: 13203/APP/2010/2108
Drawing Nos: 1:1250
Photographs
PP/175

Date Plans Received: 08/09/2010 **Date(s) of Amendment(s):** 08/09/2010
Date Application Valid: 08/09/2010 06/10/2010

1. SUMMARY

The application seeks permission for a new shopfront, together with the insertion of a new doorway to the rear. The application site is within the Primary Shopping Area of Uxbridge Road, Hayes Town Centre and as such, the locality is commercial in character and appearance. The proposed shopfront is considered to satisfactorily integrate with the existing building and the wider street scene, and due to the commercial nature of the building the additional doorway to the rear would be in-keeping with the building and entirely what you would expect to see on a site of this nature.

Therefore subject to condition the application 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 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 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 M1 Details/Samples to be Submitted

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC roller shutters

The roller shutters as specified on the amended drawings hereby approved, No PP/175 received on the 6th October 2010, shall only be installed internally. The existing unauthorised external roller shutters shall be removed from the building, including associated housing and tracking, and any damage caused to the external appearance of the unit shall be made good within 3 calendar months of the works being completed.

REASON

To ensure that the development provides a satisfactory appearance in accordance with Policy BE13 of the 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.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE28	Shop fronts - design and materials
BE20	Daylight and sunlight considerations.
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.
HDAS	Shopfronts and Signage
	London Plan Policy 3D.1 - Supporting Town Centres.

LPP 3D.1

LPP 3D.3

London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.

LPP 4A.3

London Plan Policy 4A.3 - Sustainable Design and Construction.

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 I2 **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

5 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).

6 I5 **Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

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. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 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.

8 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.

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Construction Site Informative: Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation, you are advised as follows:

- 1) Demolition and construction works which are audible at the site boundary should only be carried out between the hours of; 0800 and 1800 on Monday to Friday, 0800 and 1300 on Saturday. No such work must be carried out on Sundays and Bank Holidays. All noise generated during such works must be controlled in compliance with British Standard 5228;
- 2) Measures must be taken to eliminate the release of dust caused by the works that may create a statutory nuisance (a useful reference is the Best Practice Guidance - The control of dust and emissions from construction and demolition, Greater London

Authority, November 2006);

3) No bonfires on the site shall be allowed to take place at any time.

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Please ensure that the door is not be too heavy to open - the maximum opening force at the leading edge of the door should not exceed 30 Newton from 00 (closed position) to 300 and 22.5N from 300 to 600. An electronic - hydraulic assisted mechanism can be employed to stop the door from being disabling and considered "heavy" to many people. Further information can be obtained from Building Control on 01895 250804/5/6.'

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It is noted (following the site visit) that external roller shutters have been applied to the existing premises. These would require planning permission and no planning records have been found in relation to the same. The Authorities Adopted Design Guidance on 'Shopfronts and Signage' Section 9.0 - 9.9 deals with security measures, and comments as follows, whilst the councils recognises the need for premises to be adequately secured and protected through appropriate security devices, it is concerned the character of the area can be adversely effected by inappropriate physical security measures. Solid and visually impermeable roller shutters can create a forbidding and unsafe environment after dark, preventing passive surveillance (both into the street and the shop). Their appearance also adversely affects the character and appearance of the building and the area. These types of shutters are easy to vandalise with graffiti, which in turn can further negatively affect the character and image of the area. Therefore, external solid roller shutters (including punched, perforated or micro-perforated shutters) should be avoided. As such, it is recommended these unauthorised shutters are removed.

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You are advised that this permission relates to the alterations to elevations only. Any change of use of the premises would require further planning permission.

13 12 **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The application site is on the north side of Uxbridge Road and comprises a ground floor mid terrace unit with residential flats above. The site has a wide footway and an access/service road to the front providing street side parking. There is a further access road to the rear providing delivery access to the commercial uses and residential flats above. The general locality is flat and the site is within Uxbridge Road, Hayes, Primary

Shopping Centre as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Polices September 2007).

3.2 Proposed Scheme

The proposal involves the installation of a new shopfront and external doorway to the rear. The new shopfront would comprise an aluminum frame and would be of a similar design to the existing unit, although the entrance door would be repositioned to the side. The additional doorway would be applied to the rear elevation of the single storey element (adjacent to the existing rear entrance door).

3.3 Relevant Planning History

13203/APP/2000/2728 610 Uxbridge Road Hayes
ERECTION OF A SINGLE STOREY REAR EXTENSION

Decision: 06-02-2001 Approved

13203/APP/2009/846 610 Uxbridge Road Hayes

Change of use from retail (Class A1) to hot food takeaway (Class A5), involving the installation of an extract duct to rear.

Decision: 24-07-2009 Refused

Appeal: 01-02-2010 Dismissed

Comment on Relevant Planning History

None

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.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE28 Shop fronts - design and materials
- BE20 Daylight and sunlight considerations.
- 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.

HDAS	Shopfronts and Signage
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

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 neighbours were consulted and three responses have been received, which make the following comments -

1. The change to the front involving 2 doors will affect the appearance of the parade and will be negative on the eye
2. The fact that a fish shop is shown will be awful as there are enough food shops on the parade, also this will result in environmental pollution due to smell and possibly rats and mice (which there is already a serious problem)
3. It will also cause crime to increase as gangs of youths will hang around the area
4. I am against the rear alterations, the backs of these shops are already dark and lighting is low.
5. The application will cause many problems for the community, police and council, please reject this proposal
6. The proposal will also be a target for vandalism
7. The alterations to the rear elevation will cause noise pollution for customers and residents living above the shops
8. It is not clear what the intended use would be
9. I am against the application
10. If any alteration is made to the front part of the shop, it will affect our front view from our windows.

There has also been a petition received with 43 signatures requesting the application to be refused (no reason is given).

Internal Consultees

EPU - The Council's Environmental Protection Officer has reviewed the application and has no comment.

HIGHWAYS - The Council's Highways Officer has reviewed the application and has no objection, noting the access to the front and rear of the site would remain unchanged. Vehicle access to the front of the application site is by way of an access/service road with pay and display street side car parking. There is also access to the rear of the site providing delivery access to the commercial uses and residential flats above.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area, and Policy BE15

requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building. Policy BE28 requires shopfronts to harmonise with the building and to improve the character of the area. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Shop Fronts and Signage: Section 5.3 states, the Council will encourage all applicants to adopt good design that can set example for others and can trigger improvements in the appearance of other shop fronts in the locality.

The revised proposal is considered to comply with this advice. The design of the shop front is considered to satisfactorily integrate with the existing building, using appropriate traditional design features, such as stall risers and sub-divisions. Furthermore it is not considered that the proposal would have a detrimental impact on the wider street scene of which it would form part.

The insertion of an additional door to the rear would not be visible from the street front, although vantage would be gained from the rear service road. However, this additional door would be considered to be in-keeping with the existing building and entirely what you would expect to see on a site of this nature.

7.02 Density of the proposed development

Not applicable to this application

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

Not applicable to this application

7.04 Airport safeguarding

Not applicable to this application

7.05 Impact on the green belt

Not applicable to this application

7.07 Impact on the character & appearance of the area

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area, and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building. Policy BE28 requires shopfronts to harmonise with the building and to improve the character of the area. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Shop Fronts and Signage: Section 5.3 states, the Council will encourage all applicants to adopt good design that can set example for others and can trigger improvements in the appearance of other shop fronts in the locality.

With regard to the design and appearance of the shop front, Section 5.6 of the SPD: Shopfronts and Signage, states the Council will look for the use of traditional design features, such as; stall risers; several smaller panes of glass, instead of one large sheet of glass and more traditional types of window; vertical subdivisions at ground floor level below the fascia area, which would appropriately relate to the street and to the building above. The application is considered to comply with this advice as the new shopfront would be broken up with both vertical and horizontal sub-divisions with the entrance doorway to the side, framing and stall-risers. This is considered to be in-keeping in the street scene to which it relates. Therefore, the proposal is considered to comply with policies BE13, BE15 and BE28 of the Hillingdon UDP (Saved Policies, September 2007).

The additional door to the rear would be visible from the rear access road, however it would be considered to be in-keeping with the existing building and entirely what you would expect to see on a site of this nature. Therefore the proposal would comply with

Policies BE13 and BE15 of the UDP (Saved Policies September 2007).

It is noted the revised drawings indicate the removal of the unauthorised external roller shutter and its replacement with an internal perforated vision security shutter. This proposal is welcomed and would be considered to result in a visual improvement to this frontage, thereby complying with Policy BE13, BE15 and BE28 of the UDP (Saved Policies September 2007).

7.08 Impact on neighbours

It is considered the replacement the shop front would not impact on the amenities of any adjoining properties by way of loss of light, outlook, or privacy, and therefore this aspect of the proposal is considered to be in accordance with policies BE20, BE21 and BE24 of the UDP (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application

7.10 Traffic impact, Car/cycle parking, pedestrian safety

It is considered the replacement the shop front would not impact on the amenities of any adjoining properties by way of loss of light, outlook, or privacy, and therefore this aspect of the proposal is considered to be in accordance with policies BE20, BE21 and BE24 of the UDP (Saved Policies September 2007).

The Council's Highways Officer has reviewed the application and has no objection, noting the access to the front and rear of the site would remain unchanged. Vehicle access to the front of the application site is by way of an access/service road with pay and display street side car parking. There is also access to the rear of the site providing delivery access to the commercial uses and residential flats above. While plans indicate the internal layout would be altered to form several small shops, advice from the Council's Highways Officer is that this would not result in an unacceptable increase in the number of deliveries.

7.11 Urban design, access and security

Not applicable to this application

7.12 Disabled access

If permission were to be granted an informative is added advising the applicant of the need to comply with The Building Regulations Part M 'Access to and use of Buildings'. As such the proposal would comply with the intentions of Policy 3A.4 of the London Plan and the Council's HDAS: 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 - the application relates to the installation of a new shop front and doorway to the rear. The site is situated within an existing commercial area and would not have an effect on any existing landscape features.

7.15 Sustainable waste management

It is not considered the waste management issues would be so materially different as to warrant any additional controls in relation to this issue.

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

Not applicable to this application

7.19 Comments on Public Consultations

Point 1 - the additional door would be applied to the rear, only one door is proposed on the frontage.

Points 2 and 8 - this application does not involve a change of use.

Points 3, 4, 5, and 6 - no extensions are proposed to the rear and it is not considered the addition of a single doorway to the rear would have a material effect on crime, light or vandalism.

Point 7 - It is not considered a material increase in noise would occur following the insertion of one additional doorway to the rear, and any noise nuisance would be dealt with under the Environmental Protection Unit legislation.

Any remaining issues are addressed in the full report.

7.20 Planning obligations

Not applicable to this application

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

None

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

Not applicable to this application

10. CONCLUSION

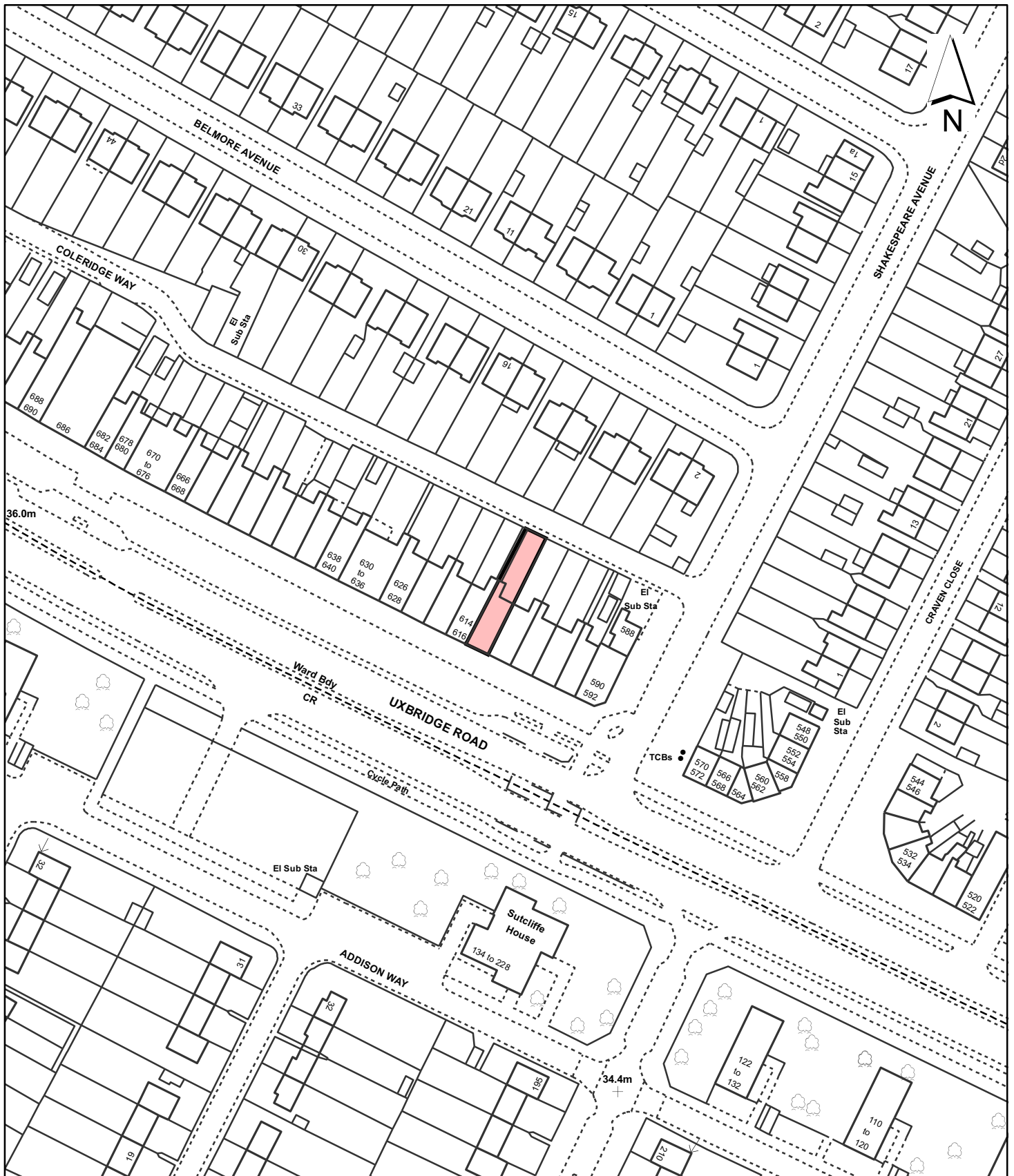
The application relates the installation of a new shop front, together with an additional door to be applied to the rear of the building. Due to the commercial nature and location of this building, it is considered these alterations would be in-keeping with this existing unit and the site to which it would be applied. Therefore, subject to appropriate safeguarding conditions, the proposal would is not considered to result in any adverse impacts and is therefore recommended for approval.



11. Reference Documents

Unitary Development Plan (Saved Policies September 2007)
London Plan Policies (2008)
HDAS Shopfronts and signage

Contact Officer: Catherine Hems

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2010</p>	<p>Site Address</p> <p align="center">610 Uxbridge Road Hayes</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Planning, Environment & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center">13203/APP/2010/2108</p>	<p>Scale</p> <p align="center">1:1,250</p>	
	<p>Planning Committee</p> <p align="center">Central and South</p>	<p>Date</p> <p align="center">November 2010</p>	
		 <p>HILLINGDON LONDON</p>	