

## Report of the Corporate Director of Planning & Community Services

**Address** 56-58 HIGH STREET RUISLIP

**Development:** Single storey infill extension, relocation of existing refrigeration units, installation of new airconditioning units and new fire exit door to rear

**LBH Ref Nos:** 17961/APP/2009/2256

**Drawing Nos:** Design and Access Statement  
1:1250 Location Plan  
1740/20B

**Date Plans Received:** 20/10/2009      **Date(s) of Amendment(s):** 20/10/2009  
**Date Application Valid:** 10/11/2009      21/12/2009

### 1. SUMMARY

The application is for an infill extension to the rear, new fire exit door, relocation of refrigeration units and installation of new air-conditioning units. The building is situated within the primary shopping area and fronts Ruislip High Street. The area is commercial in character, although there are residential properties at first floor level. It is considered the impact of these alterations would be minimal and in-keeping with the design of the building.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 T8 Time Limit - full planning application 3 years

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### REASON

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

#### 2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

#### REASON

To ensure that the external appearance of the development is satisfactory and complies with Policies BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### 3 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur.

- (iii) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

#### REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

#### **4 NONSC does not override any of the original conditions**

This permission does not override any of the original conditions attached to the existing building or its use (17961/APP/2007/1809), and as such, all conditions still apply unless they have since been varied by further planning consent.

#### REASON

To safeguard the amenities of the neighbourhood and the neighbouring properties in compliance with Policies BE13, BE15, BE19, BE20, BE21, BE24, OE1, OE3 and AM14 of the Hillingdon Unitary Development Policy (Saved Policies September 2007).

#### **5 NONSC Control of noise**

The rating level of the noise emitted from the plant and equipment hereby approved shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential properties in accordance with British Standard 4142 'Method for rating industrial noise affecting mixed residential and industrial areas.'

#### REASON

To protect the amenity of the surrounding area in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Policy (Saved Policies September 2007).

#### **6 M6 Boundary Fencing - retention**

A 1.8 metre high close boarded fence or imperforate wall shall be maintained on the boundary between Nos.56 and 58 (shown on drawing 1740/20A) and shall be permanently retained for so long as the development remains in existence.

#### REASON

To safeguard the privacy and amenity of neighbouring occupiers in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **7 HLC3 fire door**

The proposed fire door hereby approved shall only be used in the event of an emergency and as such shall be alarmed and fitted with a break glass bolt device for as long as the development remains in existence.

#### REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not

adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**8 NONSC Deliveries and collections**

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

**REASON**

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

**9 RPD4 Prevention of Balconies/Roof Gardens**

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

**REASON**

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

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

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

**2 I53 Compulsory Informative (2)**

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

BE4	New development within or on the fringes of conservation 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.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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  
LPP 4A.3 London Plan Policy 4A.3 - Sustainable Design and Construction.

**3 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

**4 I2 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.

**5 I3 Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

**6 I5 Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

**7 I6 Property Rights/Rights of Light**

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

**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 should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **9**            I46                    **Renewable Resources**

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO<sub>2</sub>) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

### **3.        CONSIDERATIONS**

#### **3.1      Site and Locality**

The application site is located on the west side of Ruislip High Street and comprises two ground floor retail units. The application site forms part of a terrace of commercial units on the ground floor with residential above. The street scene is commercial in character and appearance. The application site lies within the 'primary shopping area' of the Ruislip Town Centre and 'Ruislip Village Conservation Area' as identified in the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

#### **3.2      Proposed Scheme**

The application seeks planning permission for an infill extension to the rear, new fire exit door, relocation of refrigeration units, and installation of new air-conditioning units to the rear. The infill extension would be to the rear of No.58 and would enclose an existing courtyard area. New double doors would replace an existing single delivery doorway. A new fire door would be installed in the rear elevation of No.56

The refrigeration units to serve the chillers would be relocated and positioned on the newly formed flat roof area and the condenser and air-condition units would be applied to the roof of the newly formed infill extension.

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

17961/APP/2002/2117      56 High Street Ruislip

ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION

**Decision:** 04-06-2003 Approved

17961/APP/2004/1427 56 High Street Ruislip

CHANGE OF USE FROM CLASS A1 (SHOPS) TO CLASS A3 (FOOD & DRINK) TO PROVIDE SEATING AREA FOR ADJACENT CLASS A3 USE OF 58 HIGH STREET

**Decision:** 16-07-2004 Withdrawn

17961/APP/2007/1809 56 High Street Ruislip

CHANGE OF USE OF GROUND FLOOR FROM CLASS A1 (RETAIL) TO CLASS A3 (RESTAURANTS AND CAFES) IN CONNECTION WITH USE AT NO.58 HIGH STREET

**Decision:** 09-01-2008 Approved

17961/APP/2009/796 56-58 High Street Ruislip

New shopfront and installation of associated chiller units to rear.

**Decision:** 09-06-2009 Approved

**Comment on Relevant Planning History**

None

**4. Planning Policies and Standards**

None

**UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

- BE4 New development within or on the fringes of conservation 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.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- 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
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **23rd December 2009**

5.2 Site Notice Expiry Date:- **23rd December 2009**

## 6. Consultations

### External Consultees

22 letters were sent to adjoining neighbours and interested parties and one response has been received, which made the following comments:

1. Some of the drawings for this application refer to aspects which state they have been previously approved, and no consultation has taken place in respect of these matters;
2. The air conditioning units have not been subject to public consultation and this matter needs to be clarified;
3. I am concerned with regard to the 3 a/c units that will be situated on the roof of the extension that will not only be unsightly, but appear to be positioned near my front door and at the same height. If planning permission were to be granted for these I would like them sited as far from my property as possible and conditions should be applied to restrict noise or vibration;
4. I object to the position of the a/c unit sited on the side wall of the main building of No.56, as this would be below our bedroom windows and these are not double glazed;
5. I am concerned that these later applications will weaken the safeguarding conditions attached to the 2007/1809 approval;
6. The new double delivery doors will result in more noise, disturbance and intrusion due to their proximity;
7. When the KFC is expanded to cater for the additional restaurant area, it will have more and larger deliveries, the current deliveries already cause problems due to the length of time and unsociable hours;
8. If granted I would request strict delivery times, to minimize noise and disturbance;
9. If granted, I am concerned that all three permissions together will result in potentially a large building project and therefore will not be small scale as mentioned previously. Also the KFC will employ more staff and cater for more customers, resulting in further noise increase, therefore the original conditions shall still apply and any hours of work are specified;
10. I also request a survey to identify asbestos in Nos. 56 and 58 and a plan is drawn up before demolition or works to deal with this aspect;
11. I object to the new fire door as it is directly under my kitchen window and next to my staircase. I am concerned that this will result in additional noise from the restaurant, or that it would be left open and that staff would use this access to go in or out of the restaurant or access their cars, or as a smoking area, causing further nuisance;
12. If permission is granted I would request the fence between Nos.56 and 58 is retained as it acts as a noise break and maintains privacy and security at the rear of the buildings;
13. I request the hours of opening and refurbishment are carried out as per the 2007 approval.

Ward Councillor - Has requested that should the application be recommended for approval, it is referred to the planning committee for determination.

English Heritage (GLAAS) - No comments received.

## **Internal Consultees**

CONSERVATION AND URBAN DESIGN OFFICER

The site is located in the Ruislip Village Conservation Area. The proposed alterations are to the rear and will be largely screened by other structures.

RECOMMENDATIONS: No objection

EPU

I refer to my memo of 18th May 2009 in respect of application reference 17961/APP/2009/796.

I have reviewed the location of the proposed external chiller units, which I note is subject to change by virtue of now being roof-mounted. I do not wish to object to this proposal. Should planning permission be granted, I would recommend the following condition be applied together with a condition restricting hours of delivery and the site construction informative;

Condition 1

The rating level of the noise emitted from the plant and equipment hereby approved shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential premises in accordance with British Standard 4142, Method for rating industrial noise affecting mixed residential and industrial areas.

## **7. MAIN PLANNING ISSUES**

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

The site is located within a commercial area and the principle of extending such units, the provision of equipment such as air conditioning and chiller units is acceptable subject to the impact of the proposals on adjoining occupiers and the design and appearance of any extension proposed.

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

Not applicable to this application

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

The application site is located in the Ruislip Village Conservation Area. The Conservation and Urban Design officer does not object to the proposed alterations as they are to the rear and will be largely screened by other structures. Therefore the proposal would accord with Policy BE4 of the UDP (Saved Policies September 2007).

### **7.04 Airport safeguarding**

Not applicable to this application

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

Not applicable to this application

### **7.06 Environmental Impact**

Not applicable to this application

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

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building.

Due to the proximity of the extension and the proposed alterations, the existing boundary treatments and site surroundings, the proposal would have limited visual impact on the street scene. However, it is considered that the design, fenestration and materials would



match the existing building and as such, would not harm the character and appearance of the existing building or wider area in compliance with polices BE4, BE13, BE15 and BE19 of the UDP (Saved Policies September 2007).

With regard to the design and appearance of the proposed refrigeration and air-conditioning units, these are considered to be in-keeping with the commercial nature of the building. Therefore the proposal would comply with policies BE13, and BE15 of the Hillingdon UDP (Saved Policies, September 2007).

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

With regard to the rear infill extension, this alteration would not impact on the amenities of any adjoining properties by way of loss of light, outlook, or privacy and therefore this aspect of the proposal is considered to be in accordance with polices BE20, BE21 and BE24 of the UDP (Saved Policies September 2007).

Policy OE1 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 deals with development which has the potential to cause noise annoyance. The Environmental Protection Unit do not object to the application subject to conditions being added in relation to control of noise emitted from any new plant or equipment to be installed and control over delivery times. Therefore subject to these conditions the proposal is considered to accord with policy OE1 and OE3 of the UDP (Saved Policies, September 2007).

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

Not applicable to this application

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

The application is for a single storey infill extension, relocation of refrigeration units, new air-conditioning units and fire door to the rear and as such the parking situation would not be affected by this proposal, and therefore would comply with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

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

See Section 7.07

#### **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**

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**

Subject to the conditions recommended by the Council's Environmental Protection Unit, the proposal would not result in any undue noise impact and is considered acceptable.

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

The additional air-conditioning units and fire escape have not yet received permission and

these matters are now included in this application. It is recommended that any approval given adds a condition stating the previous conditions of 2007/1809 still apply. The a/c unit under the bedroom window has been relocated and a condition is applied relating to noise emitted from all plant and equipment. The expanded floor area and therefore the possibility of any additional staff/customers has been established by the previous 2007 approval. A condition relating to delivery times is recommended and an informative in relation to the possible asbestos. It is inevitable that any construction works will result in a certain level of disruption, however, a construction site informative is recommended. It is further recommended the use of the fire door is controlled via a suitable alarm system and the boundary fence is maintained.

#### **7.20 Planning Obligations**

Not applicable to this application

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

Not applicable to this application

#### **7.22 Other Issues**

None

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

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

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

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

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

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

### **9. Observations of the Director of Finance**

Not applicable to this application

### **10. CONCLUSION**

The alterations are considered to be in-keeping with the site and the building to which it

relates. Furthermore, it is considered that subject to suitable conditions the proposal would not result in a material loss of amenity to any adjacent occupiers.

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


Hillingdon Unitary Development Plan Saved Policies September 2007  
The London Plan (2008)

**Contact Officer:** Catherine Hems

**Telephone No:** 01895 250230



**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>56 - 58 High Street Ruislip</b>	
Planning Application Ref:	Scale
<b>17961/APP/2009/2256</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>December 2009</b>

**LONDON BOROUGH OF HILLINGDON**

**Planning & Community Services**

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