



**3 COM22 Operating Hours**

The premises shall not be used except between:-  
0800 and 2300 on Mondays - Fridays,  
0800 to 2300 on Saturdays, and,  
1000 to 1800 on Sundays, Public or Bank Holidays.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Local Plan.

**4 MCD10 Refuse Facilities**

No development shall take place until details of facilities to be provided for the covered, appropriately sign posted, secure and screened storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

**REASON**

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Local Plan and London Plan (February 2008) Policy 4B.1.

**5 H16 Cycle Storage - details to be submitted**

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for one bicycles have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

**REASON**

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Local Plan and Chapter 6 of the London Plan (July 2011).

**6 COM25 Loading/unloading/deliveries**

All deliveries and collections, including waste collections from the proposed development, shall be restricted to the following hours: 08:00hrs to 18:00hrs Monday to Friday and Saturday 08:00hrs to 13:00hrs and not at all on Sundays Bank and Public Holidays.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Local Plan Part 2.

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

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

**2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE14	Development of sites in isolation
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
S12	Service uses in Secondary Shopping Areas
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 2.15	(2011) Town Centres
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 4.2	(2011) Offices
LPP 4.7	(2011) Retail and town centre development
LPP 4.9	(2011) Small Shops
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city. - Replaced by LPP 7.1 (2011) Building London's neighbourhoods and communities
NPPF	

### 3

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 7th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

### 4 118 **Storage and Collection of Refuse**

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans. For further

information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

## **5 125 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).

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site comprises a two storey building sub-divided into two units. The two units have frontages onto Cherry Orchard and form part of an attached building to the rear of 37 Station Road. Unit 1 is to the west (directly adjoined to the rear of no. 37 Station Road) and Unit 2 is to the east. They are located on the southern side of Cherry Orchard, close to its junction with Station Road. To the east there is a detached residential dwelling which is separated from the site by a private access which leads to the rear of the site. To the west, the site adjoins the rear of No. 37 Station Road which comprises a retail unit on the ground floor with residential accommodation above. The site also backs onto the service yard belonging to No.39 Station Road.

The application site falls within the Yiewsley/West Drayton Town Centre boundary and is also within a designated Secondary Frontage as identified within the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### **3.2 Proposed Scheme**

Planning permission is sought for the change of use of the ground floor of Unit 1 from Use Class B1 (Offices) to Use Class A1 (Retail) and the change of use of Unit 2 from Use Class B8 (Storage) to Use Class A1 (Retail).

Unit 1 would provide approx 50sq.m of retail floor space and Unit 2 would provide approx 60sq.m of retail floor space. Internally Unit 1 would have a W/C and an open plan retail area and Unit 2 would have a W/C, kitchen area and open plan retail area. Externally each would have its own shop front comprising a single entrance door, glazing and a fascia above.

It is proposed that a total of four persons (2 per unit) would be employed at the site. The first floor of the premises would remain unchanged.

#### **3.3 Relevant Planning History**

31015/A/88/2719                      2a Cherry Orchard West Drayton  
Erection of first-floor extension to existing offices

**Decision:** 27-11-1989    Approved

### **Comment on Relevant Planning History**

The earliest planning history record for this site was approved in 1989 and refers to the site as being used as offices (Class B1). Therefore it is considered that the lawful use of the application site does indeed fall within Class B1. The application form describes Unit 2 as falling within Use Class B8 (Storage and Distribution). There are no planning history records which suggest that this is the case. However a change of use from Use Class B1 to Use Class B8 constitutes permitted development and therefore would not have required planning permission from the Council.

### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.  
AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities  
AM14 New development and car parking standards.  
BE13 New development must harmonise with the existing street scene.  
BE14 Development of sites in isolation  
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.  
BE24 Requires new development to ensure adequate levels of privacy to neighbours.  
BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  
OE1 Protection of the character and amenities of surrounding properties and the local area  
OE3 Buildings or uses likely to cause noise annoyance - mitigation measures  
OE5 Siting of noise-sensitive developments  
S12 Service uses in Secondary Shopping Areas  
DAS-SF Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006  
LPP 2.15 (2011) Town Centres  
LPP 3.1 (2011) Ensuring equal life chances for all  
LPP 4.2 (2011) Offices  
LPP 4.7 (2011) Retail and town centre development  
LPP 4.9 (2011) Small Shops  
LPP 4B.1 London Plan Policy 4B.1 - Design principles for a compact city. - Replaced by LPP 7.1 (2011) Building London's neighbourhoods and communities  
NPPF

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Not applicable to this application.

### **Internal Consultees**

Highways

Further to undertaking a site inspection and assessment in relation to the above, I would comment as follows.

The development proposals are for the change of use from separate office and storage facilities to provide 2 individual retail units, with a proposed gross floor area of approximately 50.0m<sup>2</sup> and 60.0m<sup>2</sup> respectively. There are no proposals to provide cycle or car parking within the site and servicing will be required to be undertaken at the kerbside.

When undertaking an assessment of the development it is noted that the PTAL index within the area is 3, which is classified as moderate, and the site is located within a Town Centre boundary as designated within the Council's adopted Unitary Development Plan. Therefore, it is considered that the non provision of car parking is acceptable in this instance. Nevertheless, it is considered that 1 cycle parking space per unit should be provided for the proposed retail uses at the site.

When considering the servicing requirements in relation to the site, it is noted that there are no on site servicing facilities provided under the existing or proposed uses. Additionally, servicing from the adjacent highway is prohibited throughout the day and evening, with the provision of Traffic Regulatory Orders.

However, it is considered that the proposed retail uses would have a lower servicing requirement than the existing storage use and would be similar to that of the existing office use. Furthermore, it is likely that based on the limited scale of the proposals, servicing would be undertaken by smaller vehicles. As a result, it is considered that the development proposals will not have a detrimental impact along the adjacent highway in terms of the servicing requirements above that of the existing use at the site.

Therefore, based on the existing use at the site, it is considered that the development proposals would not be contrary to the Policies of the adopted Hillingdon Local Plan: Part 1-Strategic Policies and an objection in relation to the highway aspect of the proposals is not raised in this instance. However, a suitably worded condition requiring 1 cycle parking space per unit to be provided should be imposed on the planning consent.

Access Officer

In assessing this application reference has been made to London Plan Policy 4.8 (Supporting a Successful and Diverse Retail Sector). In addition, the Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a "protected characteristic", which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.



Amendments to the initial scheme were requested by the Council's Access Officer to demonstrate appropriate access into the premises for disabled people and the provision of appropriate WC facilities.

An amended drawing (4708-2 Rev D) has been received which demonstrates appropriate access and WC provision.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

There are no Local Plan policies which resist the loss of existing office accommodation outside of areas designated specifically for offices purposes and it is noted that Table 5.3 of the Local Plan states that whilst the turnover of businesses in the Yiewsley/West Drayton Town Centre boundary is high there is a good provision of employment uses in the area to meet local demand. It also states that mixed use development is encouraged. Also the National Planning Policy Framework (NPPF) encourages the loss of employment land and uses where there is no realistic prospect of the site being used for such purpose.

The application site is currently vacant and the applicant has provided evidence which demonstrates that the site has been marketed for employment use for over year with no success. It is also noted that the first floor of both units would be retained as offices. As a result it is considered that the loss of the office floor space at ground floor level is acceptable in principle.

In regard to the proposed increase in retail floorspace the NPPF states that Local Planning Authorities should take a sequential approach to considering the location of new retail uses with priority given to Town Centre locations. Also Local Plan Policy S12 encourages the use of the ground floor of existing buildings within a Primary and Secondary Retail Frontage for retail purposes.

The proposal would involve the creation of retail floorspace at ground floor level within a Designated Town Centre on a site that forms part of a Secondary Retail Frontage. Therefore the creation of retail floorspace must be acceptable in principle, subject to all other material planning considerations being acceptable.

### **7.02 Density of the proposed development**

Not applicable to this application.

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

Not applicable to this application.

### **7.04 Airport safeguarding**

Not applicable to this application.

### **7.05 Impact on the green belt**

Not applicable to this application.

### **7.07 Impact on the character & appearance of the area**

Local Plan Policy BE13 states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features in the area which the Local Planning Authority considers it desirable to retain or enhance.

The external alterations involve the creation of two shopfronts which would be in keeping with the commercial nature and appearance of the site and would also be compatible with the design and appearance of other shop fronts in the immediate area. Any advertisements would require separate Advertisement Consent. The development would not result in the need for an extractor fan or flue. Any future proposals for such equipment would require full planning consent where an assessment of their impact upon the

appearance of the area would be undertaken.

Overall the proposal would not harm the visual amenity of the site or its wider setting, and the proposal would be in accordance with the above Local Plan policy as well as Local Plan policies BE1, BE14 and BE19.

#### **7.08 Impact on neighbours**

The nature of the proposed alterations to the front of the site means that there would be no impact upon the amenity of nearby residents through loss of daylight or overbearing impact. Given that the proposed change of use relates to the ground floor of the property it is considered that there would be no loss of privacy. Moreover there is already glazing at ground floor level and the lawful use of the site is already for commercial purposes where there would be employers and visitors using the premises throughout the day.

In regard to general noise and disturbance it is considered that the use of the site for retail purposes is unlikely to generate significant noise and disturbance over and above that which could be generated by the use of the building as offices. It is noted that the proposed use may generate more customers to the site than an office use, however the site adjoins an existing retail unit and there are further retail units opposite the site which already generate regular customers. It is therefore considered unlikely that the increase in footfall to the site would be significantly above that existing within the area, particularly given the small scale of the proposed units.

As stated above no extractor fan or flue is proposed that would result in any concern in relation to possible noise or odour.

Overall it is considered that the proposal would not be harmful to the amenities of the surrounding residential occupiers and that the proposal would therefore be in accordance with Local Plan Policies BE20, BE24, OE1, OE3 and OE5.

#### **7.09 Living conditions for future occupiers**

Not applicable to this application.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Table 6.3 of the London Plan (2011) states that the maximum off-street parking requirement for both a non-food retail unit in an area with a PTAL of 3 is one space per 30 to 50 sq.m and for a food retail unit the maximum is one space per 35 to 50sq.m. The proposed retail units would be approximately 50sq.m and 60sq.m respectively. Therefore the total maximum requirement for the site would be three spaces. However, no off-street parking spaces are proposed.

Nevertheless the site already provides commercial floorspace for which there is also no off-street parking. The Council's Highways Officer has assessed the proposals and carried out an on-site appraisal and considers that the non provision of parking in this instance would be acceptable, given the location of the site within the Town Centre and the moderate PTAL.

When considering the servicing requirements in relation to the site, it is noted that there are no on site servicing facilities provided under the existing or proposed uses. Additionally, servicing from the adjacent highway is prohibited throughout the day and the evening, with the provision of Traffic Regulatory Orders.

However, it is considered that the proposed retail use would have a similar servicing requirement to that of the existing B1 and B8 uses. Furthermore, it is likely that based on the limited scale of the proposals, servicing would be undertaken by smaller vehicles,



particularly in comparison to those servicing the unit in B8 use. As a result, it is considered that the development proposals would not have a detrimental impact along the adjacent highway in terms of the servicing requirements of the site over and above that currently required by the lawful uses of the site.

Concerns have been raised that the proposed retail units would result in customers parking in front of the site where there are parking restrictions. It is considered that this would not warrant refusal of the application as anyone who contravenes the parking restrictions in place would be subject legal action by the Council's Highways Authority as in any other location. It is also considered that the width of the pavement would be adequate to withstand the footfall generated by the proposed uses which is unlikely to be significant given the small scale of the proposed retail units.

Therefore, based on the existing use at the site, it is considered that the development proposals would not be contrary to Local Plan Policies AM7 and AM14.

In accordance with the Local Plan 1 cycle parking space would be required for the site; however this can be secured by means of an appropriate condition.

#### **7.11 Urban design, access and security**

Local Plan Policy R16 states that the Local Planning Authority will only permit proposals for shops, business uses, services, community and other facilities open to the public if they include adequate provision for accessibility.

Amended plans have been submitted which show that level access would be provided for each of the proposed shop fronts. The door widths would also accord with the Council's HDAS: Shop Fronts and the layout of the W/C in each unit would also be acceptable.

#### **7.12 Disabled access**

Please refer to paragraph 7.11.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this application.

#### **7.14 Trees, landscaping and Ecology**

Not applicable to this application.

#### **7.15 Sustainable waste management**

There is no requirement for within the Council's Standing Advice relation to the provision of waste storage and recyclables for retail units. However a condition is recommended requiring full details of the storage of waste and recyclables to be provided prior to the commencement of the development. It is likely that the storage of waste would be provided inside the building.

It is noted that concerns have been raised that the proposal would result in an increase in the level of litter in the area, however provided waste is stored within the site it is considered that there is no reason that this would be the case. It is also considered that unlike a take-away, a retail unit which provides either non food or food for consumption off the premises is unlikely to generate additional litter.

#### **7.16 Renewable energy / Sustainability**

Not applicable to this application.

#### **7.17 Flooding or Drainage Issues**

Not applicable to this application.

#### **7.18 Noise or Air Quality Issues**

Please refer to paragraph 7.08.

### **7.19 Comments on Public Consultations**

Nine neighbours were consulted on the 1/10/12. A site notice was posted on the 3/10/12. Three responses were received including a petition with 46 signatures, commenting as follows:

- Concerns that the development would result in an increase in the level of loading/unloading which would be prejudicial to pedestrian and highway safety.
- The development would result in customers parking in front of the site.
- There would be additional pedestrian activity along an already narrow pavement.
- The proposal would result in increased noise, disturbance and litter.
- There is already adequate provision of retail uses in the area.
- The development would be harmful to the character of the area.

(Officer Comment: These issues are considered elsewhere in this report).

### **7.20 Planning obligations**

Not applicable to this application.

### **7.21 Expediency of enforcement action**

Not applicable to this application.

## **8. Observations of the Borough Solicitor**

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

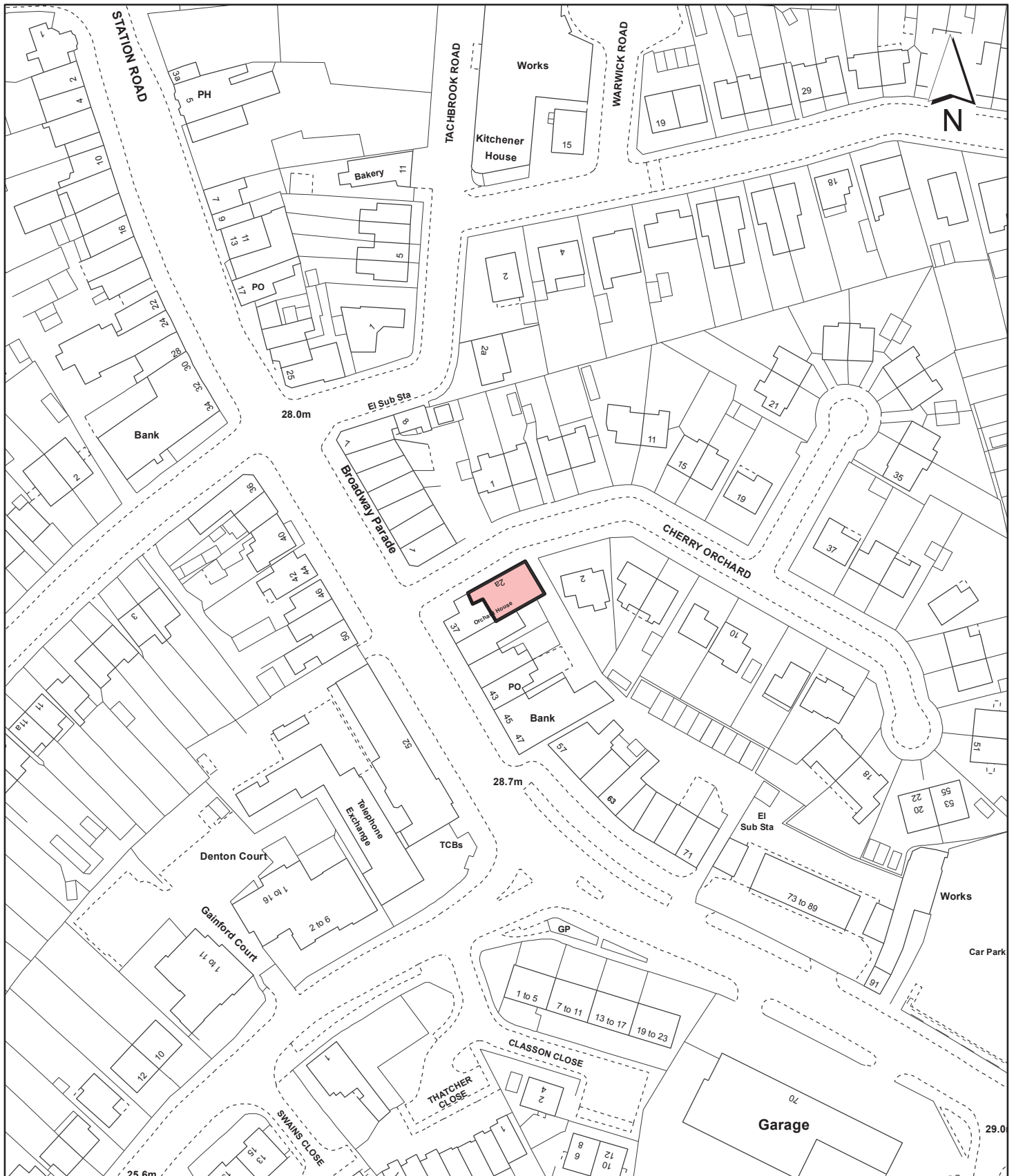
Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.



## 10. CONCLUSION

It is considered that subject to appropriate conditions the proposal is acceptable in principle and would not result in harm to the amenity of nearby residents and occupants, nor adversely impact on the visual appearance of the site and its wider setting. The development would not result in an increase in the demand for on-street parking and the proposed retail units would be accessible to all users. The development is therefore in compliance with Local Plan Policies BE13, BE14, BE15, BE19, BE20, BE24, AM7, AM14, OE1, OE3, and OE5. The application is therefore recommended for approval.

**Contact Officer:** Kelly Sweeney

**Telephone No:** 01895 250230



<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2012 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;"><b>Units 1 and 2</b> <b>2A Cherry Orchard</b> <b>West Drayton</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Residents Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;"><b>31015/APP/2012/2312</b></p>	<p>Scale</p> <p style="text-align: center;"><b>1:1,250</b></p>	 <p><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;"><b>Central and South</b></p>	<p>Date</p> <p style="text-align: center;"><b>December 2012</b></p>	