

Report of the Head of Planning & Enforcement Services

Address: 301 LONG LANE HILLINGDON

Development: Variation of condition 2 (to allow use of betting shop between the hours of 09:00 hrs and 22:00 hrs) of planning permission ref. 568/APP/2010/1741 dated 17 January 2011: Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services) for use as Betting Shop.

LBH Ref Nos: 568/APP/2011/636

Drawing Nos: 4613-1 Location Plan
Decision Notice of related application
LONG/02
RAR/gw/l111/14.03.11

Date Plans Received: 14/03/2011 **Date(s) of Amendment(s):**

Date Application Valid: 17/03/2011

1. SUMMARY

Planning permission is sought to vary condition 2 to allow an extension to the hours of operation. The proposed use as a betting office is unlikely to harm the residential amenities of the occupiers of adjoining residential properties, subject to implementation of details relating to sound insulation.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

The development hereby permitted shall be begun before 17 January 2014.

REASON

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

2 HLC1 Hours of use

The betting shop hereby approved shall be used solely between the hours of 09.00 and 22.00 Mondays to Sundays and Bank Holidays or Public Holidays excluding Christmas Day. There shall be no staff on the site outside of the hours hereby permitted.

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).

3 NONSC Details of ventilation equipment

No air handling unit or any other plant or machinery shall be used on the premises until a scheme for the control of noise emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such

combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

4 N5 Control of noise

Prior to first occupation of the betting shop hereby approved, a scheme which specifies the provisions to be made for the control of noise emanating from the site, and a sound insulation scheme for the control of noise transmission to the adjoining residential uses/premises, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the site remains in use.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 N15 Hours restriction for audible amplified music/sound

No music and/or other amplified sound arising from the premises shall be audible from the inside of surrounding or adjacent premises between 22.00 and 09.00 hours.

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).

6 NONSC Deliveries/loading/unloading

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 and Bank/Public Holidays.

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).

7 NONSC Waste/refuse

No development shall take place until a scheme detailing the method of disposal, secure storage and collection of litter, waste and recycling 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 details 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 and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority. No waste from the approved use shall be stored on the pavement.

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 Policies OE1 and S1 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

8 DIS1 Facilities for People with Disabilities

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.2.

9 OM18 Litter Picking Required

A schedule of 'litter picking' shall be submitted to and approved by the Local Planning Authority and carried out for as long as the use hereby permitted is in existence.

REASON

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

10 NONSC Wheelchair accessible WC

Prior to first occupation of the premises, full details of a wheelchair accessible WC shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON

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

11 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).

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.

OE1 Protection of the character and amenities of surrounding properties and the local area

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 I18 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).

6 I25 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary

consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

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.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to the ground floor of a retail unit, currently occupied by a DIY (windows and doors) store, and forms part of a parade of shops on the western side of Long Lane, south of its junction with Hercules Road. The parade predominantly contains shop units on the ground floor with residential accommodation above. The application site lies at the southern end of the two storey parade, just outside the core area of the North Hillingdon Local Centre. There is a service road with public on-street parking to the front of the parade, and service roads to the rear of the units. The site is bounded to the west by a single-storey attached workshop building, which will continue to be used by the glazing company. The application site lies within the North Hillingdon Local Centre, as designated in the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

3.2 Proposed Scheme

Planning permission ref: 568/APP/2010/1741, for the change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services) for use as Betting Shop, was granted in January 2011. Condition 2 states:

"The betting shop hereby approved shall be used solely between the hours of 09.00 and 19.00 Mondays to Saturdays, and not at all on Sundays, Bank Holidays or Public Holidays. REASON To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)."

Planning permission is sought to vary condition 2 seeking a change to the opening hours to between 0900 and 2200 hours the following day, excluding Christmas day.

3.3 Relevant Planning History

568/APP/2010/1741 301 Long Lane Hillingdon

Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services) for use as Betting Shop.

Decision: 17-01-2011 Approved

568/APP/2011/1311 301 Long Lane Hillingdon

Details in compliance with conditions 3 (plant equipment), 4 (noise insulation), 7 (method of disposal), 9 (schedule of litter picking) and 10 (disabled access) of planning permission ref.

568/APP/2010/1741 dated 17/01/2011; Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services) for use as Betting Shop.

Decision: 01-07-2011 Approved

Comment on Relevant Planning History

As above.

4. Planning Policies and Standards

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

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

OE1 Protection of the character and amenities of surrounding properties and the local area

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

41 adjoining owner/occupiers and the Oak Farm and North Uxbridge Residents' Associations have been consulted. 5 letters of objection have been received making the following comments:

- (i) there is no need for another betting office in the parade, and
- (ii) the extension of hours will lead to noise and disturbance to residents.

Officer comments: On point (i), planning permission has already been approved for the change of use from retail to a betting office. Point (ii) is addressed in the report.

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

I have reviewed the covering letter dated 14th March 2011. It is the case that under the Gambling Act 2005, London Borough of Hillingdon issues Premises Licences to betting shops. The default condition restricting opening hours in the Gambling Commission's May 2009 Guidance to Licensing Authorities - 3rd Edition, at section 19.14 states that 'gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day'.

The proposed variation is for between 9am and 10pm on any day (taking into consideration that Section 183 of the Gambling Act 2005 prohibits provision of facilities for gambling on Christmas Day) and as such is within the guidelines set by the Gambling Commission and therefore at the upper limit of what London Borough of Hillingdon would be able to issue on a Premises Licence for this purpose. It should be considered that there are mechanisms under the Gambling Act 2005 for such premises licences to be reviewed where operational problems arise.

With good management practices it is possible to prevent impacts on residential amenity and EPU would not therefore object to this variation in this instance.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Planning permission has already been granted for the change of use of the premises to a betting shop. There is therefore no objection to the principle of the development.

7.02 Density of the proposed development

Not applicable.

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

Not applicable.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

7.07 Impact on the character & appearance of the area

No further issues identified.

7.08 Impact on neighbours

The proposal will result in an extension to the hours of operation. The Environmental Health Officer considers that with the implementation of the sound insulation details submitted under planning application ref: 568/APP/2011/1311, the use of the premises as a betting office is unlikely to harm the residential amenities of the occupiers of the first floor flat, through noise and disturbance. Furthermore, as mentioned above, there are mechanisms under the Gambling Act 2005 for such premises licences to be reviewed where operational problems arise. The applicant has referred to a number of other late night establishments in the vicinity including the Chinese restaurant at 305 Long Lane and William Hill Bookmakers at 325 Long Lane, both of which open to 22.00 hours. However, these have been in existence for many years and are not subject to planning control. Notwithstanding this, it is not considered that the proposed extension of hours to 21.30 at the application site would result in any material harm to nearby residential occupiers given the location of the site in a local shopping centre on a busy main road.

As such, subject to the implementation of sound insulation, details of which to be submitted and approved prior to commencement of the use under condition 4 of planning permission ref: 568/APP/2010/1741), the proposal is considered to comply with policy OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Not applicable.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

No further issues identified.

7.11 Urban design, access and security

No further issues identified.

7.12 Disabled access

No further issues identified.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, landscaping and Ecology

Not applicable.

7.15 Sustainable waste management

No further issues identified.

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

Not applicable.

7.18 Noise or Air Quality Issues

Noise issues are discussed in Section 7.1 of the report. No air quality issues identified.

7.19 Comments on Public Consultations

Discussed in Section 6.1 of the report.

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

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

10. CONCLUSION

Planning permission is sought to vary condition 2 to allow an extension to the hours of operation. The proposed use as a betting office is unlikely to harm the residential amenities of the occupiers of adjoining residential properties, subject to implementation of details relating to sound insulation.

11. Reference Documents

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

Contact Officer: Mark Smith

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Notes

 Site boundary

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Site Address

**301 Long Lane
Hillingdon**

Planning Application Ref:

568/APP/2011/636

Scale

1:1,250

Planning Committee

Date

Central and South

July
2011

LONDON BOROUGH OF HILLINGDON

Planning,
Environment, Education
& Community Services



HILLINGDON

LONDON