

## Report of the Head of Planning, Sport and Green Spaces

**Address** 61 ANGUS DRIVE RUISLIP

**Development:** Change of use from Sui Generis to Use Class B2 (General Industrial) for MOT testing, servicing and mechanical repairs of motor vehicles to include a new overhead door and entrance screen to front and alterations to rear elevation

**LBH Ref Nos:** 4254/APP/2012/2740

**Drawing Nos:** 1606 PD01  
1606 PD07 Rev.A  
1606 PD02 Rev.A  
1606 PD05  
1606 PD06  
1606 PD03  
1606 PD04 Rev.A  
Design and Access Statement  
Noise Report - Sharps Redmore

**Date Plans Received:** 05/11/2012      **Date(s) of Amendment(s):** 22/07/2013  
**Date Application Valid:** 09/11/2012      05/11/2012

### 1. SUMMARY

Planning permission is sought for the change of use from Sui Generis (a car show room) to Use Class B2 (General Industrial) for MOT testing, servicing and mechanical repairs of motor vehicles. The proposal includes a new overhead door and entrance screen to the front and alterations to the rear elevation.

It is considered that the proposal, together with mitigation measures would be appropriate and would not unduly detract from the amenities of the adjoining residential occupiers.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 COM3 Time Limit

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 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1606 PD01, 1606 PD07 Rev.A, 1606 PD02 Rev.A, 1606 PD05, 1606 PD06, 1606 PD03, 1606 PD04 Rev.A, Design and Access Statement, and the noise report dated April 2013, submitted 15 May 2013 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

**3 COM12 Use Within Same Use Class**

The premises shall be used for MOT testing, servicing and mechanical repairs of motor vehicles only and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

REASON

Specify, in accordance with Policies OE1 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**4 COM17 Control of site noise rating level**

The rating level of noise emitted from any plant and/or machinery installed and/or operated at the premises shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

**5 COM18 Control of specified activities**

MOT testing, servicing and mechanical repairs of motor vehicles shall not take place anywhere on the site except within the building.

REASON

To safeguard the amenity of the surrounding area in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**6 NONSC Sound insulation /mitigation 1**

As specified in the noise report dated April 2013, submitted 15 May 2013 (within paragraphs 5.8, 5.9 and 5.10), the following mitigation measures shall be implemented prior to the commencement of the use and associated operations as follows:

- a) The enclosure of any compressor to a specification securing a 10dB noise reduction; and
- b) Installation only of a heater with a maximum noise output of 65 dB LAeq at 1 metre.

Thereafter, these measures shall be retained and maintained for the life of the development.

REASON

To safeguard the amenity of the surrounding area in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**7 COM21 Sound insulation /mitigation 2**

Sound Insulation measures as specified in the noise report dated April 2013, submitted 15 May 2013 comprising the installation of a ground slab party wall between the application site and the neighbouring property to the south-east shall be implemented prior to the commencement of the use.

The ground slab party wall shall be maintained for the life of the development.

**REASON**

To safeguard the amenity of the surrounding area in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**8 COM22 Operating Hours**

The premises shall not be used except between:-  
[0830 and 1730], Mondays - Fridays  
[0830 to 1630] Saturdays  
[1000 to 1600] Sundays, Public or Bank Holidays.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 20

**9 COM9 Landscaping (car parking & refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping, including a landscape buffer on the front forecourt.
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
2. Details of Hard Landscaping
  - 2.a Refuse Storage
  - 2.b Cycle Storage
  - 2.c Means of enclosure/boundary treatments
  - 2.e Hard Surfacing Materials
  - 2.f External Lighting
3. Details of Landscape Maintenance
  - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

**REASON**

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (July 2011)

**10 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).

#### **11 COM25 Loading/unloading/deliveries**

There shall be no loading or unloading of vehicles, including the collection outside the hours of 0830-17.30 Monday to Friday, and between the hours of 0830-1630 on Saturdays, and between 1000-1600 on Sundays or Bank Holidays.

#### REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

### 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.

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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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
LE1	Proposals for industry, warehousing and business development
LPP 5.3	(2011) Sustainable design and construction

#### **3 I59 Councils Local Plan : Part 1 - Strategic Policies**

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 8th 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**            I47                    **Damage to Verge**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

#### **5**            I14                    **Installation of Plant and Machinery**

The Council's Commercial Premises Section and Building Control Services should be consulted regarding any of the following:-

The installation of a boiler with a rating of 55,000 - 1¼ million Btu/hr and/or the construction of a chimney serving a furnace with a minimum rating of 1¼ million Btu/hr;

The siting of any external machinery (eg air conditioning);

The installation of additional plant/machinery or replacement of existing machinery.

Contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190). Building Control Services, 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

#### **6**            IT04                    **Timing of works**

Timing of works: Proposed works should not be carried out during the period of bud burst or leaf fall. Care should be taken to ensure that branches are cut back to healthy outward facing buds to avoid die-back to which some species are prone.

#### **7**

The Equality Act

The Act states that service providers should think ahead to take steps to address barriers that impede disabled people. The 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.

#### **8**            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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

### **3. CONSIDERATIONS**

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

The application site comprises a rectangular plot of land measuring 0.125 hectares located on the south-eastern side of Angus Drive. The site currently houses an industrial style single storey warehouse building measuring 22.06m wide and 15.43m deep, which is currently vacant and was previously used as a Vauxhall Car Showroom. The building is finished in aluminium cladding and has a flat roof, 5 sets of floor to ceiling height windows and main entrance doors. The building is set back around 9.9m from the frontage of the property. The land to the front of the building is tarmaced and a rear service yard is located to the rear of the property.

Attached to the north-eastern elevation of the site is a two-storey gable ended building comprising 2 residential units; separated from the application site by a dwarf side boundary wall and hedges. Further north-east and to the north of the site are traditional two-storey semi-detached properties with projecting gables, bay windows and hipped roof profiles.

To the south-west of the site is a BP Petrol Service Station, and further south-west is the junction with Victoria Road, a Borough Distributor road.

Directly opposite the site, to the north-west, is the junction with Gregory Close, which comprises a new build residential development of two-storey yellow brick semi-detached properties. Further north-west is St Gregory the Great Catholic Church, a large building which lies on the junction with Victoria Road.

The site is located within the Developed Area as identified in the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **3.2 Proposed Scheme**

Planning permission is sought for the change of use from Sui Generis (a car show room) to Use Class B2 (General Industrial) for MOT testing, servicing and mechanical repairs of

motor vehicles, and including a new overhead door and entrance screen to the front and alterations to the rear elevation.

6 staff would be employed at the premises and 17 parking spaces are to be provided in total (3 to the front of the site and 15 at the rear of the site).

Hours of operation proposed are proposed as follows:

0830-1730 Monday to Friday

0830-1630 Saturdays

0830-1630 Sundays and Bank Holidays

The internal layout would comprise two main working areas, a reception area and ancillary managers office and W.C's. The existing large forecourt area and rear yard would be retained.

It is proposed that waste engine oil and tyres would be removed by a nationally approved specialist, and in the interim stored on site in a bunded tank.

A new overhead electrical operated door is proposed on the western extent of the front elevation. A new glazed screen and entrance door, which would be fully insulated would serve the reception area and would replace the existing full height double window.

The rear existing door would be replaced with an overhead insulated door which would be 3m high.

The application is supported is supported by a robust noise assessment. The report is based on a sound methodology and concludes that subject to recommended mitigation measure the development would achieve full accordance with the Council's Noise Supplementary Planning Document and would therefore not give rise to unacceptable noise impacts.

### 3.3 Relevant Planning History

4254/ADV/2005/109 Northern Motors Angus Drive Ruislip

INSTALLATION OF INTERNALLY ILLUMINATED AND NON-ILLUMINATED FASCIA AND WALL-MOUNTED SIGNS AND ONE FREE-STANDING INTERNALLY ILLUMINATED TOTEM SIGN

**Decision:** 14-12-2005 Approved

4254/APP/2005/2942 Northern Motors Angus Drive Ruislip

INSTALLATION OF ALUMINIUM CLADDING TO EXTERIOR OF CAR SHOWROOM BUILDING

**Decision:** 14-12-2005 Approved

4254/K/85/1186 Victoria Service Station Victoria Road Ruislip

Refurbish workshop for use as car showroom with ancillary offices and small extension.

**Decision:** 27-10-1987 NFA

### Comment on Relevant Planning History

There is no relevant planning history.

#### **4. Planning Policies and Standards**

No additional planning policies or standards for consideration.

#### **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:

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.  
BE24 Requires new development to ensure adequate levels of privacy to neighbours.  
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  
LE1 Proposals for industry, warehousing and business development  
LPP 5.3 (2011) Sustainable design and construction

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

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

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

#### **6. Consultations**

##### **External Consultees**

20 neighbours were consulted and a site notice was erected adjacent to the site, which expired on the 14 December 2012. 27 individual letters and a petition with 61 signatures have been received.

A Ward Councillor has also registered an interest in the application.

The objections can be summarised as follows:

- i. Noise and disturbance
- ii. Fire and safety hazard
- iii. Industrial use
- iv. Dirt
- v. Traffic
- vi. Impact on parking
- vii. Visually intrusive and would industrialise the area (tyres, chemicals, open doors, ramps)
- viii. There is already a Kwit Fit on Victoria Road



ix. Long hours of operation

The petition objects to the application on the following grounds:

- i. Residential area
- ii. Noise pollution
- iii. Air pollution
- iv. Out of character
- v. Detrimental to road safety
- vi. Extensive working hours
- vii. Potential rodents issue
- viii. Prime location within South Ruislip

The issues raised in these responses will be considered in the main body of the report.

John Randall MP has also sent a response enclosing a letter from adjoining occupiers (who objected on the grounds that the development would be out of character within the locality) and has requested that their comments be taken into account.

Defence Estates: No Objection.

### **Internal Consultees**

Environmental Protection Unit:

The report addresses noise breakout from fixed plant noise for which noise limits have been recommended in table 3.6. The plant noise rating level will be designed to be 5dB below the background noise levels. This is acceptable to us subject to recommended mitigation measures in para 5.8, 5.9 and 5.10 of the report I therefore recommend the following as a condition:

N11B Noise affecting residential property

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

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

The other noise issue is the activity noise breaking out at the rear of the premises through the open overhead door facing Rydal Way. The report suggests noise levels in the gardens of properties in Rydal Way would be 50dB LAeq which meets the guidance in BS8233:1999 and similarly, noise in the garden immediately next door to the centre would also be less than 50 dB LAeq.

To prevent noise transmission via shared partition, the report recommends a break in ground slab beside the party wall and that no plant is mounted onto the party wall.

Subject to the above recommendations being met I have no objections but do recommend the hours of operations on Sundays and Public Holidays to be 10am to 4pm.

Access Officer: As the proposal relates to a change of use with no apparent material alterations to the building that impact on accessibility, no improvements in respect of access for disabled people can reasonably be required as part of this development proposal.

However, an informative advising of The Equality Act should be attached to any grant of planning permission.

Conclusion - No objection is raised from an accessibility viewpoint.

Trees and Landscape Officer:

The site is occupied by a vacant industrial unit /garage with a large forecourt and side access to a rear service yard. It is situated at the end of a residential street and next to a petrol service station. There are no trees or other landscape features which might constrain development.

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No trees or other significant landscape features will be affected by the proposal
- It is not clear how the external spaces will be used. However, the front forecourt is particularly spacious and does little to enhance the streetscape at the interface with residential properties
- A landscape buffer on the front forecourt, to include a hedge and tree planting, should be conditioned to ensure that the new use enhances the character of the area without affecting the operational requirements of the site.
- Landscape conditions are necessary to preserve and enhance the visual amenities of the locality and to ensure that adequate facilities are provided.

No objection, subject to the above considerations and conditions COM9 (items 1,2,4 and 5).

Highways:

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

The development is for the change of use from a car showroom with associated workshops, to a MOT/servicing and vehicle repair facility. The existing car parking provision of 17 No. parking spaces will be retained within the site. There are no proposals to provide cycle parking for either staff or visitors.

From assessment of the development, it is likely that there will be an increase in vehicle traffic above the existing use at the site. However, it is considered that any increase will not have a material impact along the adjacent highway above that of the existing use.

In terms of car parking at the site it is noted that the existing parking provision of 17 No. vehicle spaces will be retained. As a result, it is considered unlikely that there will be an increase in the demand for kerbside parking along the adjacent highway. Furthermore, it is noted that a Parking Management Scheme is in operation within the area surrounding the site is and as a result, on street parking is prohibited between 0900 hrs and 1700 hrs Monday to Friday, except within resident permit holder and pay and display parking pays, which are located along Angus Drive.

When considering the servicing requirements of the development, it is noted that daily deliveries will be undertaken by a small van and by a larger ridged vehicle that will be required to visit the site fortnightly, which would be similar that that of the existing use when considering the existing workshop facilities.

Therefore, it is considered that the development would not be contrary to the Policies of the adopted Hillingdon Local Plan, 2012, Part 2, and an objection is not raised in relation to the highway or transportation aspect of the proposals.

## **7. MAIN PLANNING ISSUES**

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

The site is currently in Sui-Generis use as a Car Showroom and there are no policies within the Local Plan protecting such uses. Further there are no policies in the plan which object in principle to B2 use outside of Industrial and Business Areas, so far as other policies in the Local Plan are adhered with. As such there is no in principle objection to the loss of the existing use on the site or for the proposed employment use on this site, subject to the scheme meeting all other pertinent Local Plan and London Plan policies.

#### **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**

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 & BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development in residential areas complements or improves the amenity and character, therefore the scale and character of a new development is a material consideration.

The external alterations proposed as part of this application would be minor in nature and would be in keeping with the external appearance of the existing building and would not be detrimental to the visual amenities of the streetscene. Therefore the proposal would comply with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Overall, it is considered that the application site is on the edge of the residential area and adjacent to a petrol station and commercial uses on Long Lane to the south-west. In addition the proposed use is not dissimilar in terms of its character to the extant use of the site. It is therefore considered that the proposed development is in keeping with Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The National Planning Framework has a presumption in favour of sustainable development. However it acknowledges that pursuing sustainable development involves 'seeking positive improvements in the quality of the built environment and peoples's quality of life' .

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that become detrimental to the amenity of the adjoining occupiers or surrounding area will not be approved. Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

The site is bound to the north-east, north and south-east by residential properties. Attached to the north-eastern elevation of the application building, separated by a party wall, is 59-57 Angus Drive, comprising two residential units. To the north are semi-detached residential properties approximately 13m away from the site. To the south-east

are three storey flatted development in Rydal Way directly backs onto the site, and the rear service yard area would abut the residential amenity space. The separation distance from the rear flank wall of the building and the boundary with Rydal Way is 8.46m.

In order to inform the Local Planning Authorities assessment of whether noise arising from the development would have unacceptable impacts on nearby occupiers a noise report was undertaken by independent noise consultants, Sharps Redmore. The Environmental Protection Unit have reviewed the report, which is considered to have been carried out using a robust methodology, and consider that mitigation measures can be implemented to ensure that the noise levels emitted from the operations would not exceed background noise levels. Furthermore, sound insulation measures are proposed between the application site and the directly adjoining residential property to the north-east and the applicant has requested reasonable opening hours which would ensure the development did not operate at noise sensitive times. As such, it is considered that the proposed development would accord with Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7.09 Living conditions for future occupiers**

Not applicable to this application.

**7.10 Traffic impact, car/cycle parking, pedestrian safety**

The site is situated on Angus Drive, however the existing parking spaces would be retained as part of the development and are considered sufficient for potential customers and staff that the proposed development would generate. The Council's Highways Officer has no objection in this regard. The proposal would therefore comply with AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7.11 Urban design, access and security**

Not applicable to this application.

**7.12 Disabled access**

The Access Officer has recommended an informative for the applicant to remind them of the Equality Act.

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

Not applicable to this application.

**7.14 Trees, Landscaping and Ecology**

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires new landscaping and planting to be provided in new developments, where appropriate. Although there are no trees present on the site, the Trees and Landscape Officer has recommended that a landscape buffer should be provided at the frontage of the site to soften the existing hardlandscaping and to improve the quality of the environment. These matters can be dealt with by way of appropriate conditions, which are included in the recommendation.

**7.15 Sustainable waste management**

Not applicable to this application.

**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**

The applicant has provided a noise survey as part of the application submission to be considered. The two main noise issues relate to a) the noise generated by the operation(s) and b) the noise which would break out at the rear onto residential gardens,

through the overhead door facing Rydal Way. The report highlights/proposes the following:

-The plant noise rating level will be designed to be 5dB below the background noise levels.

-noise levels in the gardens of properties in Rydal Way would be 50dB LAeq which meets guidance

-noise in the garden immediately next door to the centre would also be less than 50 dB LAeq, which also meets guidance.

The report recommends the following measures which have been conditioned:

-The enclosure of the compressor

-A heater with a maximum noise output of 65 dB LAeq at 1 metre

-The provision of a ground slab beside the party wall with the adjoining property to insulate noise generated

The Environmental Protection Officer has no objections to the proposed development subject to restriction on the operating hours on Sundays and Bank Holidays, and the implementation of the mitigation measures proposed in the noise report.

It is also recommended that a condition be imposed to restrict the use to an autocentre, so as to prevent other B2 uses (which might have greater noise impacts) from occupying the site. Subject to appropriate conditions the development would not give rise to unacceptable noise impacts in compliance with Policies OE1 and OE3 of the Local Plan Part 2 and the guidance within the Council's Noise Supplementary Planning Document.

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

Issues arising from individual consultation responses:

Issues i, iii, v, vi, vii and ix are addressed within the body of the report.

In relation to issue ii, it is not considered that the proposed development would result in any fire or safety issues.

In relation to issue iv, it is not considered that the proposed use would result in any unacceptable dirt.

In relation to issue viii, the presence of other similar facilities elsewhere is not material to the consideration of this application.

Issues arising from the petition:

In relation to i and viii, the principle of the development is addressed within the body of the report.

Issues ii, iv, v, and vi are addressed within the body of the report.

In relation to issue iii, it is not considered that the proposed use would give rise to any significant impacts on local air quality.

In relation to issue vii, it is not considered that there is any aspect of the proposed use which would be likely to attract rodents.

#### **7.20 Planning Obligations**

Not applicable to this application.

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

Not applicable to this application.

## **7.22 Other Issues**

Policy LE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that all proposals for General Industrial use (B2) should be assessed taking into account other policies of the plan and should consider:

- i. Whether the proposed development conflict with regeneration objectives for the locality
- ii. unimplemented consents
- iii. the available capacity of public transport
- iv. traffic generation
- v. disabled access

Taking each one of the above considerations into account, it is clear that, given the scale of the proposed development, there would be no undue impact on wider regeneration objectives in the local area or unimplemented consents. Access to the site via public transport is considered to be adequate having regard to the proposed use and the proposals provide adequately in terms of disabled access. Further, as noted in Section 7.10, the proposed development would not cause any undue traffic generation.

## **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**

Not applicable to this application.

## **10. CONCLUSION**

It is considered that overall the scheme accords with the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and the Hillingdon Local Plan: Part Two - Saved UDP

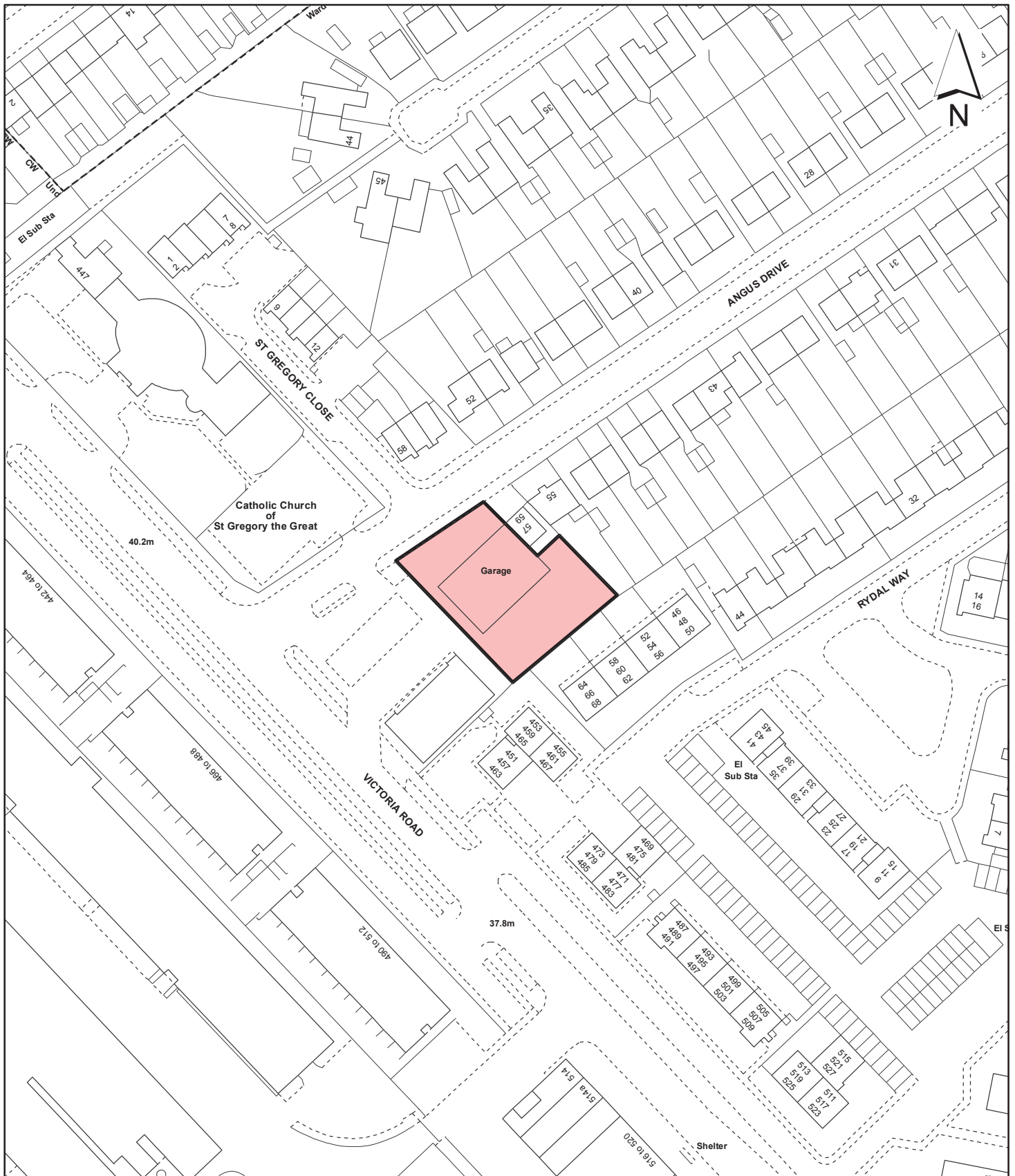
Policies (November 2012). The application is therefore recommended for approval.



#### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan 2011  
National Planning Policy Framework

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	<p>Planning Application Ref:</p> <p align="center"><b>4254/APP/2012/2740</b></p>	<p>Scale</p> <p align="center"><b>1:1,250</b></p>	 <p align="center"><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p align="center"><b>North</b></p>	<p>Date</p> <p align="center"><b>July 2013</b></p>	