

Report of the Head of Planning & Enforcement Services

Address 103 PARK ROAD UXBRIDGE

Development: Change of use from Class A1 (Shops) to Class A5 (Hot food takeaway) and installation of extraction flue to rear.

LBH Ref Nos: 32648/APP/2010/1408

Drawing Nos: Design & Access Statement
1:500 Block Plan
1:1250 Location Plan
776/bat/2

Date Plans Received: 16/06/2010 **Date(s) of Amendment(s):** 16/06/2010
Date Application Valid: 09/07/2010 09/07/2010
28/10/2010

1. SUMMARY

Planning permission is sought for the change of use from a shop to a take-away and the installation of a flue to the rear of the premises.

There are sufficient shops in the nearby Uxbridge Town centre that would cater for the shopping needs of nearby residents. The proposed flue would not harm the residential amenities of nearby residents and subject to a condition restricting the hours of operation, the proposal would not result in an increase on on-street demand for parking.

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 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).

3 N14 Control of amplified music

The development shall not begin until a scheme for the control of amplified music

emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of physical, administrative measures and noise limits and other measures as may be approved 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).

4 N12 Air extraction system - noise and odour

No development shall take place until details of the height, position, design and materials of any chimney or extraction ventilation system, to extract kitchen fumes and odours, to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out until the vent/chimney has been installed in accordance with the approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

REASON

In order to safeguard the amenities of adjoining properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 4B.1 and 4A.19.

5 HLC4 Hot Food Takeaways

The premises shall not be used for the preparation or sale of food between the hours of 1800 hours and 0800 hours.

REASON

To prevent and increase in on-street demand for parking to the detriment of highway and pedestrian safety and to safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policies AM2, AM7 and OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 NONSC Non Standard Condition

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 S1 of the Hillingdon Unitary Development Plan.

7 NONSC Non Standard Condition

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 S1 of the Hillingdon Unitary Development Plan.

8 NONSC Non Standard Condition

The premises shall not be used for delivery and the loading or unloading of goods outside the hours of 08:00 and 18:00 Monday to Friday and outside the hours of 08:00 and 13:00 hours on Saturdays. There shall be no deliveries or loading or unloading of goods on Sundays

REASON

To safeguard the amenity of surrounding area, in accordance with policies OE1 and OE3 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

9 OM17 Litter Bin Required

The use hereby permitted shall not commence until the owner has made arrangements, to be submitted to and approved in writing by the Local Planning Authority, for the provision of a litter bins within and in the vicinity of the site.

REASON

To ensure that adequate provision is made for the disposal of litter likely to be generated by the proposed development, 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).

10 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 Policies AM13 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

11 HLC3 Hours of Use

No persons other than staff shall be permitted to be on the premises between the hours of 18.00 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).

12 NONSC Non Standard Condition

The external portions of flue/pipe associated with the use hereby approved shall be painted black, and shall be removed and the external fabric of the building made good within 1 month upon the use of the premises hereby approved ceasing.

REASON

To ensure that the appearance of the external portions of the Flue do not unnecessarily detract from the external appearance of the building and to safeguard the special architectural and/or historic interest of the building in accordance with Policy BE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 152 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).

2 153 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.

BE5	New development within areas of special local character
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
S7	Change of use of shops in Parades
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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.
S6	Change of use of shops - safeguarding the amenities of shopping

areas

3 11 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 13 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 16 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.

6 115 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.

7 118 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).

8 125 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).

9 127 Hot Food Takeaways/restaurants - late night opening

If the premises are to be open after midnight on any night (for which an application for planning permission is required), registration with the Council is required pursuant to the Night Cafes Act. For further advice and information contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge (Telephone 01895 250190).

10 119 Sewerage Connections, Water Pollution etc.

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE. Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

11

You are advised that Thames Water recommends the installation of a properly maintained fat trap on all catering establishment. They further recommend, in line with best practice for the disposal of Fats, Oil 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. You are advised to consult Thames Water on 0208 507 4321.

12

With regards to condition 6, you are advised to include details demonstrating that the proposed bin stores meet the following guidance:

Bin Size - 1,100 litre Eurobin; Height - 1,370mm; Depth - 990mm; Width -1,260mm

Additional bins should be considered for recycling.

You are also advised that:

(i) The material used for the floor / surface of where the bulk bin is stored should be 100 mm thick to withstand the weight of the bin. It should be made from a smooth surface that can be washed down with water and disinfectant, and the run off from this should flow to a proper drain.

(ii) 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). This would only work if the occupier of 101 Park Road allowed the joint access to be used for moving waste containers from the proposed development.

(iii) 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.

(iv) The client for the building work should ensure that the contractor complies with the Duty of Care requirements, created by Section 33 and 34 of the Environmental Protection Act.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the north west side of Park Road and comprises the ground floor of a two storey terraced property with a two storey rear outrigger and a part single storey rear extension. It also incorporates an archway, which provides vehicular access to lock-up garages to the rear of a yard and pedestrian access to 103A Park Road, which has its entrance door within the archway.

To the southwest lies 101 Park Road, a ground floor retail unit with residential accommodation above, assessed from within the archway. To the northeast lies 105 Park Road, a two storey end of terrace property. The street scene is residential in character and appearance, comprising a mix of detached, semi-detached and terraced properties and the application site lies within the North Uxbridge Area of Special Local Character, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Nos. 101, 103 & 105 Park Road are locally listed buildings.

3.2 Proposed Scheme

The application site is currently in use as a retail unit as a sandwich shop. Planning permission is sought for the change of use from Class A1 (shop) to Class A5 (Hot Food Take-Away).

No external alterations are proposed at the front. An external extract flue is proposed above the roof of the part single storey rear extension attached to the rear wall of the building. It would measure 0.2m by 0.2m and would project some 1m above the eaves of the main roof.

It is also proposed to install bin stores along the rear section of the flank wall of the premises.

3.3 Relevant Planning History

32648/82/1493

103 Park Road Uxbridge

Change of use to Retail use 62sq.m.(P)

Decision: 27-01-1983 Refused

32648/G/94/1070 103 Park Road Uxbridge

Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services) and erection of a single storey side extension

Decision: 14-12-1994 Approved

Comment on Relevant Planning History

Planning permission ref: 32648/APP/2008/1092 for the change of use from Class A2 (Financial and Professional Services) to Class A5 (Takeaways) and erection of an external extractor flue to rear/side, was refused in July 2008 for the following reasons:

1. Given the expected level of vehicle movements associated with the proposed use, and the lack of off street parking and limited access to available on street parking, it is likely that the proposal would give rise to vehicular and parking conflict prejudicial to highway and pedestrian safety. As such, the proposal would be detrimental to highway and pedestrian safety, contrary to 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).

2. The proposal fails to provide sufficient off-street parking for the proposed use in accordance with the Council's adopted Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan (Saved Policies September 2007). As such, the proposal would give rise to additional on-street parking demand in the surrounding streets, which is detrimental to highway and pedestrian safety contrary to 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).

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:

- | | |
|------|---|
| BE5 | New development within areas of special local character |
| 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
S7	Change of use of shops in Parades
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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.
S6	Change of use of shops - safeguarding the amenities of shopping areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

45 adjoining owner/occupiers and the North Uxbridge Residents' Association have been consulted. 16 letters of objection have been received making the following comments:

- (i) The proposal would be out of character with the local character of the area;
- (ii) Insufficient parking has been provided;
- (iii) The proposal would create additional litter
- (iv) The proposal would increase parking and congestion on the road;
- (v) There is no need for a take away in this location as there are other similar outlets within walking distance of the site;
- (vi) The proposal would lead to an increase in noise and disturbance;
- (vii) The proposal would harm the residential amenities of the occupiers of 58 and 62 Montague Road through noise and smells;

North Uxbridge Residents' Association:

"North Uxbridge Residents Association wrote in May 08 opposing an application to use the above premises for a take-away premises, principally on the grounds of the detrimental impact on nearby residential properties, notably 105 which has a party wall with 103, but generally on other properties in Montagu Road. Other residents living nearby expressed concerns about this proposal for the reasons of noise, smell and litter. This was duly refused permission and the shop has been used since then largely for the sale of cold snack food although microwave reheated foods and hot drinks have been available.

It is believed that in this location, hot food take-away would rely mostly on passing trade, with customers using cars, or Uxbridge College students. The passing trade would probably create far worse parking/traffic hazards than the current operation. There would be an excessive pressure on the limited parking outside the former Post Office/convenience store which offers a valid local convenience to nearby residents. Given the intended hours of trading of 8 am to 6 pm every day of the week as stated on the application forms, the parking conflict would be at its greatest during the working week.

A hot food establishment would generate excessive noise and fumes from both car born customers

and from the cooking facilities and smell extraction. The visual intrusion of the extract trunking would be an inevitable visual blight and fumes and smells would pervade the amenity of nearby residential properties.

NURA does not believe a take-away facility is needed in this location, there are plenty in the town already. Accordingly NURA request that this Application be refused."

MOD Safeguarding: No safeguarding objections.

Internal Consultees

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 8507 4321.

Waste Management:

- a) I would recommend allowing space for 1 x 1,100 litre bulk bin to safely and hygienically contain the waste arising from the food takeaway. Additional bins should be considered for recycling.
- b) The material used for the floor / surface of where the bulk bin is stored should be 100 mm thick to withstand the weight of the bin. It should be made from a smooth surface that can be washed down with water and disinfectant, and the run off from this should flow to 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). This would only work if the occupier of 101 Park Road allowed the joint access to be used for moving waste containers from the proposed development.
- 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.
- e) The client for the building work should ensure that the contractor complies with the Duty of Care requirements, created by Section 33 and 34 of the Environmental Protection Act.

Environmental Protection Unit:

The Environmental Protection Unit recommend conditions are attached to control odour and noise from the air extraction flue. We should ensure adequate litter bins are provided.

With regards to the opening hours, being 8am - 6pm Monday - Sunday, this does not seem unreasonable. It is noted from the plans that sound insulation via the ceiling is being provided, which would be required.

There is no history of complaints on the current premises.

Highways:

The Council's cycle parking standards stipulate a minimum requirement of 3 cycle parking spaces for the proposed A5 use. The applicant has not proposed any cycle parking, however there appears to be adequate space to the rear for cycle parking. This should therefore be covered

through a suitable planning condition.

One off-street car parking space is proposed, which would be suitable for staff and small deliveries. The site is located close to public transport links.

There is restricted parking available in the lay-by fronting the site. Given the takeaway is not proposed to be opened after 6pm the parking restrictions within the lay-by and in the surrounding areas are self-enforcing.

Consequently, no objection is raised on the highways aspect of the proposals subject to the car parking and cycle parking being covered through suitable planning conditions.

Heritage Conservation Officer

Acceptable, subject to the imposition of an condition on any consent requiring the flue to be painted a dark colour and removed when the use ceases.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site falls within the definition of a 'corner shop' as set out in Table 8.1, which defines such shops as:

'Isolated shops or pairs (not necessarily at street corners) which primarily provide essential local shop services for people living or working within walking distance of up to 800m.'

The proposal involves the change of use of a local shop which has the potential to provide top-up shopping trips for local residents. Paragraph 8.12 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) advises that "There is considerable pressure for service uses in these areas and the continued loss of shops could seriously limit residents' accessibility to local shops. A walking distance to local shops of 800m, i.e. about a 10 minute walk, is generally considered acceptable. Any alternative shops available to residents within 800m will therefore be taken into account by the Local Planning Authority in considering applications for a change from retail use. It will take particular account of the availability of the following shop uses which are important at the local level: chemist, Post Office counter, grocer, baker, butcher, greengrocer, newsagent."

The application site is within 200m of Uxbridge Town Centre, a major, strategic town centre. As such, the loss of the retail unit would not harm shopping provision for local residential, in accordance 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.

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.

7.07 Impact on the character & appearance of the area

No external alterations are proposed at front. The proposed flue would be located to the rear of the application property and therefore, would not be visible from the street scene.

The proposed flue is considered to relate satisfactorily with the appearance of the property and is not considered to harm the character and appearance of the surrounding area.

As such, the proposal would not harm the character and visual amenities of the North Uxbridge Area of Special Local Character, in accordance with policies BE5, BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

The surrounding area is residential in character and appearance. There are residential properties above and adjacent to the application property. The proposed flue would be located to the rear and would be of a modest size. Due to its siting, projecting above the eaves of the roof and expelling cooking fumes away from the residential properties, and subject to a planning condition requiring sufficient details relating to the external flue is submitted before prior occupation to protect the residential amenities of nearby residents from odour nuisance and noise vibration, it is considered that the proposed flue is unlikely to harm the living condition of nearby residential properties.

Further conditions relating to hours of operation, the prevention of a delivery service and the display of an external bin to protect against late night noise and disturbance and litter are also recommended to protect the residential amenities of adjoining occupiers, should planning permission be granted. The proposal is considered to comply with Policies S6 (iii) and OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

7.09 Living conditions for future occupiers

This is not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Park Road is a classified B Road, and the site lies close to traffic lights. Parking is normally free flowing and relatively fast in the vicinity of the site. The proposed use would generate additional traffic over and above the existing use. However, on street parking in the area is controlled during daytime hours, and a number of private crossovers exist in the immediate vicinity of the site. As the applicant has stated on the application form that the premises will only operate between 0800 and 1800 hours, the existing parking restrictions within the layby and in surrounding streets are self-enforcing.

The Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies September 2007) requires 1 space per 50m² of floorspace. The proposal incorporates 1 parking space to the rear of the site and this would be suitable for staff and deliveries. As such, the proposal would not give rise to vehicular and parking conflict or result in additional on-street demand for car parking, which would be detrimental to highway and pedestrian safety, in accordance with Policies AM2, AM7 (ii), AM9 and AM14 of the 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). The proposal would overcome the reasons for refusal of the previous scheme.

A condition is recommended requiring cycle parking provision should planning permission be granted.

7.11 Urban design, access and security

The applicant has confirmed that there is a right of way over the driveway access for vehicles. This is shown on the submitted amended plans. As such, the parking space and access to the rear would be available for servicing vehicles through use the existing access for waste collection.

7.12 Disabled access

With regards to disabled access, the applicant has confirmed that the front entrance will be compliant with disabled access standards. The ground floor WC would be for staff only. These are identified on the submitted amended plans.

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

The application proposes two waste storage bays along the rear section of the flank wall facing the access way and adjacent to the proposed parking space. A standard Council refuse vehicle would not be able to access within 10m of the refuse stores due to the limited clearance. However, the Council's Waste Strategy Team has confirmed that as the proposed use would be commercial the occupier would be able to arrange for private refuse collection. A private refuse collection would have a wider range of collection options, including the option of using smaller collection vehicles which could access the alley. It is also noted that the existing A1 unit sells cold food and does not appear to suffer difficulties with regard to refuse storage.

The proposal is therefore considered acceptable in principle however a condition is recommended requiring details to be submitted to ensure that bin stores are of an appropriate appearance and design.

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

As stated at paragraph 07.8, the proposed flue would be located to the rear and would be of a modest size. Due to its siting, projecting above the eaves of the roof, it is considered to be sufficiently located as to expel cooking fumes away from the residential properties. The Environmental Health Officer raises no objections to the proposed location of the flue and recommends conditions to control odour and noise.

Subject to these conditions, it is considered that the proposal would not harm the residential amenities of nearby residential by reason of noise and odour.

7.19 Comments on Public Consultations

With regards to third party comments, the fact that similar uses may be nearby is not a material planning condition. The remaining points 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

This is not applicable to this application.

10. CONCLUSION

For the reasons outlined above, and that the development complies with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for approval.

11. Reference Documents


Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

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Notes

 Site boundary

For identification purposes only.

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103 Park Road Uxbridge	
Planning Application Ref:	Scale
32648/APP/2010/1408	1:1,250
Planning Committee	Date
Central and South	December 2010

LONDON BOROUGH OF HILLINGDON

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