

Report of the Head of Planning, Sport and Green Spaces

Address 115 THE GREENWAY UXBRIDGE

Development: Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) and demolition of existing outbuilding to the rear

LBH Ref Nos: 21611/APP/2013/3445

Drawing Nos: TG PA 01 Rev. D
Design and Access Statement

Date Plans Received: 20/11/2013 **Date(s) of Amendment(s):** 20/11/2013

Date Application Valid: 29/11/2013

1. SUMMARY

Planning permission is sought for the change of use of No.115 The Greenway from retail (Use Class A1) to hot food takeaway (Use Class A5). It is noted that an unauthorised outbuilding to the rear of the premises which was the subject of an enforcement notice, has been removed during the course of the application.

The application site is located on the northern side of The Greenway within the developed area of Uxbridge as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). The site does not fall within a designated Town Centre, Local Centre or Parade.

The Council's Highways Officer has raised no objections to the proposal, given the authorised use of the site which would create a similar requirement for parking and would not detract from highway safety.

Conditions would need to be imposed on any consent granted to mitigate against noise and disturbance generated by the proposal. Hours of use would also need to be constrained by way of a condition.

Accordingly the application is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM1 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 92 of the Town and Country Planning Act 1990 (As Amended).

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 TG PA 01 D 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 COM16 Scheme for control of impacts

Notwithstanding the approved plans, the development shall not begin until a scheme which specifies the provisions to be made for the control of noise, vibration, fumes and odours emanating from the site (including odours and fumes from cooking) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include replacement/enhanced flue and fume/odour extraction measures (over those that are currently existing at the site), as well as measures to control vibration and such combination of physical and administrative measures and other measures as may be approved 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 surrounding area in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 COM17 Control of site noise rating level

The rating level of the noise emitted from the site shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

5 COM21 Sound insulation /mitigation

The development shall not begin until a scheme for the control of noise transmission to the adjoining premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved 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).

6 NONSC Refuse/Waste

No development shall take place until a scheme detailing the method of disposal, storage and collection of litter and waste materials, generated by the business and/or discarded by patrons, has been submitted to and approved in writing by the Local Planning Authority.

The details shall include a description of the facilities to be provided and the methods for

collection of litter within and in the vicinity of the premises. The approved scheme shall be implemented in full thereafter.

REASON

To ensure that adequate provision is made for the disposal of litter and waste, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 COM24 Hours of use Hot Food Takeaways

The premises shall not be used for the preparation or sale of food outside the hours of:-
- 11am to 11pm Mondays to Saturdays
- 11am - 10pm on Sundays, Public and 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).

8 COM25 Loading/unloading/deliveries

There shall be no loading or unloading of vehicles, including the collection of refuse outside the hours of 09.00 to 18.00, Monday to Friday, and between the hours of 09.00 and 13.00 on Saturdays. No loading, unloading is to be undertaken on Sundays, bank or public 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).

9 NONSC Notice

A notice shall be displayed permanently and prominently within the premises requesting that customers dispose of their litter responsibly.

REASON

To ensure the satisfactory disposal of litter in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with policy 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.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
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
S6	Change of use of shops - safeguarding the amenities of shopping areas

3 115 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 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.

4 125A The Party Wall etc. Act 1996

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) 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. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining

owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

5 127 **Hot Food Takeaways/restaurants - late night opening**

If the premises are to be open after midnight on any night (for which an application for planning permission is required), registration with the Council is required pursuant to the Night Cafes Act. For further advice and information contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge (Telephone 01895 250190).

6 128 **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).

7 144A **Prevention of Litter**

You should ensure that your premises do not generate litter in the streets and nearby areas. Sections 93 and 94 of the Environmental Protection Act 1990 give local authorities the power to serve 'Street Litter Control Notices' requiring businesses to clear up the litter and implement measures to prevent the land from becoming littered again. By imposing a 'Street Litter Control Notice', the local authority has the power to force businesses to clean up the area in the vicinity of their premises, provide and empty bins and do anything else which may be necessary to remove litter. Amendments made to the 1990 Act by the Clean Neighbourhoods and Environment Act 2005 have made it immediately an offence to fail to comply with the requirements of a Street Litter Control Notice, and fixed penalties may be issued as an alternative to prosecution.

Given the requirements of the Clean Neighbourhoods and Environment Act 2005, you are advised to take part in Defra's Voluntary Code of Practice for 'Reducing litter caused by Food on the Go', published in November 2004.

Should you have any queries on the above, please contact the Environmental Enforcement Team within the Environment and Consumer Protection Group on 01895 277402 at the London Borough of Hillingdon.

8 147 **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).

9

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.

10 125 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 - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

11

It is recommended that developers install a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel.

Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 01923 898 188.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the northern side of The Greenway within the developed area of Uxbridge as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).

At the time the application was submitted the site consisted of a two storey semi-detached building comprising of two retail units with separate first floor flats above. The application property currently comprises a vacant retail unit. The adjoining unit comprises a newsagent and off-licence.

Since the submission of the application it is noted that the detached outbuilding to the rear of the application property, which was the subject of an enforcement notice, has been demolished and the debris removed from the site.

To the rear of the site is the private access road which give access to the parking courtyard for Orchard Court, which is located to east of the building.

The application site was previously operated as a Shisha Lounge without consent. This was closed in December 2012 after enforcement action and the unit has remained vacant since.

3.2 Proposed Scheme

The application seeks planning permission for the change of use from A1(shop) to A5

(Hot Food Takeaway). No external alterations are proposed under this application with it being proposed to utilise the existing extract flue to the rear.

The Applicant seeks opening hours of 11am to 11pm Monday to Saturday and 11am - 10pm on Sundays. The Design and Access Statement confirm that approximately 70% of the orders are expected to be delivered to customers, with the remaining orders being taken on site and that it is anticipated that 3 full time and 2 part time staff will be employed at the premises.

The submitted amended plans identify the existing outbuilding which is to be demolished. This building is the subject of an enforcement notice which was upheld at appeal. A photograph has since been submitted to confirm that the outbuilding has been removed.

3.3 Relevant Planning History

21611/APP/2006/1919 115 The Greenway Uxbridge

USE OF PREMISES AS HOT FOOD TAKEAWAY AND CAFE (CLASS A3 / A5)
(APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE)

Decision: 22-09-2006 Refused

Comment on Relevant Planning History

The following planning history is considered to be of relevance to this application:

21611/APP/2006/1919:

USE OF PREMISES AS HOT FOOD TAKEAWAY AND CAFE (CLASS A3/A5)
(APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE) -
Refused for the following reason:

The applicant has not demonstrated that the use of the premises as a hot food takeaway/restaurant (classes A3 and A5) has been operating for a continuous period of 10 years prior to the date of this application.

An enforcement notice was also served (reference ENF/549/10 on 19 December 2011 in respect of the erection of a plastic UPVC clad outbuilding covering most of the rear garden of the premises. The notice required demolition of the outbuilding and the removal of the building materials and debris. An appeal against the enforcement notice was dismissed on 19 October 2012 and the enforcement notice upheld.

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

PT1.E5 (2012) Town and Local Centres

Part 2 Policies:

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
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
S6	Change of use of shops - safeguarding the amenities of shopping areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

18 neighbouring properties were consulted by letter dated 2.1.2.13 and a site notice was displayed which expired on 1.1.14. 8 letters of objection including a petition of objection with 23 signatures have been submitted raising concerns about:

1. Increased traffic
2. Inadequate parking and increased demand for parking within the locality
3. Increased noise and disturbance
4. Litter
5. No need for additional take-way in this locality
6. Health concerns to school students being located opposite a school and attracting unhealthy food choices for students.

The above objections are considered within the main body of the report.

Internal Consultees

HIGHWAYS OFFICER:

There is no parking provision for the existing A1 use and no parking is provided for the proposed A5 use. Both A1 and A5 use classes have similar parking standards, therefore lack of parking is not considered to mount to a reason for refusal.

It is proposed that the takeaway would predominantly involve deliveries via mopeds which can be parked to the side of the unit.

Customers to the takeaway would be largely from the local area and it will also attract customers travelling by car. The location of the takeaway is not considered to be fully satisfactory from customer parking point of view because of its close proximity to a pedestrian crossing and the on-street parking restrictions, where customers will most likely be wanting to park. Also, The Greenway is a Classified Road, where the free flow of traffic takes precedence. However, the nearby side road, Merryfields, may provide customer car parking opportunities during evenings and weekends, which are known to be the busiest periods for takeaways.

Overall, it is considered the the proposal would not result in highways impact such that a refusal of the application on highways grounds could be sustained.

ACCESS OFFICER:

As the application appears to be for a straightforward change of use with what are deemed to be minor internal alterations, no accessibility improvements could reasonably be required within the remit of planning.

However, the following informative should be attached to any grant of planning permission:

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

ENVIRONMENTAL PROTECTION UNIT

We have concerns due to the proximity of the nearby residents to the extraction system from the proposed hot food takeaway shop which may result in odour and noise/vibration complaints. The applicant has not provided details about the proposed extraction system in terms of odour and noise control.

Furthermore, the applicant has not provided details about noise management from the operation of the hot food takeaway as this is likely to result in noise disturbance to nearby residents.

PLANNING OFFICER COMMENT: The concerns raised are noted and are common concerns with applications relating to hot food takeaways. It is considered that the scheme could be made acceptable subject to the imposition of conditions to control noise transmission, hours of operation, hours for deliveries and servicing and a condition to ensure that an adequate flue/fume extraction system is in place, as well as to ensure refuse storage is adequate.

Relevant conditions are recommended.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is not located within any protected parade and thus there is no objection to the principle of the loss of the retail unit, particularly given that the adjoining unit accommodates a newsagent/convenience store to meet the very local needs of adjoining residents. As such the principle of the change of use is acceptable subject to compliance with other policies in the plan as set out below.

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. Similarly policies BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that development will not be permitted if the appearance fails to harmonise with the existing street scene or other features of the area. Policy BE19 also aims to ensure that new development within residential areas complements or improves the amenity of the area.

The proposal does not include any alterations to the external appearance of the building and as such it would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Local Plan policies BE1, BE13 and BE15.

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated.

With applications relating to hotfood takeaways, impacts to residential neighbours are a key concern, particularly in relation to noise and disturbance and odour.

The Environmental protection officer has raised concern about these issues and therefore to ensure the proposal is not contrary to Policies OE1 and OE3 of the Hillingdon Local Plan Saved UDP Policies (November 2012), conditions are necessary to ensure that amenity is not adversely impacted.

It is important to note that the National Planning Policy Framework at paragraph 186 states that Local planning authorities should approach decision-taking in a positive way, and at paragraph 187 that Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible.

The Planning Practice Guidance (2014) notes that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.

On balance, it is considered that in this case, with conditions to control impacts that the development could be made acceptable. Conditions are therefore recommended to control noise transmission, hours of operation, hours for deliveries and servicing, and a condition to ensure that an adequate flue/fume extraction system is in place, as well as to ensure refuse storage is adequate.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) precludes development whose traffic generation is likely to prejudice the free flow of traffic or conditions of general highway and pedestrian safety. The Council's Highways Officer has confirmed that there is no parking provision for the existing A1 use and no parking is

provided for the proposed A5 use. Both A1 and A5 use classes have similar parking standards, therefore lack of parking is not considered to amount to a reason for refusal.

The Highways Officer has further advised that it is proposed that the takeaway would predominantly involve deliveries via mopeds which can be parked to the side of the unit. Customers to the takeaway would be largely from the local area and it will also attract customers travelling by car. The location of the takeaway is not considered to be fully satisfactory from customer parking point of view because of its close proximity to a pedestrian crossing and the on-street parking restrictions, where customers will most likely be wanting to park. Also, The Greenway is a Classified Road, where the free flow of traffic takes precedence. However, the nearby side road, Merryfields, may provide customer car parking opportunities during evenings and weekends, which are known to be the busiest periods for takeaways.

The Highways Officer has concluded that the proposal would not result in highways impact such as refusal of the application on highways grounds could be sustained. and as such it is considered that the proposal would comply with Policy AM7 of the Hillingdon Local plan - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

No issues raised.

7.12 Disabled access

The Council's Access officer has raised no objection to the application proposal given that it is for a change of use of an existing commercial building.

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

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

Noise and air quality issues have been discussed in the Neighbour Impact section of this report. While the EPU officer has raised concern over the existing extract system, this could be overcome by requiring via a condition that adequate fume/odour extraction systems be provided.

The Environmental Protection Officer has also raised concerns about the likely noise concerns given hours of operation. However it is also important to recognise that hours of operation can be constrained via planning conditions. Noise from deliveries can be controlled to times of day and days of the week when this would be least disturbing to residents.

7.19 Comments on Public Consultations

A number of objections have been raised in connection with parking, road safety and noise and disturbance which have been addressed in the report above.

Objections have also been raised by local residents in terms of the appropriateness of another take-away within this area and especially opposite a school which would

encourage unhealthy food choices to the students. The principle of the change of use of this application property which is not located within a local parade or town centre is not restricted by policies within the adopted Local plan and the market forces for each business proposed are not a matters that can be controlled under this application.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

While the application fails to show the location of a refuse store within the site, the demolition of the outbuilding has resulted in sufficient space for a bin store to be located. The applicant could then arrange for the bins to be presented to the front of the premises at the time of collection. Therefore, this would not be considered as grounds for refusal.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment,

pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The Council's Highways Officer has raised no objections to the proposal, given the authorised use of the site which would create a similar requirement for parking and would not detract from highway safety.

Conditions are recommended to ensure that there are not any unacceptable impacts on the occupants of nearby residential properties in terms of noise, disturbance and odour.

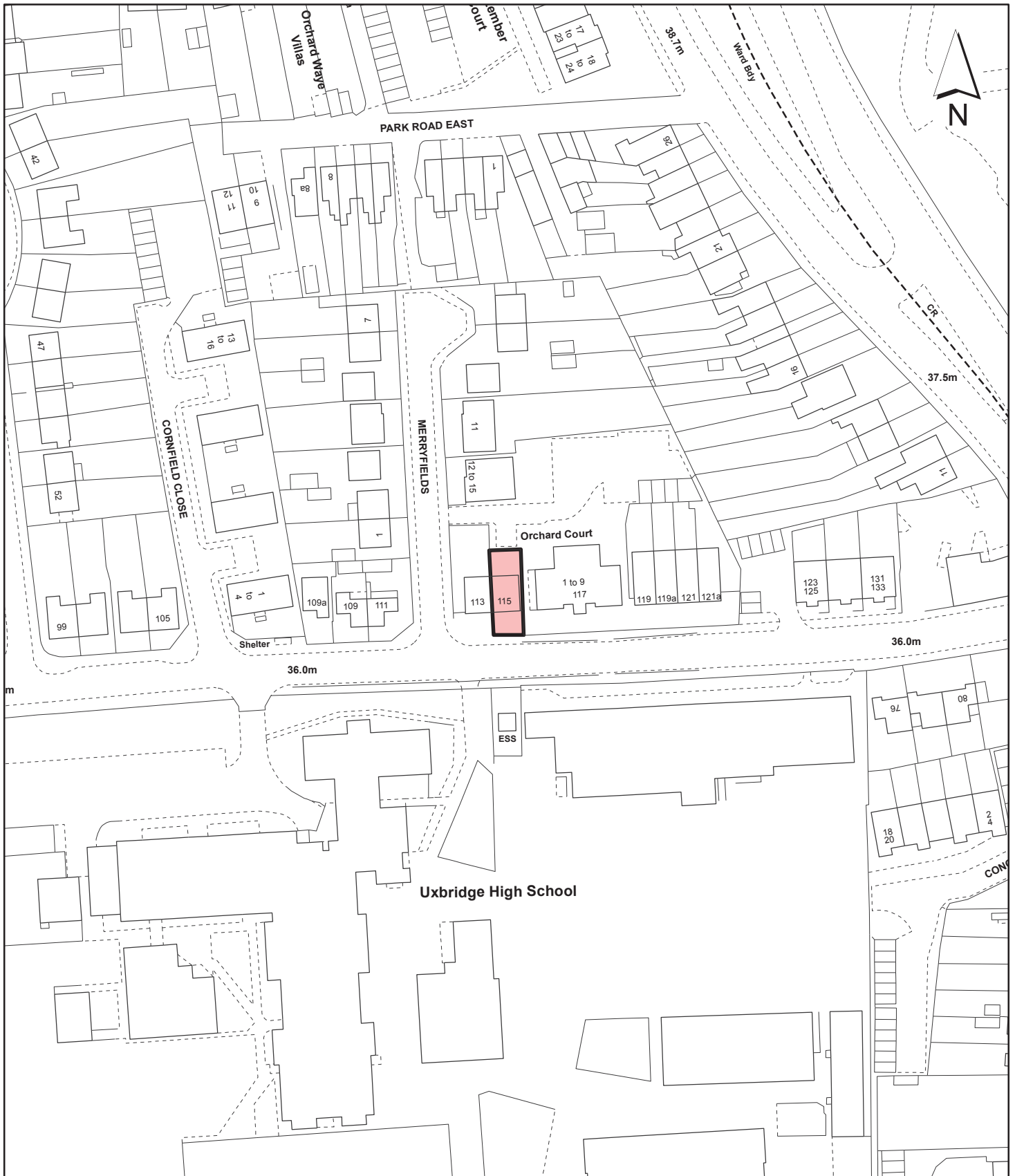
The application is considered acceptable in principle and on balance, subject to conditions is recommended for approval.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2.
The London Plan (July 2011).
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes

 Site boundary

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Site Address

**115 The Greenway
 Uxbridge**

Planning Application Ref:
21611/APP/2013/3445

Planning Committee
Central and South

Scale
1:1,250

Date
April 2014

**LONDON BOROUGH
 OF HILLINGDON**

**Residents Services
 Planning Section**

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



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