

Report of the Head of Planning, Sport and Green Spaces

Address TAMARA LOUNGE, BYRON PARADE UXBRIDGE ROAD HILLINGDON

Development: Proposed side timber canopy

LBH Ref Nos: 61362/APP/2016/3466

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

Date Plans Received: 16/09/2016

Date(s) of Amendment(s):

Date Application Valid: 16/09/2016

1. **SUMMARY**

Planning permission is sought for the retention of a timber canopy to the side of the kitchen and store.

The timber canopy would not have a significant impact on the overall character and appearance of the building or on the character and appearance of the immediate street scene and surrounding area. The canopy provides cover for a storage area and would not have a detrimental impact on residential amenity of neighbouring residents.

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 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, 01, 04 and 05 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 (2016).

2 NONSC **Non Standard Condition**

The canopy/covered area hereby approved shall not be used as a sitting out/customer overspill area or as a smoking shelter.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved

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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

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

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). 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.

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 an existing unauthorised timber canopy to the side of the kitchen and store. The canopy would extend 4.8m from the side of the kitchen and 3.61m from the side of the store. The canopy would be 11.24m deep and project 1.25m from the rear wall of the store. The timber canopy has a polycarbonate roof measuring 2.56m at the eaves and 2.87m high at the top of the roof.

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: 16-02-2016 Approved

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, and 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

61362/APP/2016/146 Tamara Lounge, Byron Parade Uxbridge Road Hillingdon
New proposed canopy to terrace at rear of smoking area of restaurant

Decision: 16-02-2016 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 retain a timber canopy to the side of the kitchen and store which is currently the subject of an enforcement investigation.

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.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

LPP 7.15 (2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

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 43 local owners/occupiers and a site notice was displayed. No responses were received at the time of this report.

Internal Consultees

None

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There is no objection in principle to the timber canopy to the side of the kitchen and store subject to compliance with relevant policies 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

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. Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) require alterations and extensions to harmonise with the scale, form, architectural composition and proportions of the original building.

The overall size and height of the side canopy is considered to be acceptable and would appear as a subordinate addition to the existing building. The side canopy is attached to the side of the kitchen and store, partly located behind the main building and a gate from the car park. The canopy is not highly visible from the car park or the street and so would not significantly impact on the overall character and appearance of the building or on the character and appearance of the immediate street scene and surrounding area.

The side timber canopy is therefore considered to comply with Policies BE13 and BE15 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 timber canopy provides a covered area for the storage of bins, chairs, tables and cleaning equipment next to the kitchen and store. 1 and 3 Heath Road are located on the other side of the boundary at a distance of some 10m. Given the existence of a brick boundary wall, supplemented by a trellis, the height of the timber canopy is such that it would hardly be visible from the ground floor of these properties. Whilst the timber canopy is visible from the first floor rear windows of 1 and 3 Heath Road, the distance is such that it would not result in an undue visual impact. Furthermore, the canopy provides a benefit in that it screens the unsightly open storage area.

Overall, therefore it is considered that the timber side canopy would not have a detrimental impact on residential amenity of neighbouring residents, in accordance with Policies BE19, BE20 and BE21 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

The canopy currently screens an unsightly open storage area. However, if it were to be used as a sitting out area or as a smoking shelter it may result in an unacceptable impact on the residents of properties in Heath Road. It is thus recommended that a condition preventing its use for these purposes is attached.

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

Previous enforcement notices and the 2013 appeal decisions for the site have been complied with. This planning application seeks permission for a side timber canopy which is the subject of a current 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 the retention of a timber canopy to the side of the kitchen and store.

The timber canopy would not have a significant impact on the overall character and appearance of the building or on the character and appearance of the immediate street scene and surrounding area. The canopy provides cover for a storage area and would not have a detrimental impact on residential amenity of neighbouring residents.

The proposal complies with Policies BE13, BE15, BE19, BE20, BE21 and BE24 of the

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application is therefore recommended for approval.

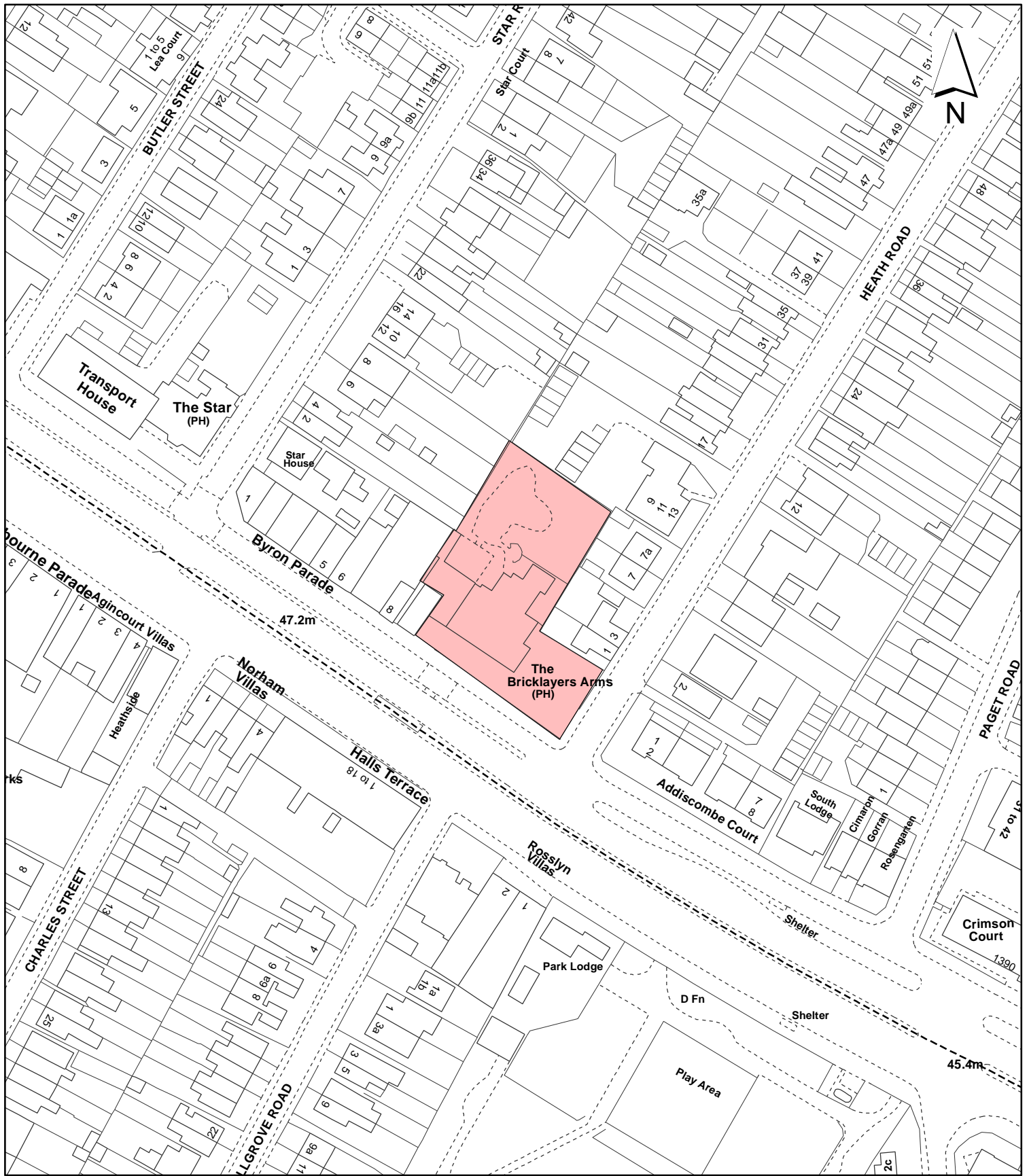
11. Reference Documents

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

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Site Address:

**Tamara Lounge
 Byron Parade
 Uxbridge Road**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

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

Planning Application Ref:

61362/APP/2016/3466

Scale:

1:1,250

Planning Committee:

Central & South

Date:

November 2016



HILLINGDON
 LONDON