

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

**Address** 73 SWAKELEYS ROAD ICKENHAM

**Development:** Change of use from retail (Use Class A1) to restaurant/cafe (Use Class A3)

**LBH Ref Nos:** 52680/APP/2013/1396

**Drawing Nos:** 2356/5  
ON 100 Odour Neutraliser (Manufacturers technical details) and other attached plans and specifications  
2356  
Design and Access Statement  
Photographs  
Location Plan to Scale 1:1250  
Block plan to Scale 1:500

**Date Plans Received:** 28/05/2013                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 31/05/2013

### 1. SUMMARY

The application seeks planning permission for a change of use of the premises from retail (Use Class A1) to a restaurant/cafe (Use Class A3). The site is outside the core area of the Local Centre and is currently vacant.

An application for the same use was refused under application reference 52680/APP/2012/3209 at Planning Committee on the 08-05-13 on the grounds of the impact on the neighbouring dwellings due to noise and disturbance and the fact that it had not been demonstrated that provision could be made for mitigation measures regarding the control of smell, fumes and other emissions from the site.

To overcome these reason the applicant has submitted additional information with regards to the flue being proposed and the Environmental Protection Unit have raised no objection to this. Furthermore, the applicant has reduced the proposed opening hours to 07:00-19:00 to ensure no noise disturbance would occur at unsocial hours.

It is considered that the proposed use is appropriate use in the parade and with use of conditions, any potential harm to surrounding residential occupiers would be minimised. Therefore, the application is recommended for approval.

### 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 2356, and 2356/5 and shall thereafter be retained/maintained for as long as the development remains in existence and the use shall not commence until the proposal, including the provision of the flue, is carried out in full.

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 NONSC Kitchen Extraction System**

The use hereby permitted shall not be commenced until a kitchen extraction system comprising a Cooker Hood Canopy, Grease Filters, a Coarse Pre-Filter, a Fine Pre-Filter, Activated Carbon Filters, Lagging, Anti-Vibration Mounting, a Noise Attenuator and an Exhaust Flue has been installed in full accordance with the details shown on drawing 2356/5 and specified with the technical details provided in support of the application.

Thereafter the kitchen extraction system shall be operated and maintained for the life of the use hereby permitted.

REASON

To ensure appropriate mitigation of noise and odours in order to protect the amenity of nearby residents in accordance with Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**4 COM23 Hours of Use (Restaurant etc.)**

No customers shall be present on the premises, nor shall the premises be used for the preparation or sale of food except between the hours of 0700 hours and 1900 hours Monday to Saturday and 0900 to 1800 hrs on Sunday.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 and OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**5 NONSC Non Standard Condition**

Deliveries and collections, including waste collections, shall be restricted to the following hours;

0800 hrs to 1800 hrs Monday to Friday, and between the hours of 0800 hrs and 1300 hrs on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 and OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**6 NONSC Non Standard Condition**

No development shall take place until revised plans showing a toilet facility intended for use by disabled people designed in accordance with BS 8300:2009 has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the scheme shall be implemented and maintained in accordance with the

approved details for the lifetime of the development.

**REASON**

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

**7 NONSC Non Standard Condition**

No development shall take place until a scheme for the storage and collection of refuse and waste has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- i) Plans and elevations to show the location of refuse storage area to the rear of the building;
- ii) Details of the collection of refuse and waste from the site.

**REASON**

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

**8 COM21 Sound insulation /mitigation**

The development shall not begin until a 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. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON:**

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

- |      |   |
|------|---|
| S6   | Change of use of shops - safeguarding the amenities of shopping areas                               |
| S10  | Change of use of shops in Local Centres - criteria for permitting changes of use outside core areas |
| 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.
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.
BE4	New development within or on the fringes of conservation areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE2	Assessment of environmental impact of proposed development
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LPP 5.16	(2011) Waste self-sufficiency
LPP 7.2	(2011) An inclusive environment

### **3            159            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**

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.

### **5            147            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).

### **6            11            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.

### **7            12            Encroachment**

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.

## **8            15            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.

## **9            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.

## **10          128          Food Hygiene**

The Council's Commercial Premises Section should be consulted prior to the use of the premises so as to ensure compliance with the Food Safety Registration Regulations 1990, Hygiene (General) Regulations 1970, The Food Act 1984, The Health and Safety at Work Act 1974 and any other relevant legislation. Contact: - Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Telephone 01895 250190).

### **3.          CONSIDERATIONS**

#### **3.1        Site and Locality**

The application site is on the southern side of Swakeleys Road and comprises a vacant ground floor retail unit (Use Class A1) with a residential flat above. To the front there is a wide footway, with metered parking provided on the edge of the vehicular highway. This southern side of the highway is commercial in character and appearance, although there are residential properties on the north side of the road and to the rear of the site.

To the rear of the application building is a service yard area which is used for parking.

The site is within Ickenham Local Centre and Ickenham Village Conservation Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **3.2        Proposed Scheme**

The application seeks a change of use of an existing pet shop to a restaurant/cafe use.

The proposed change of use would comprise 83 square metres of floor space and would provide a customer area, a staff room, cold store, freezer room, counter and cold display. 3 employees would be employed on a full time basis and the unit is proposed to operate from 0700-1900.

An extract outlet area is shown on the plans to the rear of the property.

Further details of this have been provided and comprise a ventilation system with an activated carbon filtration system, silencers and the ventpipe outlet. The duct runs along the ceiling internally and would then protrude to be positioned 1m above the first floor eaves. The duct would be approximately 300mm in diameter and 3.7m high.

### **3.3 Relevant Planning History**

52680/APP/2012/3209 73 Swakeleys Road Ickenham

Change of use from Use Class A1 (Shops) to Use Class A5 (Hot Food Takeaway).

**Decision:** 08-05-2013 Refused

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

52680/APP/2012/3209 - Change of use from Use Class A1 (Shops) to Use Class A5 (Hot Food Takeaway) was refused at Planning Committee on the 08-05-13 on the following grounds:

1. The proposed use and hours of operation would have a detrimental impact on the amenities of adjoining residential occupiers by reason of noise and disturbance, contrary to Policies OE1, OE3, S6 and S10 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2. The proposal fails to provide, and fails to demonstrate that such provision can be made, mitigation measures regarding the control of smell, fumes and other emissions from the site. The proposal would thus be detrimental to the residential amenity of adjoining occupiers and contrary to Policies BE19 and OE1 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

To overcome these reasons for refusal the applicant has submitted additional information with regards to the flue being proposed and the Environmental Protection Unit have raised no objection to this. Furthermore, the applicant has reduced the proposed opening hours to 07:00-19:00 to ensure no noise disturbance would occur at unsocial hours.

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

#### **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:

S6	Change of use of shops - safeguarding the amenities of shopping areas
S10	Change of use of shops in Local Centres - criteria for permitting changes of use outside core areas
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.
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.
BE4	New development within or on the fringes of conservation areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE2	Assessment of environmental impact of proposed development
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LPP 5.16	(2011) Waste self-sufficiency
LPP 7.2	(2011) An inclusive environment

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **3rd July 2013**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

10 neighbours were consulted and a site notice was erected adjacent the site. 14 individual letters have been received. The objections can be summarised as follows:

1. Noise and Disturbance
2. Odours from Cooking
3. litter and Food Waste
4. Vermin
5. 3 cafes in the vicinity and area is already saturated
6. Potential anti-social behaviour
7. Unacceptable opening hours
8. Merely a change of name and opening hours
9. Out of keeping with Ickenham Village
10. The site is 'within' the Local Centre and is not 'outside' the Core area.
11. deliveries
12. Not ideal but better than an empty shop

Ickenham Residents Association: The above application became available for downloading w/c 11.06.13, even though it had been recorded within the LBH as 'received' on 28.05.13. The Association had not been given any notification of the resubmission.

This resubmitted application for Change of use from Use Class A1 (Shops) still specifies a change

to Use Class A5 (Hot Food Takeaway), even though the accompanying DESIGN, ACCESS AND IMPACT STATEMENT cites that the new leaseholders are proposing to use the shop as a Cafe with opening hours from 7am to 7pm seven days a week. The proposed Front Elevation Plan also says: Ickenham Cafe. We feel that the LBH Reasons for Refusal of the initial application 2012/3209 on 22.05.13 still apply, i.e. the proposed use and hours of operation would have a detrimental impact on the amenities of adjoining residential occupiers by reason of noise and disturbance contrary to Policies OE1, OE3, S6 and S10 of the Hillingdon Local Plan.

With the threat of a possible supermarket development at the Hillingdon Circus junction we consider that another hot food outlet would reduce the opportunity for more useful shops to be opened in Ickenham to protect residents' local choice. The Association strongly objects to this planning application and also supports written objections submitted to you by a number of local residents.

We have difficulties in establishing what the 'amendments' are supposed to be: Are we looking at the new proposed ducting layout? The only difference we can make out between the drawing of the Existing & Proposed Rear Elevation and the new drawing is that this does not show an 'outlet for fan' to the right of the rear exit, and the exit door itself does not have any windows at the top. This re-submitted application now only states Change of Use Class A1 (Shops) to Use Class A3 (Cafe) - Hot Food. The proposed Ducting Layout appears to have discrepancies. What exactly the new leaseholders are proposing to sell: Food prepared and cooked on the premises for takeaway and consumption on the premises? What is the reason for this elaborate Odour Neutraliser?

This shop unit does not fall outside the Core Shopping Area of Ickenham Village as stated in the above but from the existing UDP Development Plans/Maps it is clear to see that this parade of shops is part of the Local Centre.

The Association strongly objects to this planning application.

On the 14 October 2013 a resconsultation letter was sent to adjoining occupiers to inform them of proposed ducting measures and providing an opportunity to comments. Two further consultation responses were received, however, this provided no additional objections which were not raised in the previous consultation.

#### **Internal Consultees**

##### **CONSERVATION AND URBAN DESIGN**

The proposed changes are mostly internal and as such these would not have an impact on the conservation area.

Conclusion: Acceptable

##### **ENVIRONMENTAL PROTECTION UNIT**

With reference to this planning application, please find below my formal observations and recommended conditions.

In terms of odour and noise control from the proposed premises it is recommended that the applicant implement the mitigation measures as detailed in their supporting information/application. This should include the use on the ventilation system of an activated carbon filtration system, silencers and the ventpipe outlet should be at least 1m above roof eaves and openable windows.

It is also recommended that conditions are applied relating to hours of operation and of deliveries and collections, including waste collections.



## ACCESSIBILITY OFFICER

The proposal seeks a change of use from a former pet care outlet, to a Cafe.

As the application appears to be for a straightforward change of use with no material alterations proposed other than a new toilet facility intended for use by disabled people, no further accessibility improvements could reasonably be required within the remit of planning.

However, the following observations should be noted and revised plans requested:

1. The toilet facility intended for use by disabled people, as shown on plan, should be designed in accordance with BS 8300:2009. The layout as shown currently would result in a facility that would be unusable by wheelchair users. The cubicle should provide clear internal dimensions of 1.5m wide by 2.2m deep, with the toilet pan centreline 450mm-500 mm from the adjacent side wall.

In addition, the following Informative should be attached to any grant of planning permission:

1. 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.

Conclusion: acceptable

## CASE OFFICER COMMENT:

This requirement is for the internal layout of the building and plans showing a suitable toilet arrangement could be controlled by condition.

## **7. MAIN PLANNING ISSUES**

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

Policy S9 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that in Local Centres, the Local Planning Authority will only grant planning permission to change the use from Class A1 shops outside the core areas.

The site is outside the core area of the Local Centre and therefore no objection would be raised to the principle of the proposal, subject to meeting the specified criteria in Policy S10 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The application is located within Ickenham Local Centre. A Local Centre should have local shops and services within a walking distance and a full range and choice of services and essential shop uses local for people who do not live or work near a Town Centre.

In accordance with Policy S10, outside core areas, planning permission will be granted from a change of use from A1 if:

- i. The centre as a whole includes essential local shop uses sufficient in number, range and type to serve the surrounding residential area;
- ii. The proposed use provides a local service; and
- iii. The proposal accords with Policy S6.

At present the parade comprises 11 units, and should the change of use be granted for

A3 use, the resultant breakdown would be as follows:

54% of A1 (6 units)

27% of D2 (3 units)

9% of A2 (1 units)

9% of A5 (1 unit)

Therefore it is considered that the proposed change of use within the designated Local Centre of Ickenham would not result in the undue loss of a retail unit and would not undermine the attractiveness of the Local Centre in terms of the number and range of shops needed to carry out its function, in accordance with part (i) of Policy S10.

Policy S6 states that changes of use applications will be granted where i) a frontage of design appropriate to the surrounding area is maintained or provided; ii) the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and iii) would have no harmful effect on road safety or worsen traffic congestion.

There are no external alterations proposed to the frontage as part of this application, and therefore the proposal would comply with the first criteria, and loss of residential amenity has been dealt with in Section 7.08 and is considered to be acceptable. With regards to highway considerations this has been considered in Section 7.20 and is considered acceptable. Therefore the proposal would comply with the criteria listed in Policies S10 and S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Not applicable to this application.

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

As detailed in Section 7.07 of the report the proposed development would not have a detrimental impact on the appearance and character of Ickenham Village Conservation Area.

#### **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 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area. Policy BE4 requires new developments within Conservation Areas to preserve or enhance the character and appearance of the Conservation Area.

The proposed development is located within Ickenham Village Conservation Area, however there would not be external alterations at the front of the building and the existing shop frontage will be retained. To the rear of the site, ducting is proposed, however it is considered that the size and siting of the duct would not be detrimental to the visual amenities of the street scene and the wider Conservation Area. Furthermore, the ducting would not be unduly prominent to the rear of the parade as there are other extract fans and electrical equipment. Therefore the proposal would comply with Policies BE13, BE19 and BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

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) states that new development or uses which have the potential to cause noise annoyance will only be permitted if measures can be undertaken to alleviate the potential disturbance where a development is acceptable in principle.

The previous scheme was refused on the basis that of the hours of operation and the lack of detail regarding mitigation measures relating to smells etc. In this regard the new application proposes reduced hours of operation from 0700 to 1900 which would be similar to the existing uses in the parade, and would ensure the development did not operate at noise sensitive times and details of mitigation measures relating to smells have been submitted which demonstrate that noise and smells to adjoining occupiers would be mitigated and the environmental protection unit have raised no objection to these.

In addition, sound insulation has been conditioned. It is considered that the proposed development now overcomes the previous reasons for refusal in accordance with Policies OE1 and OE3 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 Swakeleys Road, and does not have any off street parking available for customers. However, metered parking is available to the front of this site, and therefore on-street, short stay, parking is generally available. The proposal would therefore comply with Policies 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**

Not applicable to this application.

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

Not applicable to this application.

**7.14 Trees, Landscaping and Ecology**

No trees are present on the site.

**7.15 Sustainable waste management**

Policy 5.6 of the London Plan requires development to have regard to and contribute to a reduction in waste produced. The site has a large service yard to the rear of the premises which could easily accommodate a refuse/recycling area to service the site. Therefore, the provision of details relating to this will be required by condition.

**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 Section 07.08 above.

**7.19 Comments on Public Consultations**

The comments made by the individual responses are noted and are considered within the main report. It has been noted that a resident received a letter for a change of use from A5 to A1. However the planning application form and details on the website demonstrate that it is from A1 to A3. Re-consultation letters were sent correcting the original consultation.

#### **7.20 Planning Obligations**

Not applicable to this application.

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

Not applicable to this application.

#### **7.22 Other Issues**

No other issues for consideration.

### **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 complies 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

**Contact Officer:** Henrietta Ashun

**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).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center"><b>73 Swakeleys Road Ickenham</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: <b>52680/APP/2013/1396</b></p>	<p>Scale <b>1:1,250</b></p>	 <p><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee <b>North</b></p>	<p>Date <b>November 2013</b></p>	