

Report of the Head of Planning & Enforcement Services

Address 132 RYEFIELD AVENUE HILLINGDON

Development: Installation of chiller units to rear

LBH Ref Nos: 1728/APP/2011/1513

Drawing Nos: machinery details
LOCATION PLAN
6 rear elevation
01/B FLOOR PLAN

Date Plans Received: 20/06/2011 **Date(s) of Amendment(s):** 20/06/0011

Date Application Valid: 01/07/2011

1. SUMMARY

The application is retrospective and relates to chiller units installed at the rear of 132 Ryefield Avenue.

The small size and location are such that they would not be visible from the street. Subject to a condition to control noise impacts they would not cause harm to the amenity of nearby residential accommodation.

2. RECOMMENDATION

APPROVAL subject to the following:

1 HH-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 HH-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 BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 N11 Control of plant/machinery noise

The rating level of noise emitted from the chiller units hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 Method for rating industrial noise affecting mixed residential and industrial areas.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 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 (July 2011) and national guidance.

OE1	Protection of the character and amenities of surrounding properties and the local area
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

3 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is a commercial unit located in a residential area, there is a mixed use of commercial and residential units on Ryefield Avenue. The boundary to the side and rear consists of a brick wall and chain link fencing.

The property has a public access track to the side and to the rear, in which the rear backs on to boundaries of rear garden areas and garages.

3.2 Proposed Scheme

The proposal is for the installation of 7 no. chiller units to the rear of the property, these will be external, and mounted at ground level. Each chiller units is rectangular in shape and would be of a similar size.

The chiller units they would all be of an off white colour.

The chiller units would be mounted against the wall.

3.3 Relevant Planning History

1728/A/91/3593 Oak Tree Ph 132 Ryefield Avenue Hillingdon

Installation of 6 externally illuminated signs

Decision: 30-09-1991 Approved

1728/ADV/2011/31 132 Ryefield Avenue Hillingdon

Installation of 3 externally illuminated fascia signs to front, a portrait shape advertisement to the left of the shop entrance and an externally illuminated pole sign to front, as well as signage to the lower half of windows in the front elevation.

Decision:

1728/APP/2009/1482 132 Ryefield Avenue Hillingdon

Change of use of basement and ground floor from Class A4 Drinking Establishments to Class A1 Retail involving alterations to elevations, installation of ATM machine at front and demolition of existing single storey side extension, conversion of existing residential unit to 2 one-bedroom, 1 two-bedroom and 1 studio flat, to include 2 rooflights to rear, alterations to south elevation and associated parking.

Decision: 17-09-2009 NFA

1728/APP/2009/2566 132 Ryefield Avenue Hillingdon

Change of use of basement and ground floor from Class A4 (Drinking Establishments) to Class A1 (Shops), involving alterations to elevations, installation of ATM machine at front and demolition of existing single storey side extension, conversion of existing residential unit to 2 one-bedroom, 1 two-bedroom and 1 studio flat, to include 2 rooflights to rear, alterations to south elevation to include re-installment of existing metal staircase leading to first floor flat and new roof terrace and associated parking (Resubmission.)

Decision: 09-08-2010 Refused

1728/APP/2010/2003 132 Ryefield Avenue Hillingdon

Installation of shopfront, part single storey front extension to house, automatic telling machine (ATM), awning and fascia, upper level front extension, replacement external staircase to the side, construction of brick wall with gate to east side of front elevation, insertion of new doors to side and new vehicular gates to the rear (Involving demolition of single storey side element and blocking up of 2 doors in front elevation, one door to side and double doors at rear).

Decision: 10-02-2011 Refused

1728/APP/2011/1123 132 Ryefield Avenue Hillingdon

Change of use to from Use Class A4 (Drinking Establishments) to Use Class A1 (Retail) (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 25-08-2011 Approved

1728/APP/2011/1565 132 Ryefield Avenue Hillingdon

Conversion of first and second floors to 2, two-bedroom flats and 1, one-bedroom flat, involving installation of external staircase at rear first floor level and demolition of single storey rear extension, rear store and detached garage to provide space for the creation of a private communal garden and 5 car parking spaces.

Decision:

1728/APP/2011/226 132 Ryefield Avenue Hillingdon

Change of use from A4 (Drinking Establishments) to A1 (Shops) (Application for a Lawful Development Certificate for A Proposed Use).

Decision: 21-02-2011 Refused

Comment on Relevant Planning History

1728/APP/2010/2003 - Installation of shopfront, part single storey front extension to house, automatic telling machine (ATM), awning and fascia, upper level front extension, replacement external staircase to the side, construction of brick wall with gate to east side of front elevation, insertion of new doors to side and new vehicular gates to the rear (Involving demolition of single storey side element and blocking up of 2 doors in front elevation, one door to side and double doors at rear). Refused 10 February 2011 for 3 reasons.

The 3 reasons of refusal concerned (a) a proposed front extension at first floor level that would result in an incongruous extension detrimental to the architectural composition of the building, (b) a proposed awning to the shop that was considered an incongruous addition detrimental to the architectural composition of the building and (c) the proposed gates serving an introduced rear delivery yard lacking adequate visibility splays for use as a service delivery route for the retail unit.

1728/APP/2009/2566 - Change of use of basement and ground floor from Class A4 (Drinking Establishments) to Class A1 (Shops), involving alterations to elevations, installation of ATM machine at front and demolition of existing single storey side extension, conversion of existing residential unit to 2 one-bedroom, 1 two-bedroom and 1 studio flat, to include 2 rooflights to rear, alterations to south elevation to include re-installment of existing metal staircase leading to first floor flat and new roof terrace and associated parking.

The application was refused 8 August 2010 on 2 grounds relating to the proposed shop and not relating to the residential component of the scheme namely (a) insufficient parking provision for the proposed A1 retail unit and (b) the proposed servicing and access arrangement would not enable servicing by vehicles of an appropriate size.

1728/ADV/2011/31 Advertising consent application for installation of 3 externally illuminated fascia signs to front and 1 externally illuminated pole sign to front. Received 10 May 2011. Awaiting determination.

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:

OE1	Protection of the character and amenities of surrounding properties and the local area
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Ministry of Defence - No safeguarding objections to the proposal.

NATS safeguarding: No safeguarding objections to the proposal

Internal Consultees

Environmental protection: No objection on environmental grounds, the rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 decibels below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142

Method for rating industrial noise affecting mixed residential and industrial areas.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The development would be on an existing commercial unit, which already has air conditioning units.

There is no objection in principle to the development.

7.02 Density of the proposed development

Not relevant to this application.

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

Not relevant to this application.

7.04 Airport safeguarding

Not relevant to this application.

7.05 Impact on the green belt

Not relevant to this application.

7.06 Environmental Impact

Not relevant to this application. The Council's EPU have advised that noise impacts could be adequately mitigated through control measures which can be imposed by way of a planning condition.

7.07 Impact on the character & appearance of the area

It is considered that the chiller cabinets would not be easily viewed and would not harm the visual amenity of the area.

The units would be located to the rear and behind the side boundary wall. The chiller units would face the rear access way and as such are not easily viewed by the public, and are not at all visible from the street. The design, size and colour of the units are considered to be acceptable.

7.08 Impact on neighbours

Advice from the Council's EPU is that noise issues could be adequately dealt with by condition.

7.09 Living conditions for future occupiers

Not relevant to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not relevant to this application.

7.11 Urban design, access and security

The chiller units are not considered to result in any access or security measures. Given the size and location of the units no objection is raised in terms of urban design.

7.12 Disabled access

Not relevant to this application.

7.13 Provision of affordable & special needs housing

Not relevant to this application.

7.14 Trees, landscaping and Ecology

Not relevant to this application.

7.15 Sustainable waste management

Not relevant to this application.

7.16 Renewable energy / Sustainability

Not relevant to this application.

7.17 Flooding or Drainage Issues

Not relevant to this application.

7.18 Noise or Air Quality Issues

The application was referred to the Council's EPU, who advised that the scheme would not cause air quality issues, and noise impacts could be controlled via a planning condition (which is recommended).

7.19 Comments on Public Consultations

There have been 125 public representations:

122 Objections comprising of issues such as:

-Affecting character of the area / Character of the building

Officer comment: In response to this, the property is an existing commercial unit with chiller units located in a discrete rear area.

-Potential noise nuisance

Officer comment: Addressed in the report.

-Issues with the current supermarket use, that it is detrimental to the existing property and the area

Officer comment: Not relevant to this proposal.

In consideration of all the objections, it is considered that only No.134 and No.130 could realistically be affected by the chiller units, however, as mentioned in the above paragraphs none of the neighbours would suffer from adverse noise impacts.

7.20 Planning obligations

Not relevant to this application.

7.21 Expediency of enforcement action

Not relevant to this application.

7.22 Other Issues

None relevant to this application.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair

hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

The application has been considered along with all the representations received.

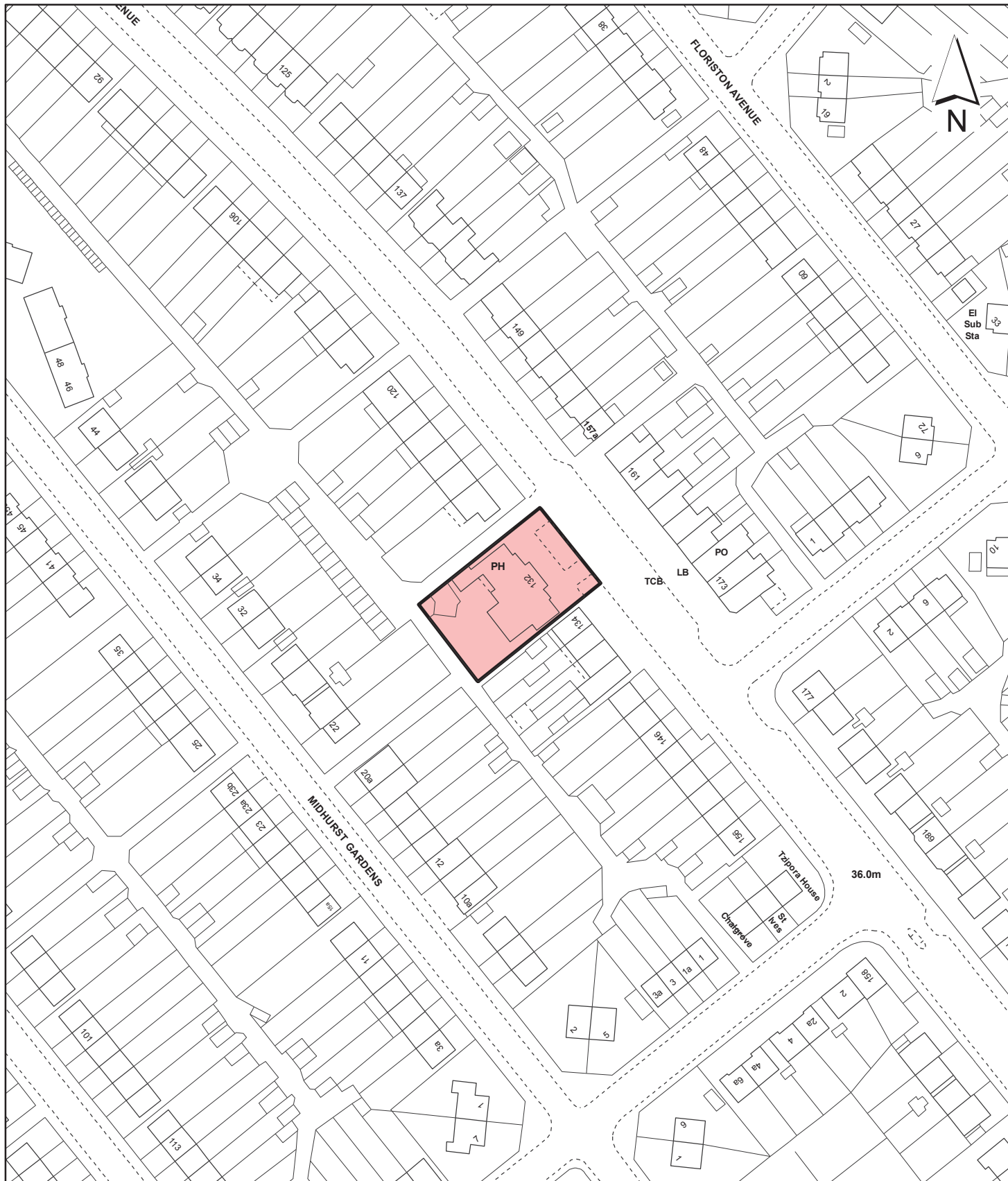
Noise from the chiller units can be dealt with via the imposition of conditions on any consent granted. Subject to such a condition the scheme would not harm the amenity of near by occupiers.

The location and size of the units are such that they would not affect visual amenity.

Approval is recommended.

Contact Officer: Daniel Murkin

Telephone No: 01895 250230



Notes



Site boundary

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Site Address

**132 Ryefield Avenue
Hillingdon**

Planning Application Ref:

1728/APP/2011/1513

Planning Committee

Central and South

Scale

1:1,250

Date

**October
2011**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

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



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