

Report of the Head of Planning, Sport and Green Spaces

Address 2 RESERVOIR ROAD RUISLIP
Development: Change of use to car wash and valeting.
LBH Ref Nos: 7112/APP/2016/856
Drawing Nos: 2 Reservoir Road red line site plan
location plan
Planning Statement
23548 R1
23548
23548 A2
23548 A1
VC/41/P-A/04
VC/41/P-A/02
VC/41/P-A/03

Date Plans Received: 29/02/2016

Date(s) of Amendment(s):

Date Application Valid: 11/07/2016

1. **SUMMARY**

The application seeks planning permission for a change of use of the premises to a car wash.

It is considered that the proposed development would not be detrimental to the amenities of the adjoining occupiers. The previous application ref: for a far more intense use (involving a car wash, car sales, tyre fitting and taxi business was only refused on noise grounds. The current application is for just a car wash use. The Council's EPU Officer has reviewed Noise Report submitted and has, subject to considerations, raised no objection to the proposed use. As such it previous issues of noise have been adequately addressed. Therefore, the application is recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 **Time Limit**

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

REASON

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

2 COM4 **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

23548
23548 R1
23548 A1

23548 A2
VC/41/P-A/04
VC/41/P-A/02
VC/41/P-A/03

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).

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until all noise mitigation measures have been implemented in accordance with the following specified supporting plans and/or documents:

Noise Impact Assessment 23548 R1
Noise Impact Assessment Addendum 23548 A1
Noise Impact Assessment Addendum 23548 A2

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

REASON

To ensure that the development complies with the objectives of Policies . Specify Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 COM22 Operating Hours

The premises shall not be used except between:-
[0800 - 1900] Mondays - Fridays
[0900 - 1800] Saturdays
[1000 - 1700] Sundays, Public or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the 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 dwellings 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 to insulate the plant & machinery as may be approved by the LPA. 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 RES15 Sustainable Water Management (changed from SUDS)

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it: Manages Water The scheme shall demonstrate ways of controlling the surface water on site by providing information on:

a) Suds features:

- i. incorporating sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.15 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,
- ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change,

b) Receptors

- i. Capacity demonstrated for Thames Water foul and surface water network.

c) Minimise water use. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- i. incorporate water saving measures and equipment.
- ii. provide details of water collection facilities to capture excess rainwater;
- iii. provide details of how rain and grey water will be recycled and reused in the development.

d) Long Term Management and Maintenance of the drainage system.

- i. Provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime. Including appropriate details of Inspection regimes, appropriate performance specification, remediation and timescales for the resolving of issues. Where there is overland flooding proposed, the plan should include the appropriate actions to ensure the safety of the users of the site should that be required.
- ii. Clear plans showing the responsibility of different parties should be provided, such as the landowner, PMC, sewers offered for adoption and that to be adopted by the Council Highways services. Where it is a PMC the details of the body legally responsible for the implementation of the management and maintenance plan must be provided.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to: Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy 5.12 Flood Risk Management of the London Plan (March 2016) and To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2016), and Conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016). National Planning Policy Framework (March 2012), and the Planning Practice Guidance (March 2014).

7 0M11 Floodlighting

Any floodlighting or other form of external lighting shall be switched off outside the hours of operation as stipulated in condition 4.

REASON

To safeguard the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

8 COM27 Traffic Arrangements - submission of details

Prior to the commencement of development, details shall be submitted showing markings within the site directing drivers to washing points, washing bays, and a one way system for cars with access from Reservoir Road and egress onto Ducks Hill Road. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2016)

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.

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.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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
LE1	Proposals for industry, warehousing and business development
LE5	Small scale business activities within the developed area
LPP 5.3	(2016) Sustainable design and construction

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 comprises a single storey building and covered forecourt. The site is currently vacant. It had previously been used as an unauthorised 'car wash' and a 'taxi' station, which ceased following Enforcement Action. The site is currently vacant. Previous to this the site was formerly used for 'car sales'.

The site is located on the southern side of Reservoir Road, adjacent to the junction where Bury Street, to the south of the site meets Ducks Hill Road, to the north. Directly east of the site are residential properties, comprising flats and houses.

18m north of the site on Ducks Hill Road, is a locally listed building, 'The Methodist Chapel'. To the north of the site is an area identified as being at risk of surface water flooding.

The site is located within the Developed Area in accordance with the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The proposal is for the change of use of the site to a hand car wash and valeting use.

3.3 Relevant Planning History

Comment on Relevant Planning History

Planning Application ref 7112/APP/2014/4276 for the Change of use from car sales to car wash and taxi Booking office involving installation of canopy to side for tyre fitting was refused for the following reason:

The proposal has failed to demonstrate that unacceptable levels of noise and disturbance to surrounding residential occupiers would not occur. The proposed development is considered to result in noise and disturbance to the detriment of the amenity of adjoining residential occupiers, contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

A previous planning Application ref 7112/APP/2014/2896 for the Change of use from car sales to car wash and taxi Booking office involving installation of canopy to side for tyre fitting was refused for the following reasons:

"The proposed development has failed to demonstrate that unacceptable levels of noise and disturbance to surrounding residential occupiers would not occur. In the absence of any noise surveys or noise mitigations measure, the proposed development is considered to result in noise and disturbance to the detriment of the amenity of adjoining residential occupiers, contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)."

Planning application ref. 7112/APP/2013/3405 that was for the change of use from car sales to a car wash, taxi car business and MOT centre to include creating additional first floor level to existing building, two storey structure for use as MOT workshop, new covered area for car wash/taxi cars and installation of new pedestrian gate to side and reduction of canopy at front. The application was refused for the following reasons:

1. The proposal by reason of its siting, design, layout, size, and site coverage, would result in a cramped development of the site, which is visually incongruous and overdominant, therefore failing to harmonise with the established character of the surrounding area and detrimental to the visual amenity of the street scene and the wider area. The proposal is therefore contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2. The development is considered to represent an over-intensification of the use of the site, which results in undue noise and general disturbance through the scale and nature of activities involved, to the detriment of the amenities of nearby residential properties, and as such constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity. The proposal is therefore contrary to policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3. The proposed two-storey MOT building, first floor office extension and canopy by virtue of their siting, position, layout, size, scale and height would be detrimental to the amenities of the adjoining occupiers, 6 and 8 Reservoir Road, by reason of over-dominance, loss of light, overshadowing, loss of outlook and visual intrusion. Therefore the proposed development would be contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4. In the absence of accurate and detailed drawings of the proposed development and a lack of information on the proposed operations it is not possible to fully assess the planning merits of this proposal in terms of its impact upon the street scene, and the visual amenities of the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

A further application for a car wash and taxi business was submitted (7112/APP/2014/1936) which was refused for the following reasons:

1. The proposal provides insufficient car parking provision for the proposed use due to the sub-standard size of the car parking spaces and the restricted manoeuvring area and circulation space within the site. As such, the proposal would be detrimental to highway and pedestrian safety, contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2. The proposed development has failed to demonstrate that unacceptable levels of noise and disturbance to surrounding residential occupiers would not occur. In the absence of any noise surveys or noise mitigation measure, the proposed development is considered to result in noise and disturbance to the detriment of the amenity of adjoining occupiers, contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3. In the absence of accurate and detailed drawings of the proposed development and a lack of information on the drainage, the applicant has failed to demonstrate that there would

be no potential issues for surface water drainage. The proposal is therefore contrary to Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

ENF/337/13/- An enforcement file was open on the 23 September 2013, on the basis that a change of use from car sales to car washing facility had occurred without the benefit of planning consent. An enforcement notice has been served. The Enforcement Notice stated the following breach had occurred:

i) Without planning permission, the material change of use of the land from car sales to a mixed use comprising a car wash, car tyre sales and fitment, taxi booking office and car sales.

The reasoning given for the enforcement Notice was:

The unauthorised use is considered to represent an over-intensification of the use of the site, which results in undue noise and general disturbance through the scale and nature of activities involved, to the detriment of the amenities of nearby residential properties, and as such constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity. The unauthorised use is therefore contrary to policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The Enforcement Notice has been complied with the unauthorised uses ceasing. The site is currently vacant.

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:

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.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

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

LE1 Proposals for industry, warehousing and business development

LE5 Small scale business activities within the developed area

LPP 5.3 (2016) Sustainable design and construction

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

11 neighbours and the Ruislip Residents Association were consulted directly and a site notice was displayed. A total of 3 objections have been received raising the following issues:

1. Noise and disturbance,
2. Loss of privacy,
3. Impact on free flow of traffic resulting from cars queuing to use the car wash.
4. Drainage issues.
5. Increase in parking problems.

Officer comment: The above issues are discussed in the main body of the report.

Internal Consultees

EPU NOISE OFFICER

Having looked at the raw noise data and the hours proposed in the email of the 18th October, I would recommend that they stop at 5pm not 6pm on a Sunday as this is when the noise levels appear to start falling.

A condition will be required to control these hours.

I would recommend a separate condition requiring that the external lighting is switched off outside of these hours.

I would also recommend the marked washing bays are conditioned and that all car washing/vacuuming shall take place within the marked bays

We will need to be able to enforce the construction of the noise enclosures as described in the email of the 18th of October and their maintenance so It may be best to condition them possibly a condition similar to the one below.

A sound insulation is required:

Before the use commences the plant shall be enclosed in sound insulated enclosures in accordance with a scheme agreed with the Local Planning Authority, and shall thereafter be maintained in accordance with the scheme.

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

HIGHWAYS

I have reviewed the material contained in the above application and have the following comments: This application is for the use of the site as a car wash on the corner of Reservoir Road, a local road and Ducks Hill Road (A4180) which is a classified road. The site has existing vehicular accesses on both Reservoir Road and Ducks Hill Road and there are parking restrictions outside the site. The site has been previously used as a car wash and tyre fitting facility but enforcement action was taken against such uses. The site proposals involve the use of the existing facilities as a legitimate

car wash. It is assumed that a one-way system will operate at the site with access from Reservoir Road and egress onto Ducks Hill Road. The site has sufficient space for 4/5 cars to queue while waiting for existing cars to be cleaned.

It is important that no queuing cars should block the access on Reservoir Road as it could affect the performance of the nearby junction. It would be helpful if markings were placed within the site to direct cars to the washing points. As cars are washed there is the possibility of water being drawn onto Ducks Hill Road and to limit this happening some form of drain should be installed. Providing the internal markings are provided along with a drain to limit water flowing onto the carriageway I have no significant highway concerns over such a proposal.

FLOODWATER MANAGEMENT

There are no objections in principle to the use of this site as a car wash. However it is crucial that the site manages its drainage appropriately. There is no information on the current drainage network serving the site and how foul and surface water are separated and managed appropriately with surface water being controlled on site. The applicant also states there is no trade effluent being discharged from this site, which is not correct, and the appropriate permissions need to be sought and provided to demonstrate that this is acceptable. Therefore the following condition is requested:

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it: Manages Water The scheme shall demonstrate ways of controlling the surface water on site by providing information on:

a) Suds features:

- i. incorporating sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.15 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,
- ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change,

b) Receptors i. Capacity demonstrated for Thames Water foul and surface water network.

c) Minimise water use. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- i. incorporate water saving measures and equipment.
- ii. provide details of water collection facilities to capture excess rainwater;
- iii. provide details of how rain and grey water will be recycled and reused in the development.

d) Long Term Management and Maintenance of the drainage system.

i. Provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime. Including appropriate details of Inspection regimes, appropriate performance specification, remediation and timescales for the resolving of issues. Where there is overland flooding proposed, the plan should include the appropriate actions to ensure the safety of the users of the site should that be required.

ii. Clear plans showing the responsibility of different parties should be provided, such as the landowner, PMC, sewers offered for adoption and that to be adopted by the Council Highways services. Where it is a PMC the details of the body legally responsible for the implementation of the management and maintenance plan must be provided.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to: Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy 5.12 Flood Risk Management of the London Plan

(March 2016) and To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2016), and Conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016). National Planning Policy Framework (March 2012), and the Planning Practice Guidance (March 2014).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site has permission and was last lawfully used as a car sales area, a Sui Generis commercial use. The proposed car wash is also an employment generating commercial use. As such there is no in principal objection to the proposal.

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 Site is not located in a designated area.

7.04 Airport safeguarding

No airport safeguarding issues arise from the proposed development.

7.05 Impact on the green belt

The site is not located within the green belt.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 & BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development in residential areas complements or improves the amenity and character, therefore the scale and character of a new development is a material consideration.

There would be no change to the existing building or the layout of the site. As such the proposed development does not impact on the established character of the area, in compliance with Policies BE13 and BE19 of the Hillingdon Local Plan.

7.08 Impact on neighbours

The National Planning Framework makes a presumption in favour of sustainable development. However it acknowledges that pursuing sustainable development involves 'seeking positive improvements in the quality of the built environment and peoples's quality of life'.

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that become detrimental to the amenity of the adjoining occupiers or surrounding area will not be approved. Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

There are no new buildings or changes to the existing building proposed. The lack of any physical changes to the building and the nature of the proposed use does not raise any concerns regarding visual intrusion and possible loss of daylight and sunlight from habitable room windows.

The Council's EPU officer reviewed the submitted Noise Report and has raised no objection subject to the applicant complying with the Noise Management Strategy set out in the submitted Noise Impact Assessment and a condition requiring additional sound insulation of the building . The proposal is therefore considered to comply with policy OE3

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

7.09 Living conditions for future occupiers

Not applicable to this type of planning application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The site has existing vehicular accesses on both Reservoir Road and Ducks Hill Road and there are parking restrictions outside the site. The site has been previously used as a car wash and tyre fitting facility but enforcement action was taken and these uses have ceased.

The site has sufficient space for 4/5 cars to queue while waiting for other cars to be cleaned. It is important that no queuing cars should block the access on Reservoir Road as it could affect the performance of the nearby junction.

The proposal would therefore be in compliance with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires new landscaping and planting to be provided in new developments, where appropriate. Although there are no trees present on the site, soft landscaping could be incorporated into the site. These matters could be dealt with by way of appropriate conditions, if the application were to be favourably considered.

The Access Officer has raised no objections to the proposed scheme.

7.12 Disabled access

Not applicable to this type of application.

7.13 Provision of affordable & special needs housing

Not applicable to this type of application.

7.14 Trees, Landscaping and Ecology

There are no trees on site.

7.15 Sustainable waste management

Not applicable to this type of application.

7.16 Renewable energy / Sustainability

Not applicable to this type of application.

7.17 Flooding or Drainage Issues

The NPPF at paragraph 103 advises that planning applications should ensure flood risk is not increased elsewhere. Policy 5.12 of the London Plan (March 2016) seeks to manage flood risk associated with development and Policy OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding due to surface waters.

The Council's Flood Water Management Officer has reviewed the scheme and raises no objection subject to a SUDs condition.

7.18 Noise or Air Quality Issues

The National Planning Framework makes a presumption in favour of sustainable development. However it acknowledges that pursuing sustainable development involves 'seeking positive improvements in the quality of the built environment and peoples's quality of life'.

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that become detrimental to the amenity of the adjoining occupiers or surrounding area will not be approved. Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

The Council's EPU officer reviewed the submitted Noise Report and has raised no objection subject to a sound insulation condition. The proposal is therefore considered to comply with policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.19 Comments on Public Consultations

None.

7.20 Planning Obligations

Not applicable to this type of application.

7.21 Expediency of enforcement action

No outstanding enforcement issues exist. An Enforcement Notice was issued against the previous Car Wash, Tyre Fitting and Taxi business that operated on the site. The Enforcement Notice stated the following breach had occurred:

i) Without planning permission, the material change of use of the land from car sales to a mixed use comprising a car wash, car tyre sales and fitment, taxi booking office and car sales.

The reasoning given for the enforcement Notice was:

The unauthorised use is considered to represent an over-intensification of the use of the site, which results in undue noise and general disturbance through the scale and nature of activities involved, to the detriment of the amenities of nearby residential properties, and as such constitutes an un-neighbourly form of development, resulting in a material loss of residential amenity. The unauthorised use is therefore contrary to policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The Enforcement Notice has been complied with the unauthorised uses ceasing. The site is currently vacant.

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

10. CONCLUSION

The application seeks planning permission for a change of use of the premises to a car wash.

It is considered that the proposed development would not be detrimental to the amenities of the adjoining occupiers. The previous application ref: 7112/APP/2014/4276 for a far more intense use (involving a car wash, car sales, tyre fitting and taxi business was only refused on noise grounds. The current application is for just a car wash use. The Council's EPU

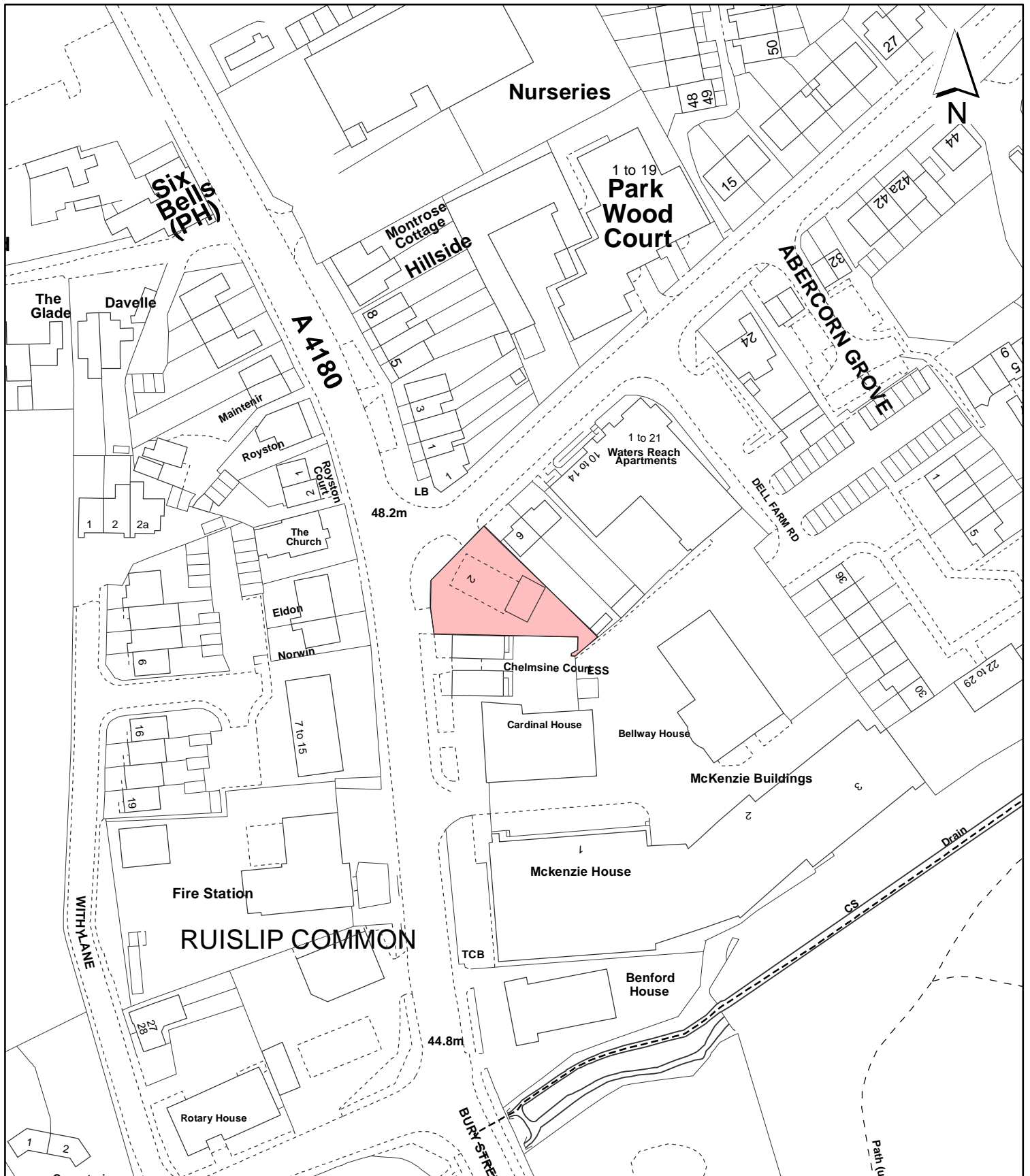
Officer has reviewed Noise Report submitted and has, subject to considerations, raised no objection to the proposed use. As such it previous issues of noise have been adequately addressed. Therefore, the application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan 2016
Supplementary Planning Document Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Matt Kolaszewski

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.
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Site Address:

**2 Reservoir Road
 West Ruislip**

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

Planning Application Ref:
7112/APP/2016/856

Scale:
1:1,250

Planning Committee:
North

Date:
December 2016

