

Report of the Head of Planning, Sport and Green Spaces

Address TAMARA LOUNGE, BYRON PARADE UXBRIDGE ROAD HILLINGDON

Development: New proposed canopy to terrace at rear of smoking area of restaurant

LBH Ref Nos: 61362/APP/2016/146

Drawing Nos: Location Plan (1:1250)
01A
05A
03A
04A
02A

Date Plans Received: 14/01/2016

Date(s) of Amendment(s):

Date Application Valid: 14/01/2016

1. SUMMARY

Planning permission is sought for a new canopy to the terrace at the rear of the smoking area of the restaurant.

The proposed canopy would not result in a detrimental impact on the character and appearance of the building and would not impact on residential amenity. The proposed canopy would be located at the rear of the site and would not be visible from the street.

The proposal complies with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application is therefore 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, 01A, 05A and 04A 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 (2015).

INFORMATIVES

1 152 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).

2 153 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 (2015) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.

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 (2015). 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.

4 147 Damage to Verge - For Council Roads:

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 115 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the north side of Uxbridge Road between the junction of Star Road and Heath Road. The site is located adjacent to Byron shopping parade designated as a local centre within the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and is bordered to the north by 9-13 Heath Road and a block of garages, to the east by 1-7A Heath Road and to the west by 7 and 8 Byron Parade and the rear gardens of 2-8 Star Road.

3.2 Proposed Scheme

Planning permission is sought for a new canopy over the terrace at the rear of the smoking area of the restaurant. The canopy, measuring 66.2sq.m would be 2.86m high and would be supported by four narrow columns. It would be set 0.98m in from the free standing glazed screen around the terrace. The proposed canopy would replace a smaller canopy on the site.

3.3 Relevant Planning History

61362/ADV/2016/3 Tamara Lounge, 5 Byron Parade Uxbridge Road Hillingdon
Display of illuminated sign on front elevation (Advertisement Consent)

Decision:

61362/APP/2012/2390 Tamara Lounge 5 Uxbridge Road Hillingdon

Part change of use to Sui Generis to be used as a Shisha Lounge, 2 x single storey rear extensions and single storey side extension involving and installation of roller shutter to front, ar demolition of stores to rear (retrospective)

Decision: 18-12-2012 Refused **Appeal:** 03-12-2013 Part Allowed

61362/APP/2014/701 Tamara Lounge 5 Uxbridge Road Hillingdon

Details in compliance with conditions 1 (Sound Proofing Scheme/Sound Attenuation Measures) and 2 (Secured by Design Details) of the Secretary of State's Appeal Decision APP/R5510/A/13/2190196 dated 3 December 2013.

Decision:

61362/APP/2014/868 Tamara Lounge, 5 Byron Parade Uxbridge Road Hillingdon
Single storey front extension to entrance area

Decision: 12-06-2014 Approved

Comment on Relevant Planning History

The application site has previously been subject to an enforcement investigation; an enforcement notice for the unauthorised change of use of the premises from a drinking establishment (A4 Use) to a mixed use comprising a drinking establishment (A4) and a covered area used for smoking shisha pipes (sui Generis) was served in October 2012. An appeal against the enforcement notice was allowed and the enforcement notice quashed in December 2013. The current application seeks to provide a larger canopy to the rear of the smoking area.

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:

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.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 22 local owners/occupiers and a site notice was displayed. No

responses were received.

Internal Consultees

None

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposal to replace a smaller canopy with a larger canopy over the terrace at the rear of the smoking area is considered to be acceptable in principle subject to compliance with the relevant Hillingdon Local Plan 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

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 BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires developments to harmonise with the existing street scene and other features of the area that are considered desirable to retain or enhance.

The proposed canopy is considered to be acceptable in terms of its size and design, and would replace a smaller canopy. The canopy would be located at the rear of the site above a terrace and would not be visible from the street or within views of the wider area.

The proposal is therefore considered to comply with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The canopy proposed replaces an existing canopy. The application does not allow for a material change in the use or the intensity of the use of the area beneath it.

Due to the location of the terrace and the orientation of the building, the proposed canopy would not be significantly visible from neighbouring properties and would not impact on residential amenity, thereby complying with Policy BE19 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

Not applicable to this application.

7.11 Urban design, access and security

Urban design:
See Section 07.07 of this report.

Access and Security:

- There would be no change to the existing access and security arrangements of the site.
- 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**
Not applicable to this application.
- 7.19 Comments on Public Consultations**
No responses were received during the public consultation.
- 7.20 Planning obligations**
Not applicable to this application.
- 7.21 Expediency of enforcement action**
Following compliance with the relevant enforcement notices and the 2013 appeal decisions, the application is not subject to any further enforcement investigation.
- 7.22 Other Issues**
None

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

Planning permission is sought for a new canopy to the terrace at the rear of the smoking area of the restaurant.

The proposed canopy would not result in a detrimental impact on the character and appearance of the building and would not impact on residential amenity. The proposed canopy would be located at the rear of the site and would not be visible within the street scene.

The proposal complies with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application is therefore recommended for approval.

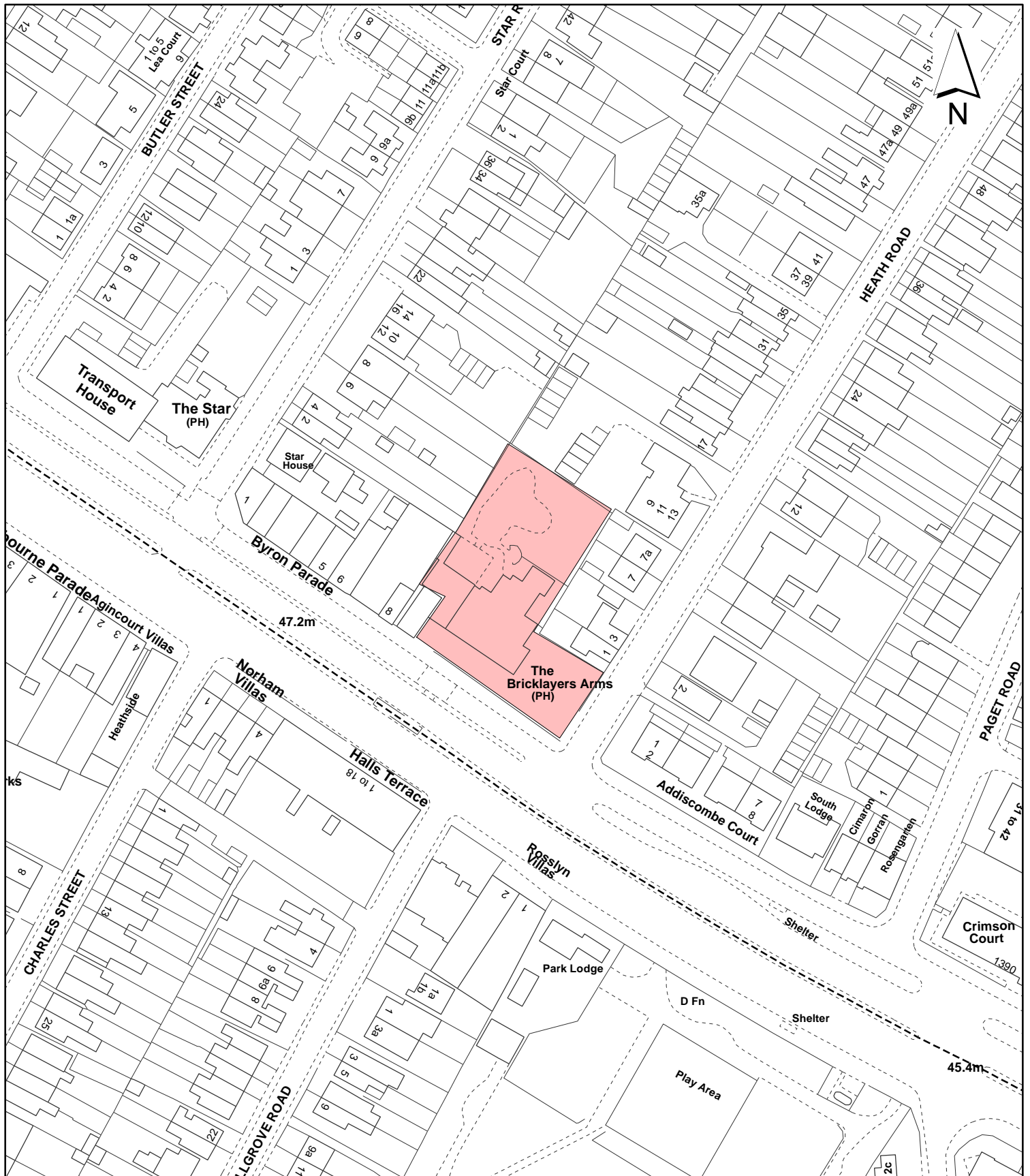
11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

Contact Officer: Katherine Mills

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).
 Unless the Act provides a relevant exception to copyright.
 © Crown copyright and database rights 2016 Ordnance Survey 100019283

Site Address: **Tamara Lounge
 5 Byron Parade
 Uxbridge Road
 Hillingdon**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
61362/APP/2016/146

Scale:
1:1,250

Planning Committee:
Central and South

Date:
February 2016

