Public Document Pack





North Planning Committee

Date:

THURSDAY, 17

SEPTEMBER 2009

Time:

7:00 PM

Venue:

COMMITTEE ROOM 5

CIVIC CENTRE HIGH STREET UXBRIDGE UB8 1UW

Meeting Details:

Members of the Public and Press are welcome to attend

this meeting

To Councillors on the Committee

Eddie Lavery (Chairman)
Alan Kauffman(Vice-Chairman)
Anita MacDonald
Michael Markham
Carol Melvin
John Oswell
David Payne

This agenda and associated reports can be made available in other languages, in braille, large print or on audio tape on request. Please contact us for further information.

Published: Wednesday, 9 September

2009

Contact: Charles Francis

Tel: 01895 556454 Fax: 01895 277373

cfrancis@hillingdon.gov.uk

This Agenda is available online at:

http://lbh-modgov/ieListDocuments.aspx?Cld=116&Mld=292&Ver=4



Useful information

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short walk away. Limited parking is available at the Civic Centre. For details on availability and how to book a parking space, please contact Democratic Services

Please enter from the Council's main reception where you will be directed to the Committee Room. An Induction Loop System is available for use in the various meeting rooms. Please contact us for further information.

Please switch off any mobile telephones and BlackBerries[™] before the meeting. Any recording of the meeting is not allowed, either using electronic, mobile or visual devices.

If there is a FIRE in the building the alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.



A useful guide for those attending Planning Committee meetings

Security and Safety information

Fire Alarm - If there is a FIRE in the building the fire alarm will sound continuously. If there is a BOMB ALERT the alarm sounds intermittently. Please make your way to the nearest FIRE EXIT.

Recording of meetings - This is not allowed, either using electronic, mobile or visual devices.

Mobile telephones - Please switch off any mobile telephones and BlackBerries before the meeting.

Petitions and Councillors

Petitions - Those who have organised a petition of 20 or more borough residents can speak at a Planning Committee in support of or against an application. Petitions must be submitted in writing to the Council in advance of the meeting. Where there is a petition opposing a planning application there is also the right for the applicant or their agent to address the meeting for up to 5 minutes.

Ward Councillors - There is a right for local councillors to speak at Planning Committees about applications in their Ward.

Committee Members - The planning committee is made up of the experienced Councillors who meet in public every three weeks to make decisions on applications.

Representatives of Conservation Area Advisory Panels are also members of the Committees and they advise on applications in their conservation area. They do not vote at Committee meetings

How the Committee meeting works

The Planning Committees consider the most complex and controversial proposals for development or enforcement action.

Applications for smaller developments such as householder extensions are generally dealt with by the Council's planning officers under delegated powers.

An agenda is prepared for each meeting, which comprises reports on each application

Reports with petitions will normally be taken at the beginning of the meeting.

The procedure will be as follows:-

- 1. The Chairman will announce the report;
- 2. The Planning Officer will introduce it; with a presentation of plans and photographs;

- If there is a petition(s), the petition organiser will speak, followed by the agent/applicant followed by any Ward Councillors;
- 4. The Committee may ask questions of the petition organiser or of the agent/applicant;
- 5. The Committee debate the item and may seek clarification from officers;
- The Committee will vote on the recommendation in the report, or on an alternative recommendation put forward by a Member of the Committee, which has been seconded.

About the Committee's decision

The Committee must make its decisions by having regard to legislation, policies laid down by National Government, by the Greater London Authority - under 'The London Plan' and Hillingdon's own planning policies as contained in the 'Unitary Development Plan 1998' and supporting guidance. The Committee must also make its decision based on material planning considerations and case law and material presented to it at the meeting in the officer's report and any representations received.

Guidance on how Members of the Committee must conduct themselves when dealing with planning matters and when making their decisions is contained in the 'Planning Code of Conduct', which is part of the Council's Constitution.

When making their decision, the Committee cannot take into account issues which are not planning considerations such a the effect of a development upon the value of surrounding properties, nor the loss of a view (which in itself is not sufficient ground for refusal of permission), nor a subjective opinion relating to the design of the property. When making a decision to refuse an application, the Committee will be asked to provide detailed reasons for refusal based on material planning considerations.

If a decision is made to refuse an application, the applicant has the right of appeal against the decision. A Planning Inspector appointed by the Government will then consider the appeal. There is no third party right of appeal, although a third party can apply to the High Court for Judicial Review, which must be done within 3 months of the date of the decision.

Agenda

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To sign and receive the minutes of the 27 August 2009 meeting to follow
- 4 Matters that have been notified in advance or urgent
- To confirm that the items of business marked Part 1 will be considered in public and that the items marked Part 2 will be considered in private

Reports - Part 1 - Members, Public and Press

Items are normally marked in the order that they will be considered, though the Chairman may vary this. Reports are split into 'major' and 'minor' applications. The name of the local ward area is also given in addition to the address of the premises or land concerned.

NON-MAJOR - WITH PETITION

	Address	Ward	Description & Recommendation	Page
6	43 Oak Avenue, Ickenham - 64104/APP/2009/1261	West Ruislip;	Erection of a two storey side extension, part two storey, part single storey rear extension, alterations to front porch, conversion of the roofspace to provide habitable accommodation involving raising the roof and the installation of two rear dormer windows and 2 side rooflights, new window to first floor side (involving demolition of the side garage and rear conservatory) Recommendation: Approval	1 - 12

NON-MAJOR - WITHOUT PETITION

	Address	Ward	Description & Recommendation	Page
7	108 Field End Road, Eastcote - 4784/APP/2009/1298	Eastcote & East Ruislip;	Change of use from Class A1 Shop to Class A2 Financial and Professional Services Recommendation : Approval	13 - 22
8	3 High Road, Eastcote - 14719/APP/2009/1589	Eastcote & East Ruislip;	Change of use of ground floor from Class A1 (Retail) to Class B1/D1 (Manufacture and Fitting of Dentures) Recommendation : Approval	23 - 36

9 Plans for North Planning Committee



Agenda Item 6

Report of the Director of Planning & Community Services Group

Address 43 OAK AVENUE ICKENHAM

Development: Erection of a two storey side extension, part two storey, part single storey rear

extension, alterations to front porch, conversion of the roofspace to provide habitable accommodation involving raising the roof and the installation of two rear dormer windows and 2 side rooflights, new window to first floor side

(involving demolition of the side garage and rear conservatory)

LBH Ref Nos: 64104/APP/2009/1261

Drawing Nos: Flood Risk Matrix

Date Plans Received: 11/06/2009 Date(s) of Amendment(s):

Date Application Valid: 24/06/2009

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the south west side of Oak Avenue and comprises a two storey detached house with a single storey side garage and rear conservatory. To the north west lies No. 45 Oak Avenue, a two storey detached house with side and rear extensions, and to the south east lies No. 41 Oak Avenue, a detached bungalow. The street scene is residential in character and appearance comprising a mix of detached houses and bungalows and the application site lies within the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007). The application site is also covered by TPO 514.

1.2 Proposed Scheme

The originally approved scheme (64106/APP/2008/2404) proposed a two storey side extension (involving the demolition of the existing side garage), measuring 3.45m wide and 5.1m deep, aligning with the rear wall of the application property, and finished with a hipped roof set 0.3m below the roof ridge. A bay window was proposed on the first floor front elevation above the new garage door.

The proposed part two storey rear extension was set flush with the flank wall facing No. 45 Oak Avenue. It measured 7m wide and 3.2m deep and involved the demolition of the rear conservatory. The proposed rear conservatory was attached to the inner flank wall of the proposed part two storey rear extension. It measured 7m wide, set flush with the flank wall facing No. 41 Oak Avenue, 3.6m deep along the flank wall facing that property, measured from the first floor rear wall of the two storey side extension, projecting 0.7m beyond the rear wall of the proposed part two storey rear extension, and was finished with a monopitched roof, 2.5m high at eaves level and 3.4m high at its highest point.

A first floor glazed extension was proposed above the rear conservatory. It measured 3.3m wide and 1.3m deep, set 3.4m from the flank wall facing 41 Oak Avenue. The main roof was raised, from 2.85m to 3.2m measured from the roof eaves, and extended over the proposed two storey side and part two storey rear extensions, with the exception of the small area of flat roof over the first floor glazed rear extension. That flat roof matched the eaves of the new roof. The enlarged roof also included a front gable roof over the two storey side extension, and incorporated a flat roof element over part of the proposed two storey rear extension.

The front porch measured 2.5m wide, 1.2m deep and was finished with a hipped/pitched roof 3m high at eaves level and 3.9m high at its highest point. The rear dormer window in the main rear roofslope measured 1.1m wide, 1.4m deep and was finished with a flat roof 1.3m high. The rear windows comprised large clear panes of glass, particularly at rear first floor level which comprised a predominantly glazed rear elevation. Rooflights were proposed in the rear roofslope and the side roofslope facing No. 45 Oak Avenue. A new decking area was also proposed along the side of the property facing No. 41 Oak Avenue and immediately to the rear of the proposed rear extensions.

The previously refused scheme (64106/APP/2009/100) proposed the following amendments to the originally approved scheme:

- (i) raising of the roof ridge of the proposed two storey side extension,
- (ii) increasing the depth of projection of the first floor of the proposed two storey side extension,
- (iii) replacing the rear rooflight with a dormer window, and
- (iv) installation of a high level triangular rooflight facing No. 41 Oak Avenue.

The proposed two storey side/rear extension measured 3.45m wide and 5.8m deep (a 0.7m deep increase), projecting 0.7m beyond the rear wall of the original house, and finished with a hipped roof matching the ridge of the original house. The proposed dormer retained gaps of 2.5m to the edge, 1.2m to the eaves and 0.45m to the ridge of the roof. The high level triangular rooflight was proposed immediately below the raised ridge in the roofslope facing No. 41 Oak Avenue. The proposed rear dormer window was located on the rear roofslope of the original house. It measured 1.05m wide, 1.3m deep and finished with a flat roof 1.5m high. The remainder of the scheme was as per the originally approved scheme.

This current application attempts to overcome the reason for refusal of the previous scheme by reducing the length of projection of the first element of the two storey side extension. It would now measure 5.3m deep (some 0.2m deeper that the originally approved scheme and 0.5m less than the previously refused scheme). The mono-pitched roof of the proposed conservatory would be replaced with a part flat, part mono-pitched roof measuring 2.5m high at eaves level and 3.2m high at its highest point. The glazed first floor extension would now sit above this flat roof element and would be identical in size to that which was previously approved (measuring 3.3m wide and 1.3m deep, set 3.4m from the flank wall facing 41 Oak Avenue.) The main roof would now overhang beyond the rear wall of the two storey side extension. There is also an increase in the overhang of the main roof between the front gables.

The proposed rear dormer windows have slightly increased in size. The rear dormer window over the two storey rear extension would now measure 1.6m wide, 1.8m deep and finished with a flat roof 1.8m wide with an overall height of 1.75m high. It would retain gaps

of 1m to the eaves, 0.4m to the edges and 0.45m to the roof ridge.

The proposed rear dormer over the main roof would now measure 1.3m wide, 1.6m deep and finished with a flat roof 1.5m wide, with an overall height of 1.55m. It would retain gaps of over 1m to the eaves and edge and 0.45m to the roof ridge. The ground floor side kitchen window facing 45 Oak Avenue has been relocated rearwards along that flank wall.

The remainder of the scheme is as per the previously approved scheme.

1.3 Relevant Planning History

64104/APP/2008/2404 43 Oak Avenue Ickenham

The erection of a two storey side extension, front porch, part two storey rear extension and rear conservatory, decking, and conversion of the roofspace to provide habitable accommodation involving raising the roof and the installation of two rear dormer windows and three rooflights (involving demolition of the side garage and rear conservatory).

Decision Date: 07-01-2009 Approved **Appeal:**

64104/APP/2009/100 43 Oak Avenue Ickenham

The erection of a two storey side/rear extension, front porch, part two storey rear extension and rear conservatory, decking, and conversion of the roofspace to provide habitable accommodation involving raising the roof and the installation of two rear dormer windows and three rooflights (involving demolition of the side garage and rear conservatory).

Decision Date: 22-04-2009 Refused **Appeal:**

Comment on Planning History

Please see paragraphs 1.2 and 1.3 above.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

EXTERNAL:

15 adjoining owner/occupiers and the Ickenham Residents' Association (2 Groups) and the Parkfield Road/Oak Avenue Petition Group have been consulted. 1 letter of objection and a petition with 34 signatures have been received.

Letter of objection:

- (i) The two flank wall of the two storey side extension has been increased compared to the previously approved scheme and would now block sunlight to and would have an overdominant impact on the residential amenities of the occupiers of 41 Oak Avenue when viewed from the flank habitable room window at that property.
- (ii) The rear dormers would still overlook the outdoor living area of 41 Oak Avenue;
- (iii) The rooflight would result in direct overlooking into the habitable room flank window at 41 Oak Avenue

Petition:

We the undersigned oppose the above planning application on the grounds of the following

- 1. The extension above the garage and the proposed length to which it will extend (it will exceed the current depth of the existing house); the proposal of building the garage wall closer to the boundary with No. 41 and raising of the roof. These will have an adverse affect on the main habitable room (living room) of No. 41, a bungalow. This room relies on a small window they would be directly facing an expanse of brick wall and become thoroughly enclosed as nothing else could be seen. This is unacceptable.
- 2. The 2 rear dormer windows (three floors up) these will invade all neighbours secluded outdoor living areas, thereby losing all valued privacy.
- 3. Increase in the depth of the first floor room above the garage compared to the previously approved scheme.
- 4. The heightening of the roof compared to the previously approved scheme.

Ickenham Residents' Association:

"Who is wasting whose time here?

We can see no difference between application 2009/100 (which was refused on 22.04.09) and the above new application, apart from the roof-lights being reduced from 3 to 2 with a new window to first floor side. Other than that, the drawings appear to be the same ones as for the refused application. Application no. 2008/2404 approved on 07.01.09 showed a sub-ordinate extension roof. This being the only difference to the above two applications. The Association is at a loss how your Planning Team can deal with these repeat applications, previously refused and object to this latest application."

INTERNAL:

Trees/Landscape:

No comments have been received relating to this current scheme. However, the comments received in regards to the previous scheme (64104/APP/2009/100) are still relevant and state:

There are several trees on and close to site, however, there is only one protected Silver Birch tree (T14 on TPO 514) on site, located in the south east corner of the front garden.

Appraisal:

The proposal will result in the loss of a small area of the rear garden space but the footprint will not impact on any trees, protected or otherwise. However, trees (notably the protected Birch) will be vulnerable to accidental damage associated with the building operations -including access, storage of materials and so on. Temporary protective fencing should be installed, to the front and rear, to control the use of the space and protect existing vegetation during construction'.

The existing and proposed site plans (no's. 006C and 007) clearly show the position (not spread) and identity of the trees on site and temporary tree protective fencing (in accordance with BS 5837:2005). However, the position of the fencing needs to protect the entire root area/crown spread of trees. Drawing no. 006C and 007 should be revised to accurately show the root protection area/crown spread of the trees, especially the two

Silver Birch trees at the front of the site, which are to be retained. However, this matter can be addressed by tree protection condition (TL3).

Conclusion:

If you are minded to approve this application I have no objection subject to conditions TL2 and TL3.

Environmental Protection Unit:

It appears a former pond may have been located in this area. We have no reason to suspect it was filled with unsuitable material but we would advise the use of the following informative on any permission that may be given as a precaution. An informative persons working on site to take basic precautions in relation to any contamination, is recommended.

4. **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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 5.0 Side and First Floor Side Extension: Two Storey 7.0 Loft Conversions and Roof Alterations

LPP 4A.3 London Plan Policy 4A.3 - Sustainal	ble Design and Construction.
--	------------------------------

Retention of topographical and landscape features and provision of new BE38

planting and landscaping in development proposals.

MAIN PLANNING ISSUES 5.

The proposed two storey rear extension, single storey rear conservatory, first floor glazed element, new roof height, front porch and side and rear decking are identical in size, siting, scale, bulk, design and appearance to that which formed part of the previously approved scheme. Furthermore, no objections were raised to these elements of the proposal in the previously refused scheme. As such, no objections are raised to these elements of this current scheme. No. 45 Oak Avenue would not be adversely affected by the proposed amendments as they lie on the opposite side of the application site as compared to the amended elements of the proposal.

The proposed amended scheme has reduced the length of projection of the two storey side extension when compared to the previously refused scheme. It would still integrate satisfactorily with the detached nature of the application property and the proposed two storey side extension would still maintain at least a 1m gap to the side boundary. Therefore, this element of the scheme would not detract from the character of the original house, the street scene and surrounding area, in accordance with policies BE13, BE15, BE19 and BE22 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and sections 5.0 and 6.0 of the Hillingdon Design & Accessibility Statement: 'Residential Extensions'.

The proposed rear dormer windows by reason of their size, siting and design, would still harmonise with the appearance of the enlarged property. They would appear subordinate as they would retain identical gaps between them and the eaves, edges and ridge of the main roof to the previously refused scheme. Although that application was refused, no objections were raised to these elements of the scheme. The additional side rooflight facing No. 41 Oak Avenue is acceptable in design terms. Therefore, these elements of the scheme would accord with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 7.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

No. 41 Oak Avenue has a dining room with its only external window facing the application site. A gap of some 6.5m would be retained between the flank wall of the proposed two storey side extension and that flank window. The two storey rear extension has now been reduced in depth so that some of the width of that window would not be directly obscured by the proposed side extension, thereby maintaining the residential amenities of the occupiers of No. 41 Oak Avenue. It is considered that the amended scheme would not now appear unduly dominant, have a visually intrusive impact when viewed for that window or would significantly reduce sunlight to that window. As such, the proposal would overcome the reason for refusal of the previous scheme and would now comply with policies BE19 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and section 5.0 of the Hillingdon Design & Accessibility Statement: Residential Extensions.

The high level side rooflight facing 41 Oak Avenue and the first floor flank ensuite bathroom window can be fitted with obscure glazing to prevent overlooking. The proposal would comply with policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

The proposed rear dormer windows would overlook the rear garden and would not result in an increase in overlooking over and above that from the existing rear first floor windows onto the adjoining properties. The high level rooflight facing No. 41 Oak Avenue can be fitted with obscure glass to mitigate against any perception of overlooking of that property. The proposal would therefore comply with policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

No protected trees will be affected by the proposed development however tree protection measures are recommended. The proposal would comply with policy BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

With regards to the third party comments, these are addressed in the report.

For the reasons outlined above, and given 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.

6. 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-M2 External surfaces to match existing building

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 HH-MRD4 Single Dwellings Occupation

The development hereby approved shall not be sub-divided to form additional dwelling units or used in multiple occupation without a further express permission from the Local Planning Authority.

REASON

To ensure that the premises remain as a single dwelling until such time as the Local Planning Authority may be satisfied that conversion would be in accordance with Policy H7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 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 Policies BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 HH-RPD1 No Additional Windows or Doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 41 and 45 Oak Avenue.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 HH-RPD2 Obscured Glazing and Non-Opening Windows (a)

The first floor ensuite bathroom window facing 45 Oak Avenue and the rooflight facing 41 Oak Avenue shall be glazed with obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 HH-RPD4 Prevention of Balconies / Roof Gardens

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the granting of further specific permission from the Local Planning Authority.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 T3 Time Limit - Tree Works

The works hereby permitted shall be carried out within 2 years of the date of this consent.

REASON

To enable the Local Planning Authority to reconsider the appropriateness of the works in the light of possible changed circumstances.

INFORMATIVES

There is a small possibility there may be some contaminating substances present in the ground at depth. We have no information on the ground conditions. We would advise persons working on site to take basic precautions in relation to any contamination they may find. Please contact the Environmental Protection Unit on 01895 250155 if you require any advice.

Standard Informatives

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).

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, and to all relevant material considerations, including Supplementary Planning Guidance:

Policy No.

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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
HDAS	Hillingdon Design & Accessibility Statement (HDAS): Residential Extensions (adopted in August 2006 and to form part of the emerging Local Development Framework documents): 5.0 Side and First Floor Side Extension: Two Storey 7.0 Loft Conversions and Roof Alterations
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

- 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.
- 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.
- 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).

- You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).
- 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.

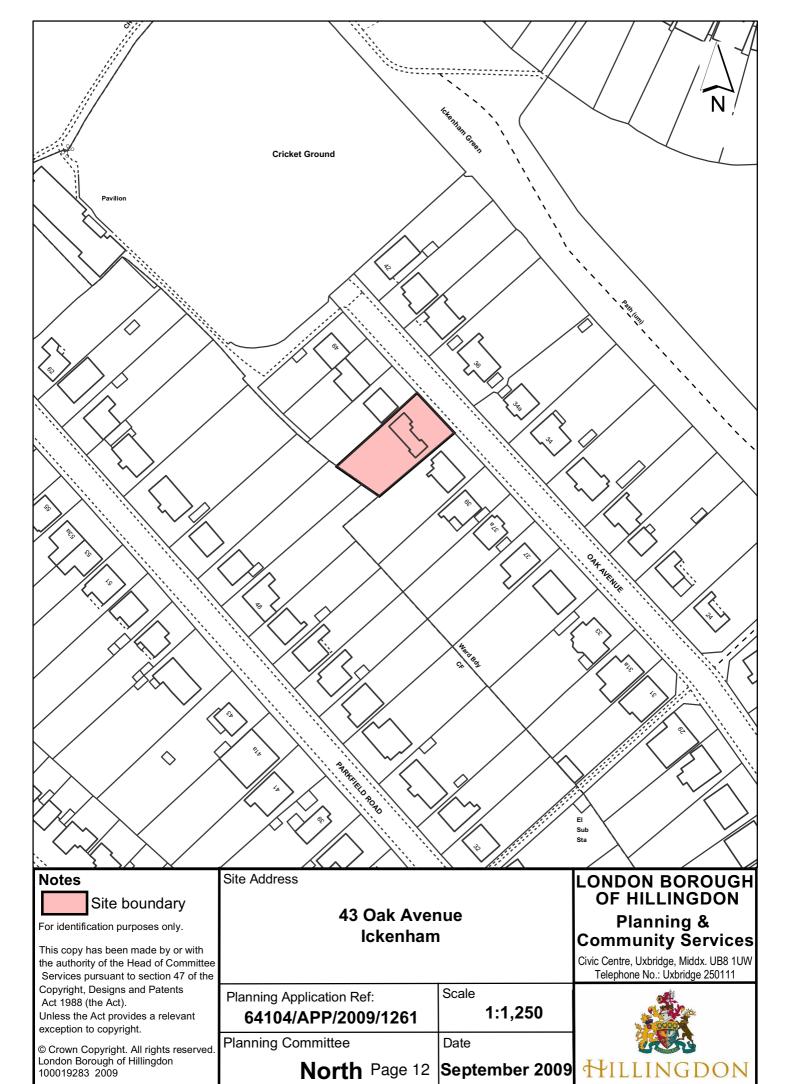
- Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information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

- You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.
- To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
- You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact Highways Maintenance Operations, Central Depot Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

Contact Officer: Sonia Bowen Telephone No: 01895 250230



Agenda Item 7

Report of the Corporate Director of Planning & Community Services

Address 108 FIELD END ROAD EASTCOTE PINNER

Development: Change of use from Class A1 Shop to Class A2 Financial and Professional

Services.

LBH Ref Nos: 4784/APP/2009/1298

Drawing Nos: 0029/01/A

0029/02

Location Plan Scale 1:1250 Supporting Informatior

Date Plans Received: 14/06/2009 Date(s) of Amendment(s):

Date Application Valid: 29/06/2009

1. SUMMARY

It is considered that the proposal would not compromise the aims and objectives of the relevant policies contained within the adopted Hillindgon Unitary Development Plan and there are no material planning considerations that would justify a refusal of permission. It is accordingly recommended that the application be approved.

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.

RFASON

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

2 N12 Air extraction system - noise and odour

No air extraction system 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 be fully implemented before the development is occupied/the 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 NONSC Non Standard Condition

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 0800 hrs and 2000 hrs, Monday to Friday, 0800 hrs to 1300 hrs Saturdays and not at all on Sundays or Bank Holidays.

REASON

To safeguard the amenity of surrounding areas.

4 MCD4 Shop Window Display (Service Uses etc)

A window display appropriate to a shopping parade shall be provided prior to the commencement of the use for which permission is hereby granted and shall be permanently retained thereafter.

REASON

To ensure the appearance of the frontage is appropriate to the shopping area and assists in maintaining its vitality in accordance with Policy S6 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 3D.3.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance

S6	Change of use of shops - safeguarding the amenities of shopping
	areas
S7	Change of use of shops in Parades
S12	Service uses in Secondary Shopping Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
AM14	New development and car parking standards.

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 | 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 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.

6 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.

7 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 or 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 site is situated on the western side of Field End Road and comprises a three storey, mid terrace property, the ground floor of which is currently vacant. The ground floor units in the block accommodate commercial properties with separate residential units above. The application site is situated within the Eastcote Minor Town Centre as identified in the adopted Hillingdon Unitary Development Plan (UDP) (Saved Policies, September 2007).

3.2 Proposed Scheme

Planning permission is sought for the change of use of the ground floor unit from retail (Class A1) to financial and professional services (Class A2). No external alterations are proposed. The proposed use would employ two full time members of staff. And the unit benefits from two existing off street car parking spaces to the rear of the site.

3.3 Relevant Planning History

4784/B/91/1926 108 Field End Road Eastcote Pinner

Erection of a single-storey rear extension to provide additional retail and storage space

Decision: 03-04-1992 Refused

4784/D/92/0631 108 Field End Road Eastcote Pinner

Erection of a single storey rear extension

Decision: 26-06-1992 Approved

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:

S6 Change of use of shops - safeguarding the amenities of shopping areas

S7 Change of use of shops in Parades

S12 Service uses in Secondary Shopping Areas

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

area

AM14 New development and car parking standards.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

6. Consultations

External Consultees

51 neighbouring residents and Eastcote Residents' Association were consulted - No comments have been received.

Internal Consultees

Environmental Protection have no objection to the proposal, subject to conditions controlling the hours of delivery and collection at the premises and a noise scheme in the event of air conditioning units being installed, together with the site construction informative.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is located within the secondary shopping area of Eastcote Centre. Policy S12 states that in secondary shopping areas, the Local Planning Authority will grant permission for a number of uses which includes class A2 financial and professional services uses where it is satisfied that:

- (a) The remaining retail facilities are adequate to accord with the character and function of the shopping centre and to provide for the needs of modern retailing including consumer interests:
- (b) The proposed use will not result in a separation of class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre.

Within this row of commercial premises there are a number of uses including A1, A2, A3, A5 and D1. The majority of premises within the block would remain within A1 use. The properties either side of the application site would remain within A1 use. Within the Eastcote Town Centre there are a variety of shopping facilities including large retailers such as Boots, Superdrug and Tesco.

The UDP states that Class A1 units should remain the predominant use within secondary shopping frontages and that to this end a minimum of 50% of the frontage should be within Class A1 use. In the Eastcote Town Centre Secondary Parade, the Council's most recent survey carried out in July 2009 shows that 51.9% of the frontage is within Class A1 use. The change of use of this property would reduce this to 51.4%, which would still be within the 50% requirement. It is therefore considered that the loss of this retail unit would not have an unacceptable impact on the vitality or viability of Eastcote Town Centre.

It is considered that the proposal complies with policy S12 of the UDP and as such, subject to compliance with other relevant UDP saved policies the principal of development is considered acceptable.

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

The application site is not a locally listed building nor it is located within a Conservation Area or Area of Special Character.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

The development is not located within the greenbelt.

7.06 Environmental Impact

This is not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy S6 states that to safeguard the amenities of shopping areas, the Local Planning Authority will grant permission for changes of use from retail (Class A1) if the proposed use will not be detrimental to visual amenity where the premises forms part of a statutory or locally listed building or are located within a conservation area. In addition a frontage of a design appropriate to the surrounding should be maintained or provided.

The application site is not a locally listed building nor is it located within a Conservation Area. The proposal would not involve any external alterations to the premises and a condition has been recommended to ensure that an appropriate window display would be maintained. In light of this it is considered that the proposal would not have an unacceptable impact on the visual amenity of the area. It is considered that the proposal would comply with Policy S6 of the Hillingdon (UDP) (Saved Policies, September 2007).

7.08 Impact on neighbours

Policy S6 states that to safeguard the amenities of adjoining occupiers, the Local Planning Authority will grant permission for change of use from retail (Class A1) if the proposed use will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking.

OE1 states that proposed uses should not have a detrimental impact on the character of an area or the amenities of neighbouring properties by reason of noise and vibration or the emission of dust, smell or other pollutants.

In terms of disturbance, noise, smell and fumes, the proposed use of the premises would not generate significantly greater noise and general disturbance than the existing A1 premises and as such it is considered that the proposal would be compatible with neighbouring uses and would not result in an unacceptable loss of amenity to nearby residents. It is considered that the proposal would comply with Policies S6 and OE1 of the London Borough of Hillingdon (UDP) (Saved Policies, September 2007).

7.09 Living conditions for future occupiers

The proposed use is not for residential and therefore not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy S6 states that to safeguard the amenities of shopping areas, the Local Planning Authority will grant permission for changes of use of class A1 shops if the proposed use will not cause unacceptable traffic related problems.

Policy AM14 states that new development will only be permitted where it is in accordance with the council adopted car parking standards. The proposal would not affect the parking provision for the unit and would not result in demand for additional car parking spaces. As such the proposal would comply with policy AM14 of the UDP (Saved Polices 2007).

It is considered that an A2 premises would not generate any further traffic than the existing A1 retail unit. The car parking standards as set out in the UDP state that 1 car parking space is required for 50sqm of floor space. This proposal would involve a unit with 66sqm

of floor space, the unit has two existing off street car parking spaces and as such the proposal would accord with car parking standards and consequently it is considered that the proposal would not have a harmful effect on road safety. In light of the above it is considered that the proposal change of use would accord with the policies of the London Borough of Hillindgon (UDP) (Saved Polices 2007).

7.11 Urban design, access and security

There are no external alterations proposed as part of this application, the application is simply for the change of use of the ground floor unit. As such there are no urban design, access or security issues.

7.12 Disabled access

There are no external alterations proposed as part of this application, the application is simply for the change of use of the ground floor unit. As such there are no disabled access issues.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, Landscaping and Ecology

This is not applicable to this application.

7.15 Sustainable waste management

This is not applicable to this application.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

Noise issues are discussed elsewhere in the officers report.

7.19 Comments on Public Consultations

None

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

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

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

The proposal would not compromise the aims and objectives of the relevant policies contained within the adopted London Borough of Hillindgon Unitary Development Plan Saved Policies September 2007 and there are no material planning considerations that would justify a refusal of permission. It is accordingly recommended that the application be approved.

11. Reference Documents

The London Borough of Hillindgon (UDP) (Saved Polices September 2007).

Contact Officer: Caerwen Roberts Telephone No: 01895 250230



This page is intentionally left blank

Agenda Item 8

Report of the Corporate Director of Planning & Community Services

Address 3 HIGH ROAD EASTCOTE

Development: Change of use of ground floor from Class A1 (Retail) to Class B1/ D1

(Manufacture and Fitting of Dentures).

LBH Ref Nos: 14719/APP/2009/1589

Drawing Nos: 1:1250 Scale Location Plan

Un-numbered Existing Floor Plan Un-numbered Proposed Floor Plan

Date Plans Received: 21/07/2009 Date(s) of Amendment(s):

Date Application Valid: 27/07/2009

1. SUMMARY

This application seeks permission for the change of use of a vacant retail shop with the Eastcote Village Parade to a centre for the manufacturer and fitting of dentures (Class B1/D1). Although the proposal is strictly contrary to policy S7 of the saved UDP in that the parade does not contain 3 separate shop units in essential use, it does contain a local convenience store occupying two former units which does provide a wide range of goods which comprise 4 categories of essential goods, namely grocer, greengrocer, baker and newsagent. This approach is advocated by a report prepared on behalf of the Council to inform the preparation of the Local Development Framework and furthermore, recommends that this unit should not form part of the designated parade. No external alteration of the building is proposed, the use would not be detrimental to the amenities of surrounding occupiers, subject to conditions and the existing car parking arrangements on site would not change. The scheme 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 approved plans 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 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 HLC5 Industrial and Commercial Development

The premises shall not be used except between 08:00 hours and 18:00 hours Mondays to Fridays, between 08:00 hours and 13:00 hours on Saturdays and at no time on Sundays and Bank and Public Holidays.

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 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).

5 NONSC Non Standard Condition

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

REASON

To safeguard the amenity of surrounding areas, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

6 MCD4 Shop Window Display (Service Uses etc)

A window display appropriate to a shopping parade shall be provided prior to the commencement of the use for which permission is hereby granted and shall be permanently retained thereafter.

REASON

To ensure the appearance of the frontage is appropriate to the shopping area and assists in maintaining its vitality in accordance with Policy S6 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 3D.3.

7 DIS2 Access to Buildings for People with Disabilities

Notwithstanding the detail shown on the un-number proposed floor plan, received on 23/07/09, 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) and a toilet facility to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy 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.

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 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance

S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
BE4	New development within or on the fringes of conservation areas
R16	Accessibility for elderly people, people with disabilities, women and children
HDAS	'Accessible Hillingdon'
BE13	New development must harmonise with the existing street scene.

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 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 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.

6 | 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.

7 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 or 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.

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 I43 Keeping Highways and Pavements free from mud etc

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

10 I45 Discharge of Conditions

Your attention is drawn to conditions 4 and 7 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

12 I47 Damage to Verge

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south eastern side of High Road, Eastcote, some 30m to the west of its junction with Azalea Walk and forms part of a retail parade which comprises detached, semi-detached and terraced buildings of varying age.

The application property forms a two storey detached property which has been extended at the rear with a two storey extension. It currently comprises a vacant Class A1 retail unit on the ground floor, previously used as a wine merchants and two self-contained first floor flats with separate entrances, known as Nos.3A and 3B on the first floor, with a small yard area at the rear. There is forecourt parking for three vehicles at the front. A side access adjoins the property to the south west which provides access to one of the flats (the other entrance being to the left of the shopfront) and a detached single storey outbuilding at the

end of the access, known as No.3C, which is in use as a separate office. To the east of the application property are a pair of semi-detached properties, which also form part of the parade and a detached garage and Listed Old Barn building adjoin the site to the west, beyond which is the three storey Black Horse Parade.

The application property forms part of the Eastcote Village Parade and also forms part of the Eastcote Village Conservation Area.

3.2 Proposed Scheme

This application seeks permission to change the use of the ground floor from retail (Class A1) to a unit for the manufacture and fitting of dentures (Class B1/D1).

No external works are proposed. The proposal would involve the internal subdivision of the retail floor space to provide a reception/retail/waiting room, consultation/surgery room, sterilisation room, working area, W.C, workroom and staff kitchen and W.C area.

3.3 Relevant Planning History

Comment on Relevant Planning History

N/A to this application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
BE4	New development within or on the fringes of conservation areas
R16	Accessibility for elderly people, people with disabilities, women and children
HDAS	'Accessible Hillingdon'
BE13	New development must harmonise with the existing street scene.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: 9th September 2009

5.2 Site Notice Expiry Date:- 9th September 2009

6. Consultations

External Consultees

The application has been advertised as affecting the Eastcote Village Conservation Area and 14 neighbouring properties, Eastcote Residents' Association have been consulted. No responses have been received.

Eastcote Village Conservation Panel:

No objections in principal to the change of use, but ask that as the building concerned is part of the Black Horse Shopping Parade, any change to the shop frontage be in keeping with a 'parade of shops' and that the working hours of the practice are kept within reasonable limits, so as not to disturb the residents living in the accommodation above.

Internal Consultees

Environmental Protection Unit:

No objections, subject to conditions controlling hours of use to a daytime use between 9am to 6pm Mondays to Saturdays and no use on Sundays and Bank Holidays, sound insulation scheme between ground and first floors and no deliveries between the hours of 23:00 and 07:00 hours on Mondays to Saturdays and at no time on Sundays and Bank Holidays.

Waste Services:

The waste division has no specific comments to make on this application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) (UDP) seeks to maintain the retail hierarchy in the Borough and local parades are viewed as being vital in providing daily food shopping for the local community. Policy S7 of the UDP advises that permission will only be granted for the change of use of retail uses within parades where:-

- (i) The parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and its function,
- (ii) The surrounding area is not deficient in essential shop uses, and
- (iii) It accords with Policy S6.

Policy S6 advises that changes of use of Class A1 shops should:-

- (i) Not be detrimental to visual amenity in the case of a Listed Building or within a conservation area.
- (ii) Retain an appropriate frontage,
- (iii) Be compatible with neighbouring uses, and
- (iv) Not be harmful to road safety.

The Eastcote Village Parade comprises the following uses:-

```
1A High Road - Architects (Class B1)

1 High Road - Estate Agents (Class A2)

2 High Road - Accountants (Class A2)

3 High Road (Application Site) - Vacant (former wine merchants) (Class A2)

Detached Garage - Car valeting (Class B1)

Old Barn House - Offices (Class B1)

Unit 1, Old Barn House - Betting Shop (Class A2)

Unit 2, Old Barn House - Opticians (Class A1)

1 Black Horse Parade - Vacant (former clothes shop) (Class A1)

2 and 3 Black Horse Parade - Convenience Store (Class A1)

4 Black Horse Parade - Chinese Takeaway (Class A3)

5 Black Horse Parade - Indian Takeaway (Class A3)
```

The proposal is therefore strictly contrary to policy as the parade currently only contains 1 shop which provides an essential use, which does occupy two units, namely the convenience store at No. 2/3 Black Horse Parade when normally small parades are expected to provide 3 shop units in essential use.

However, the Council is in the early stages of preparing its Local Development Framework which will eventually replace the UDP. As part of this process, a report has been produced titled 'Background Technical Report: Local Parades September 2006'. The report seeks to inform the preparation of the Local Development Framework and therefore its recommendations have not been agreed by the Council and may not be taken up. However, it is considered that some regard should be had to its recommendations. In this respect, at 10.4 on p.33, the report recommends that Nos.1, 2, 3 and 3C High Road, Eastcote be removed from the parade designation. It also goes on to suggest that due to changes in retailing activity, particularly the growth of local convenience stores, it is the range of goods on offer in a parade that is important and not the overall number of essential shops.

Officers are sympathetic to the views expressed in this document and the recommendations made. In this parade, the local convenience store at No.2/3 Black Horse Parade does offer a wide range of goods, including 4 essential uses, namely grocery, greengrocery, bakery and newsagent goods. It also provides a small off-license.

Given the range of essential goods on offer in the parade, it is considered that the parade does provide a suitable range of essential goods, albeit within a single shop. Furthermore, a new A1 use for the application property would be difficult to secure in the foreseeable future given this range, particularly as No.1 Black Horse Parade is also currently vacant. It is therefore concluded that the proposal would not be detrimental to the retail offer provided by this parade and the change of use would not compromise the aims and objectives of the relevant policies contained within the adopted Hillingdon Unitary Development Plan.

7.02 Density of the proposed development

N/A to this proposal.

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

No external alterations are proposed to the building and the proposal is likely to improve th

character of the Eastcote Village Conservation Area by bringing a vacant ground floor unit back into use. The proposal is therefore considered to comply with policy BE4 of the adopted Hillingdon Unitary Development Plan Saved Policies, September 2007).

7.04 Airport safeguarding

N/A to this application.

7.05 Impact on the green belt

N/A to this application.

7.06 Environmental Impact

N/A to this application.

7.07 Impact on the character & appearance of the area

See section 7.03 above.

7.08 Impact on neighbours

Policy S6 states that to safeguard the amenities of shopping areas, the Local Planning Authority will only grant permission for changes of use of class A1 shops if the proposed use will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking.

OE1 states that proposed uses should not have a detrimental impact on the character of an area or the amenities of neighbouring properties by reason of noise and vibration or the emission of dust, smell or other pollutants.

There are residential occupiers on the first floor of this building. In terms of the potential for disturbance, it is recommended that a sound insulation scheme be provided between the two floors of the building and that the hours of use and deliveries/collections are controlled. With such controls in place, it is considered that the proposal would be compatible with neighbouring uses and would not result in an unacceptable loss of amenity to adjoining residential properties. It is considered that the proposal would comply with Policies S6 and OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

7.09 Living conditions for future occupiers

N/A to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy S6 states that to safeguard the amenities of shopping areas, the Local Planning Authority will only grant permission for changes of use of class A1 shops if the proposed use will not cause unacceptable traffic related problems.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted car parking standards. The proposal would not alter the existing forecourt parking arrangements on site.

The Council's car parking standards do not stipulate a specific figure for medical or other health care practices (Class D1), but comparing the Council's car parking standards for Class A1 and B1 uses, the B1 use is less onerous (1 space per 100m² of floor space as

North Planning Committee - 17th September 2009 PART 1 - MEMBERS, PUBLIC & PRESS

compared to 1 space per 15m² to 75m² of retail floorspace). This proposal would involve a unit with 104sqm of floor space and has three existing off-street car parking spaces on the forecourt and a side drive. It is considered that the proposal would not have a harmful effect on road safety as it would not generate any additional demand for off-street parking over and above the existing use of the premises as a retail shop. In light of the above it is considered that the proposed change of use would accord with policies S6, AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan Saved Polices (September 2007).

7.11 Urban design, access and security

N/A to this application.

7.12 Disabled access

A condition has been added to ensure that disabled access is provided to the building. As such, the proposal complies with policy R16 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.13 Provision of affordable & special needs housing

N/A to this application.

7.14 Trees, Landscaping and Ecology

N/A to this application.

7.15 Sustainable waste management

N/A to this application.

7.16 Renewable energy / Sustainability

N/A to this application.

7.17 Flooding or Drainage Issues

N/A to this application.

7.18 Noise or Air Quality Issues

N/A to this application.

7.19 Comments on Public Consultations

No neighbour responses have been received. The comments of the Eastcote Conservation Panel have been taken into account in the report.

7.20 Planning Obligations

N/A to this application.

7.21 Expediency of enforcement action

N/A to this application.

7.22 Other Issues

N/A to this application.

North Planning Committee - 17th September 2009 PART 1 - MEMBERS, PUBLIC & PRESS

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

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

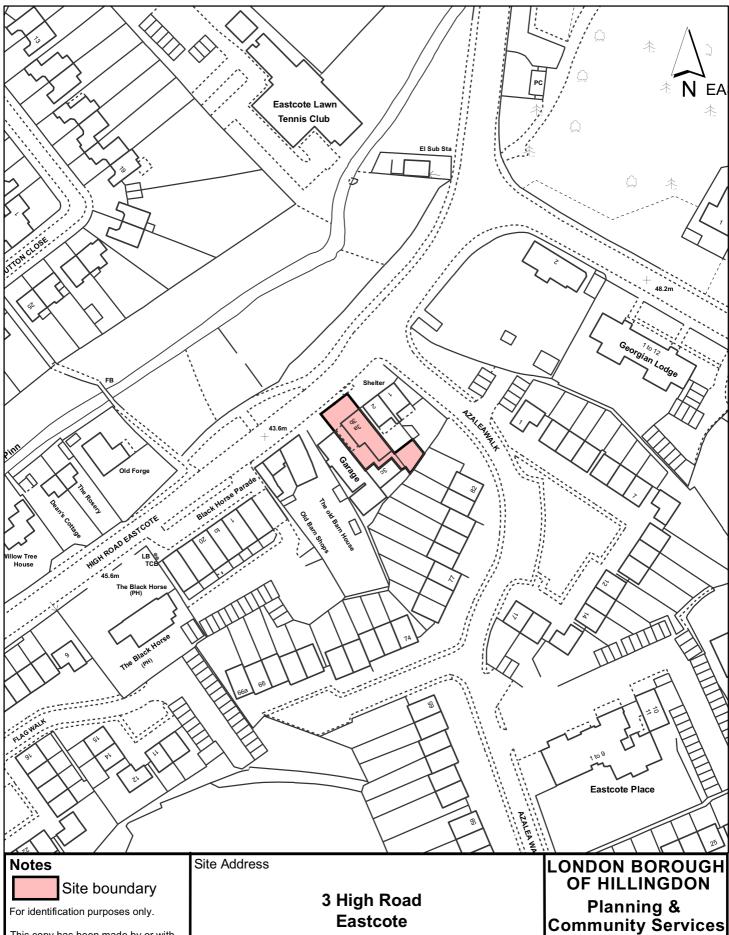
The change of use is considered acceptable.

11. Reference Documents

- (a) Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)
- (b) London Plan (February 2008)
- (c) Background Technical Report: Local Parades September 2006.
- (d) HDAS: 'Accessible Hillingdon'.
- (e) Consultation Responses.

North Planning Committee - 17th September 2009 PART 1 - MEMBERS, PUBLIC & PRESS

Contact Officer: Richard Phillips Telephone No: 01895 250230



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.

© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009

Planning Application Ref: 14719/APP/2009/1589

Scale

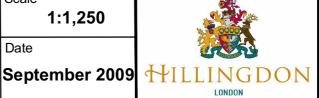
1:1,250

Planning Committee

North Page 35

Date

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



This page is intentionally left blank

Plans for North Planning Committee

17th September 2009





Report of the Director of Planning & Community Services Group

Address 43 OAK AVENUE ICKENHAM

Development: Erection of a two storey side extension, part two storey, part single storey rear

extension, alterations to front porch, conversion of the roofspace to provide habitable accommodation involving raising the roof and the installation of two rear dormer windows and 2 side rooflights, new window to first floor side

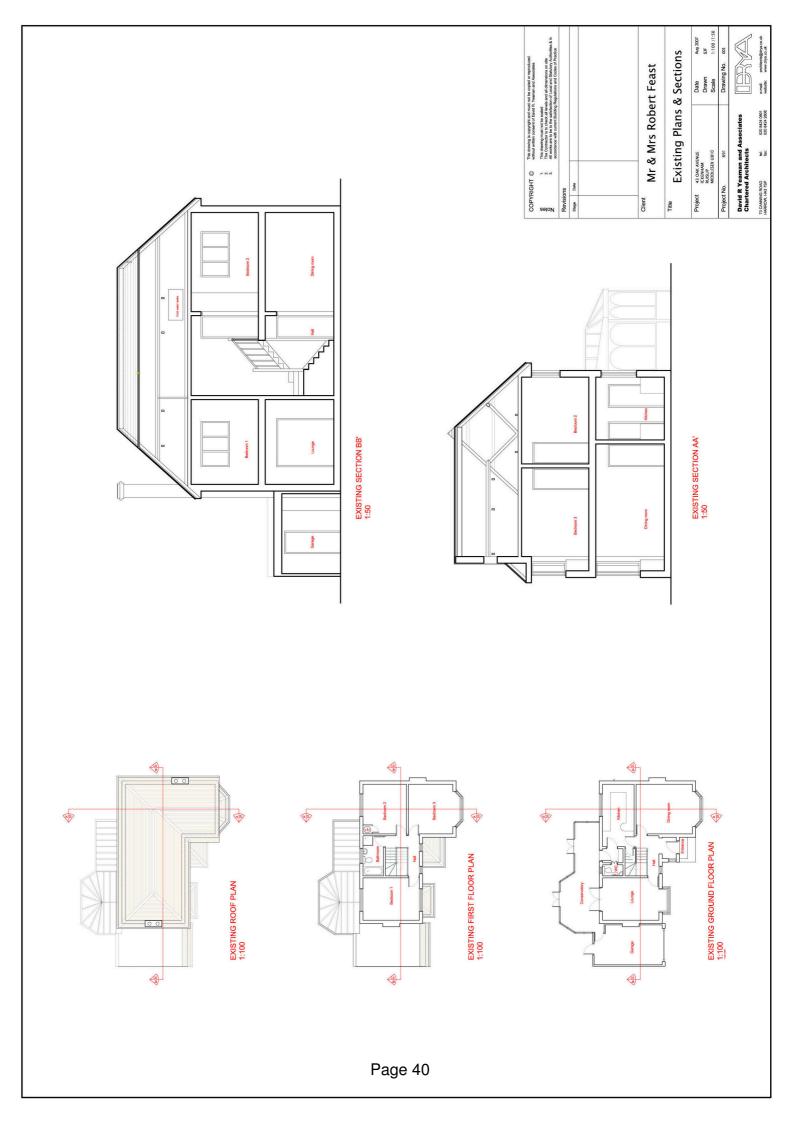
(involving demolition of the side garage and rear conservatory)

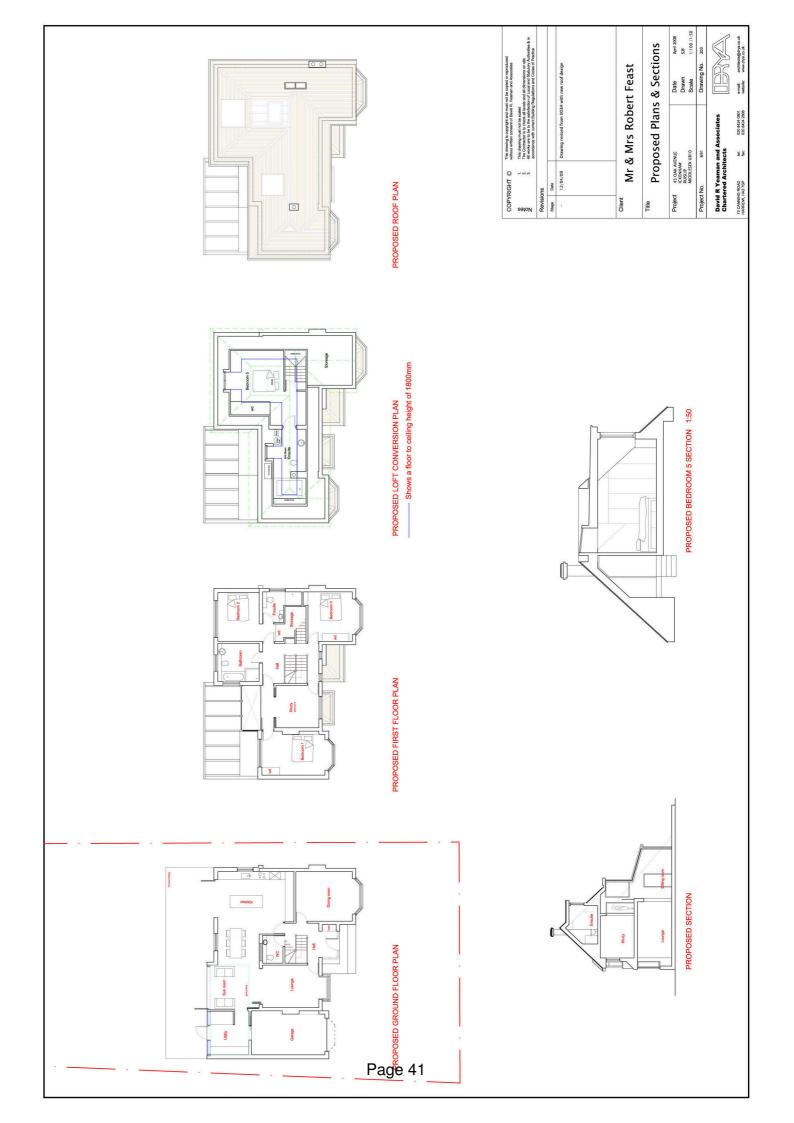
LBH Ref Nos: 64104/APP/2009/1261

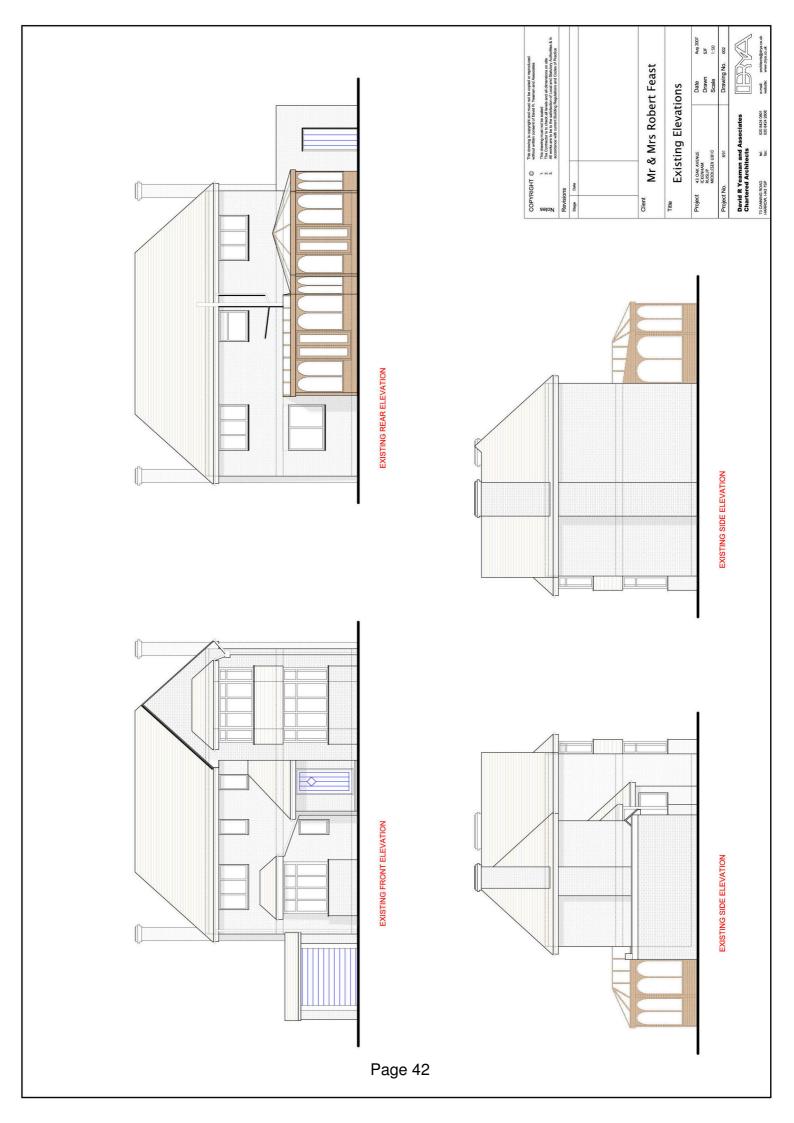
Date Plans Received: 11/06/2009 Date(s) of Amendment(s):

Date Application Valid: 24/06/2009

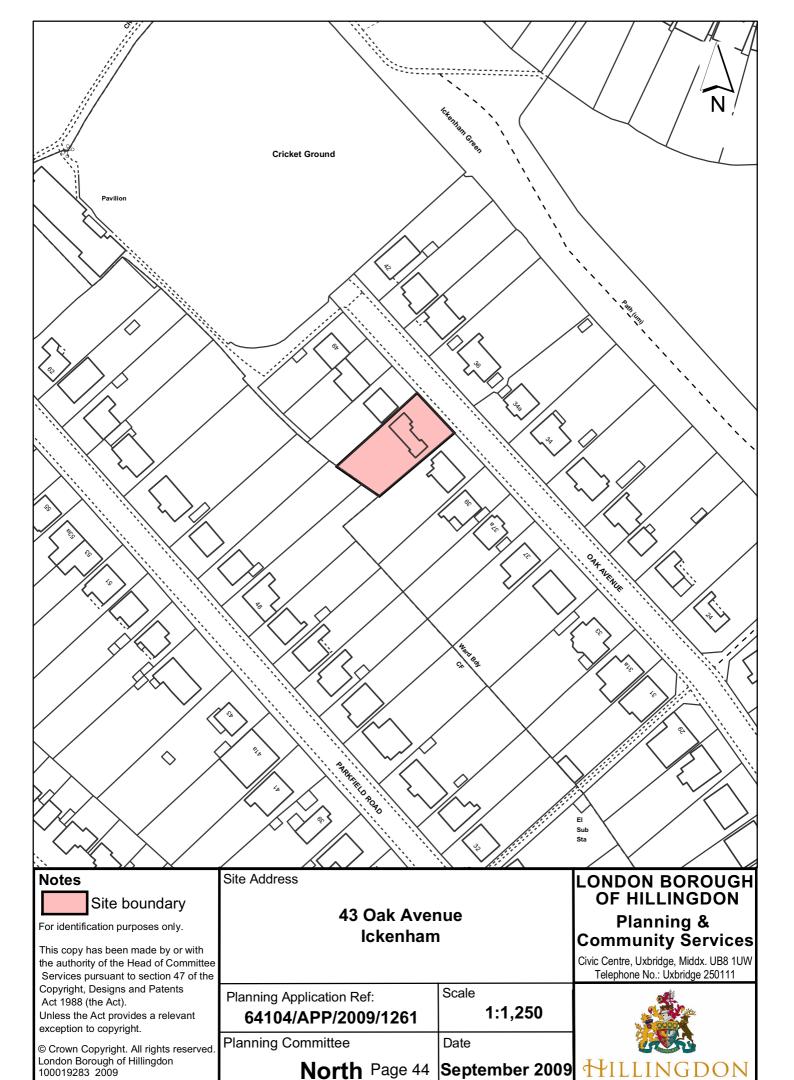












Report of the Corporate Director of Planning & Community Services

Address 108 FIELD END ROAD EASTCOTE PINNER

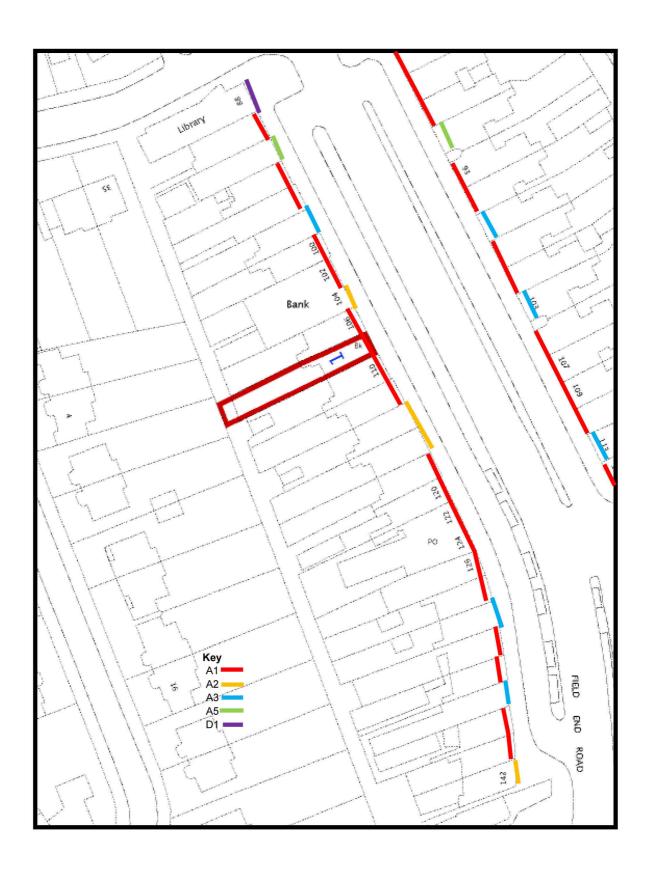
Development: Change of use from Class A1 Shop to Class A2 Financial and Professional

Services.

LBH Ref Nos: 4784/APP/2009/1298

Date Plans Received: 14/06/2009 Date(s) of Amendment(s):

Date Application Valid: 29/06/2009

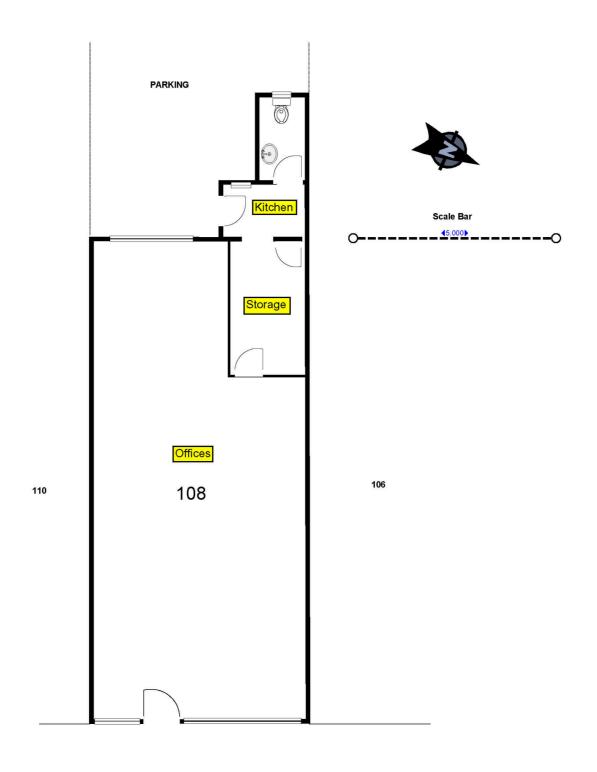


STEWART MANAGEMENT & PLANNING SOLUTIONS LTD AUDIT HOUSE, 260 FIELD END ROAD, RUISLIP, HA4 9LT

TEL: 020 8429 7467 Fax 020 8429 7539

EMAIL INFO@STEWARTMAPS.CO.UK

SITE		DATE
108 Field End Road, Pinner, HA5 1RL Ground Floor Uses		07/06/09
STEWART PS	SCALE	DRAWING NO.
	N/A	0029/02



FOOTWAY

	SITE		DATE	
STEWART MANAGEMENT & PLANNING SOLUTIONS LTD AUDIT HOUSE, 260 FIELD END ROAD, RUISLIP, HA4 9LT TEL: 020 8429 7467 Fax 020 8429 7539	Ground Floor Shop,108 Field End Road, Pinner, HA5 1RL		28/06/09)
EMAIL INFO@STEWARTMAPS.CO.UK	M&	SCALE	DRAWING NO.	
DO NOT SCALE FROM THIS DRAWING	STEWART PS	1:50	0029/01/	Ά



Report of the Corporate Director of Planning & Community Services

Address 3 HIGH ROAD EASTCOTE

Development: Change of use of ground floor from Class A1 (Retail) to Class B1/ D1

(Manufacture and Fitting of Dentures).

LBH Ref Nos: 14719/APP/2009/1589

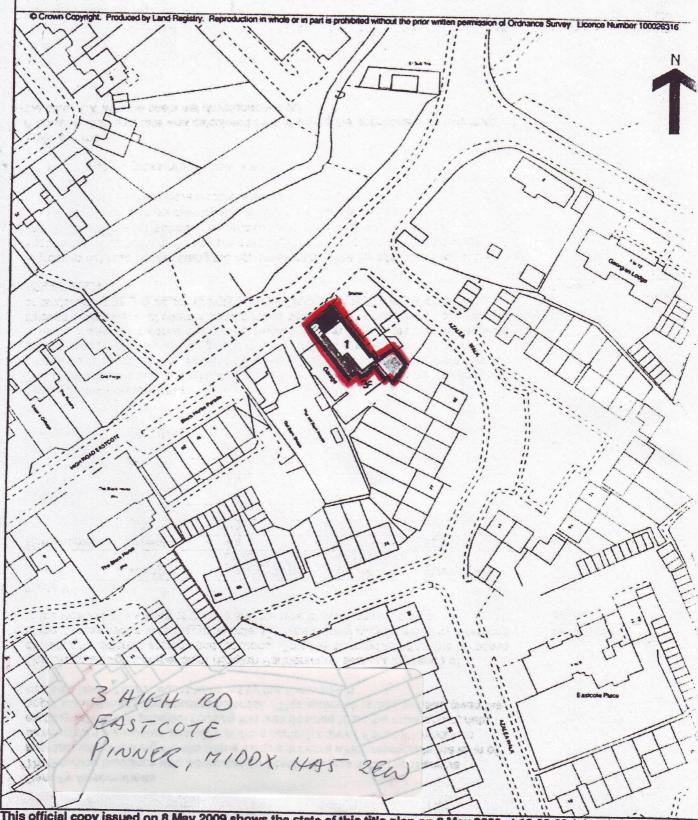
Date Plans Received: 21/07/2009 Date(s) of Amendment(s):

Date Application Valid: 27/07/2009

Land Registry Official copy of title plan

Title number AGL199454 Ordnance Survey map reference TQ1088NE Scale 1:1250 Administrative area Hillingdon



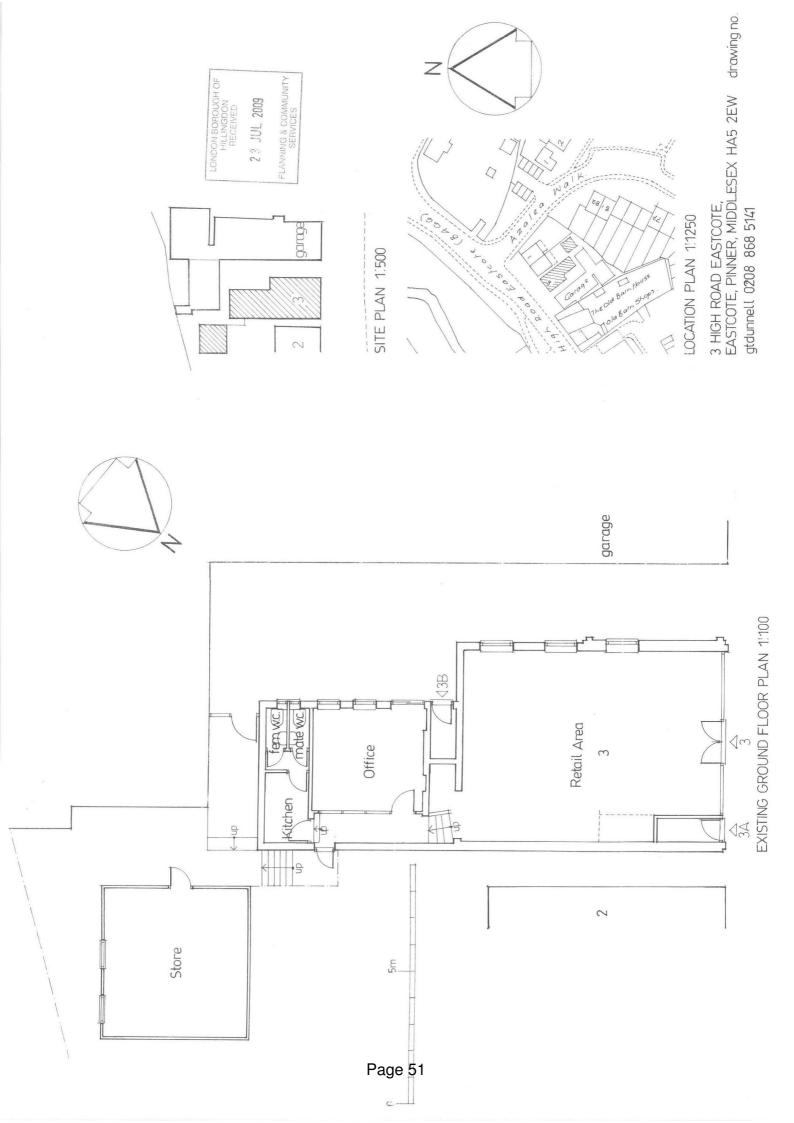


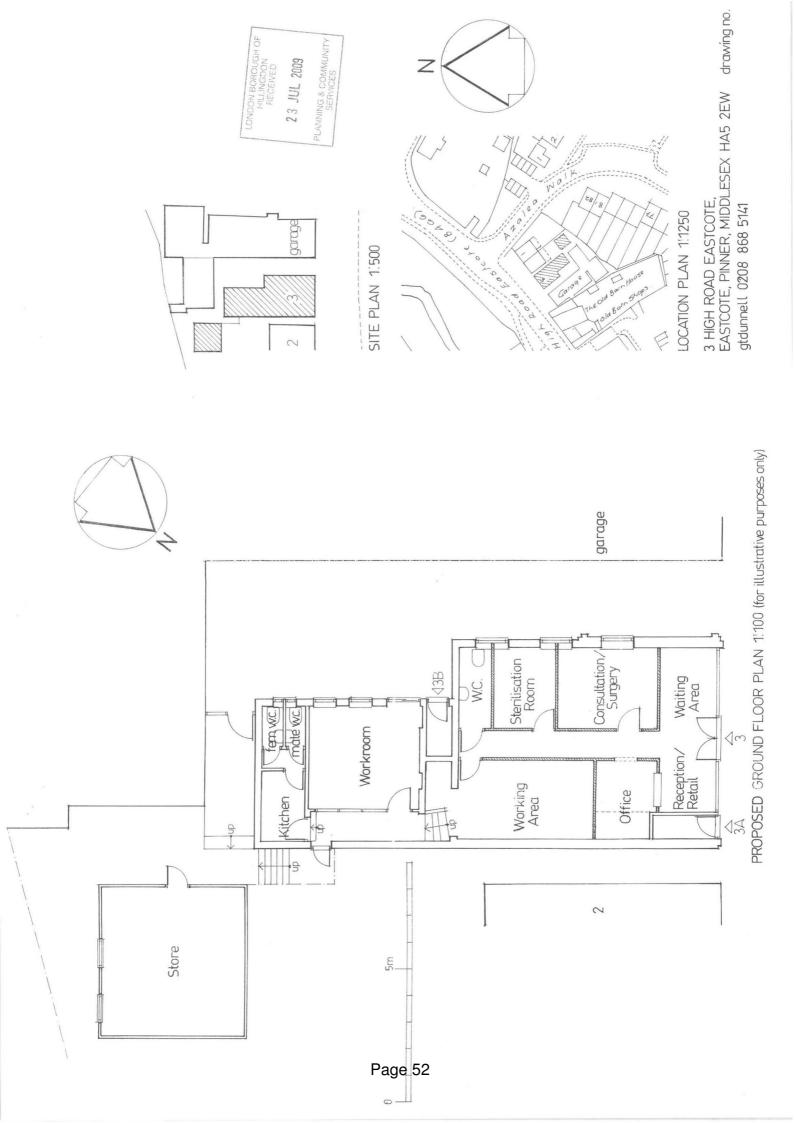
This official copy issued on 8 May 2009 shows the state of this title plan on 8 May 2009 at 16:03:08. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Swansea Office.

Page 50







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.

© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009

Eastcote

Planning Application Ref: 14719/APP/2009/1589

North Page 53

Planning Committee

Date

Scale

September 2009 HILLINGDON

1:1,250

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

This page is intentionally left blank