

Report of the Head of Planning, Sport and Green Spaces

Address 10 CLAYTON ROAD HAYES

Development: Change of use from retail (Use Class A1) to car hire/mini cab office (Sui Generis)

LBH Ref Nos: 72438/APP/2016/4505

Drawing Nos: Block Plan (1:500)
Design and Access Statement
Location Plan (1:1250)
8/clayton road/109/B/full

Date Plans Received: 16/12/2016 **Date(s) of Amendment(s):**

Date Application Valid: 09/01/2017

1. **SUMMARY**

This application seeks planning permission for the change of use of the subject property from retail (Use Class A1) to car hire/mini cab office (Sui Generis).

The proposal would not compromise the viability or vitality of the town centre and would have an acceptable impact on the amenity of adjoining occupiers.

This application does not seek consent for the display of any related advertisements or signage, which would have to be considered under any separate future application.

Accordingly, 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 plan, number 8/clayton road/109/B/full 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).

3 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. Thereafter, and prior to the use hereby approved commencing, 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)

4 NONSC Non Standard Condition

No waiting area for customers shall be provided at the premises. The use hereby permitted shall be limited to the provision of an administrative base for a car hire operation, where neither customers or drivers attend the premises.

REASON

In the interests of highway and pedestrian safety in accordance with policy AM7 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 NONSC Non Standard Condition

Within 2 months of the date of this consent, the applicant shall submit a Management Plan for the operation of the approved mini-cab business for approval to the Council. The Management Plan shall include details of physical and administrative measures to control the following:

Parking measures to reduce on-street parking related to the business;

Arrangements for pick up and drop off of passengers from the vicinity of the minicab office in Station Road;

Servicing, refuse storage and disposal;

Approach to equity of access and mobility;

Noise prevention and mitigation within the site; and

Measures to ensure best endeavours are used to control anti-social behaviour within the site.

Thereafter the development shall be carried out in accordance with the approved Management Plan.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 201) and 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 (2015) and national guidance.

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE26	Town centres - design, layout and landscaping of new buildings
BE28	Shop fronts - design and materials
S6	Change of use of shops - safeguarding the amenities of shopping areas
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
NPPF2	NPPF - Ensuring the vitality of town centres

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 (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 I47 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

The applicant is hereby advised that this permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

6 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 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) to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Southern side of Clayton Road and comprises a ground floor property in a mid-terraced building.

The application property is presently vacant, and its last known established use was a retail unit (Jessys's Aquarium), which incorporated the sale of fish and sea creatures. Clayton Road has ground floor commercial uses and office/residential uses on the upper floors and lies within Hayes Town Centre, although it does not have any designated frontages nor is it located within a shopping area as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

3.2 Proposed Scheme

The application seeks planning permission for a change of use from from retail (Use Class A1) to a taxi control office (Sui Generis).

The proposed mini-cab office would be operated by 1 employee at a time (in total 3 employees working 8 hour shifts), 24 hours a day and 7 days a week. The applicant has confirmed that no minicabs or cars would be stationed at the premises and that no waiting area will be provided for customers. Customers would be collected from Blyth Road Car Park, in the nearby vicinity. The proposal does not involve external alterations and the internal accommodation is proposed to be rearranged to provide an office, kitchenette and WC.

3.3 Relevant Planning History

Comment on Relevant Planning History

None.

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.
BE13 New development must harmonise with the existing street scene.
BE15 Alterations and extensions to existing buildings
BE26 Town centres - design, layout and landscaping of new buildings
BE28 Shop fronts - design and materials
S6 Change of use of shops - safeguarding the amenities of shopping areas
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
NPPF2 NPPF - Ensuring the vitality of town centres

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

22 neighbouring properties were consulted by letter on 11.01.17

1 response was received as follows:

- limited parking.
- problems with Taxi's using nearby car park.
- drivers will cause anti-social behaviour.

Ward Councillor:

The applicant has been in to see me, he knows all about the parking problems in the area, he only has 2 drivers at present both who live nearby and park on their own property waiting for work to come in. He also assures me that should he extend his workforce in the future they will of course be parking either at their own properties nearby or in one of the local car parks. He is also TFL licensed and has public insurance.

Internal Consultees

Highways Officer:

The proposal includes the change of use of the premises on 10 Clayton Road from Use Class A1 (Shops) to Sui Generis to be used as a taxi business. The supplied proposed drawing does not show a waiting area for customers and the supplied Design and Access Statement specifies that the business would be conducted over the phone and taxi drivers tracked through a GPS system.

On-street parking around the premises is restricted through single and double yellow lines, together with pay & display parking bays operating Mon-Sat 8 am-5 pm. There is no space within the premises or outside the premises for a taxi parking or pick up/drop off area. In light of the nature of the business, these facilities should not be necessary as taxis would be tracked by GPS and communication with customer and taxi drivers would occur by telephone. As a result, there are no objections to the proposals on highway grounds, subject to the following conditions being imposed to the planning consent:

No waiting area for customers shall be provided at the premises.

No vehicles associated with the premises and its business operations shall be allowed to park in the adjoining streets.

Planning officer comment; planning conditions have to meet certain tests, and cannot be used to restrict parking on nearby streets that is the purview of other legislation. The restriction on the waiting area can be controlled by planning condition.

EPU: No objections.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) specifies that changes of use applications will be granted where i) a frontage of a design appropriate to the surrounding area is maintained or provided; ii) the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and iii) would have no harmful effect on road safety or worsen traffic congestion.

As the site is not within a designated frontage, or shopping parade, there is no presumption against the loss of retail.

There are no external alterations proposed to the shop front as part of this application, and therefore the proposal would not affect the visual amenity. The applicant has shown signage on the fascia, however this will need to be the subject of a separate application.

The site is located on the periphery of the main town centre and would serve adjoining and neighbouring uses. The neighbouring uses comprise commercial uses and it is considered that the use would be compatible with these town centre uses.

The neighbouring residential uses would not be unduly harmed, despite the 24 hours operation, as the unit would be manned by a single member of staff. Furthermore, the drivers would not park or pick up customers outside of the premises. It is considered that the use of conditions would prevent any undue loss of amenity.

No objections have been raised with regards to highways, subject to the imposition of a condition to prevent drivers parking or picking up from adjacent to the premises.

The proposed conversion of the retail unit to a Sui Generis use will not conflict with the objectives of Policies S6. The site is located within the boundaries of the designated Hayes Town Centre, however it is not located within either the primary or secondary shopping areas and thus the loss of a retail unit is considered acceptable in this location.

Given the above considerations, the proposal would comply with the criteria listed in Policy

S6 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

The proposed development does not involve any alterations to the existing shop front.

An informative is recommended to inform the applicant that any approval does not confer consent for the advertisement/signage shown on the proposed plan, and that consent for the display of any related advertisements or signage would have to be considered under a separate application.

Subject to the above, it is considered that the proposal is in compliance with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

The proposed change of use would not result in any overall increase of the internal floor space/footprint area of the property, therefore the built form would not cause any loss of amenity to adjoining occupiers.

In order to protect the residential occupants above from noise generation, a condition to secure such details is recommended to protect residential amenity of the occupiers at first floor level by way of providing adequate noise insulation.

The applicant has indicated that the proposal is for a 24 hour operation. However, it has also been stated that only one person would be on the premises at any one time and that there would not be any drivers/customers coming to the site. Given the scale and nature of the use proposed, it is considered that the proposal would not result in any adverse noise nuisance to neighbouring properties. It should be noted that the Environmental Protection Unit have not raised any objections to the proposed change of use nor have they suggested that there should be a condition restricting hours of use.

The proposal is therefore considered to be acceptable in terms of its impact on the residential amenity of the adjoining occupiers, in compliance with Policies OE1 and OE3 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

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The proposed use of the site would result in there being only one person being on site at any one time.

The proposal does not make provision for car parking for either staff or visitors. However, given the low level of occupancy and the fact that the existing use of the site as retail would have similar parking requirements, it is considered that the proposal would not result in an increase in parking demand over and above the existing use.

The immediate locality of the site has a relatively high Public Transport Accessibility Level (PTAL) score of 4 and is close to public transport facilities.

As noted above, taxi's will not collect passengers from the application site, nor would they park at the site. The applicant has submitted information that the taxi's would be reliant on GPS applications. No issues have been raised by the Highways Officer to this mode of operation.

Given the above considerations, the proposed use would not have a detrimental impact along the adjacent highway network.

7.11 Urban design, access and security

The applicant is proposing CCTV in front of the unit to discourage anti-social behaviour and as part of security measures.

7.12 Disabled access

The existing doorway and shopfront would be retained.

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

In terms of waste generation and storage, the scale and nature of the proposed use are such that any waste generated would not be significantly more than that related to a retail use, which is the existing lawful use on the site.

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

There are no adverse air quality issues to address as part of this application proposal. The issue of noise has been covered in Section 7.08 of this report.

7.19 Comments on Public Consultations

No responses were received.

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

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

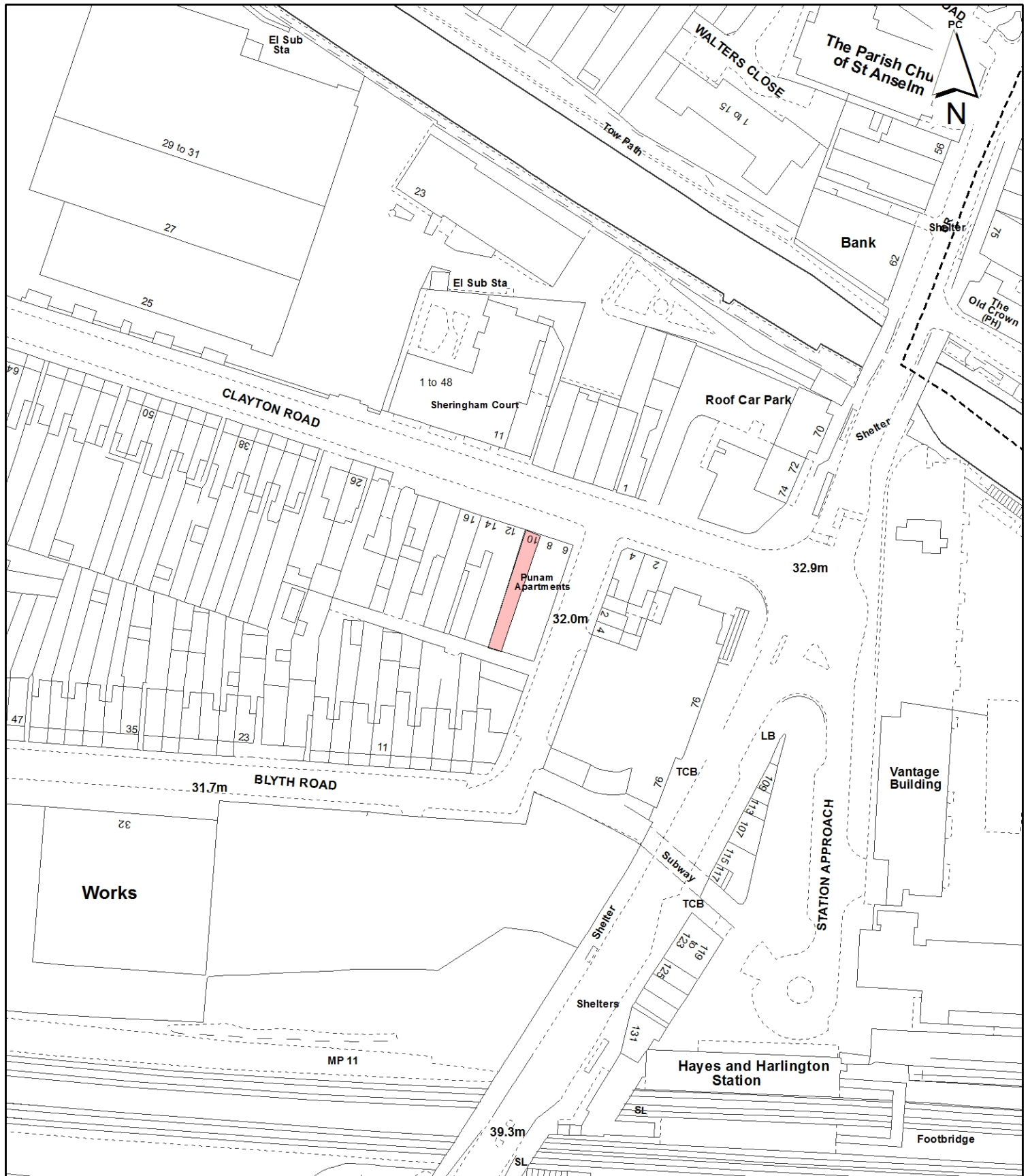
The proposal would not compromise the viability or vitality of the town centre and would have an acceptable impact on the amenity of adjoining occupiers in compliance with the objectives of the Council's Local Plan: Part One - Strategic Policies (November 2012) and the Local Plan: Part Two - Saved UDP Policies (November 2012) .

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)
National Planning Policy Framework
Hillingdon Design and Accessibility Statement (HDAS) Shopfronts

Contact Officer: Henrietta Ashun

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

10 Clayton Road

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

Planning Application Ref:
72438/APP/2016/4505

Scale:
1:1,250

Planning Committee:
Central & South

Date:
April 2017



HILLINGDON
 LONDON