

Report of the Head of Planning, Sport and Green Spaces

Address 280 HIGH STREET UXBRIDGE

Development: Retrospective application for the installation of kitchen extract and outdoor condensing units at roof level

LBH Ref Nos: 59263/APP/2016/1707

Drawing Nos: 1019-3-OS-01 Rev. A
1019-3-OS-02 Rev. A
Drawing/Specification of AC condenser Unit PUHZ-P200YHA3/PUHZ P250YHA3
Proposed Roof Plan Rev. 1
1019-3-DAS-A(1)
Design and Access Statement (Ref: 1019-3-DAS)
AC Condenser Tech Sheet
Noise Assessment
Extract Plant Specification Sheet
Odour Control Data
Extract Air Flow Rate

Date Plans Received: 04/05/2016

Date(s) of Amendment(s):

Date Application Valid: 04/05/2016

1. SUMMARY

This application is being reported to committee as it seeks to formalise the use of the kitchen extract and air condensing units. The site had been served with an enforcement notice as the condenser units previously failed to comply with the Council's noise standards. This has since been rectified and the enforcement notice has been complied with. EPU and the enforcement team have reviewed this application and supporting information and raise no objection. The extract unit and outdoor condensing unit, due to its siting would not detrimentally harm the character and appearance of the Old Uxbridge/Windsor Street Conservation Area.

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, numbers 1019-3-OS-01-A, 019-3-OS-02-A 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 COM5 **General compliance with supporting documentation**

The development hereby permitted shall be completed in accordance with the following specified supporting plans and/or documents:

- Design and Access Statement;
- AC Condenser Tech Sheet;
- Noise Assessment (dated April 2017);
- Extract Plant Sheet;
- Odour Control Data; and
- Extract Air Flow Rate;

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)

3 NONSC Non Standard Condition

All plant and machinery hereby approved shall not give rise to noise and odour nuisance. The equipment shall be maintained in full compliance with the approved measures.

REASON

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Local Plan: Part Two (November 2012).

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.

BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
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.
BE21	Siting, bulk and proximity of new buildings/extensions.
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 7.6	(2011) Architecture
LPP 7.8	(2011) Heritage assets and archaeology

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south west side of the High Street. It forms part of a terrace of detached buildings, arranged over three storeys, with the ground floor being used as a restaurant (Use class A3). It is a modest building which dates from the 18th Century, featuring two canted bay windows at the first floor, with a hipped slated mansard roof and tall chimneys. The rear part of the building retains its 18th Century character and appearance with original sash windows.

The site is located within the Primary Shopping Area of Uxbridge Town Centre, is locally listed and is within the Old Uxbridge/Windsor Street Conservation Area and there are several Grade II Listed buildings in the vicinity of the development.

3.2 Proposed Scheme

The proposal seeks retrospective planning permission for the installation of a kitchen extraction system with silencing and odour control units, supply/extract air and 2 outdoor AC condensing units and fridge and freezer condensing units at roof level.

3.3 Relevant Planning History

23853/APP/2003/68 280 High Street Uxbridge
ERECTION OF OPEN SIDED SUN CANOPY TO REAR GARDEN OF PUBLIC HOUSE

Decision: 06-03-2003 Approved

59263/ADV/2012/101 280 High Street Uxbridge
Installation of 1 x externally illuminated fascia sign (Retrospective)

Decision: 07-03-2013 Approved

59263/APP/2004/451 280 High Street Uxbridge
INSTALLATION OF A NEW SHOPFRONT

Decision: 07-04-2004 Approved

59263/APP/2012/3068 280 High Street Uxbridge
Installation of new shop front (Retrospective)

Decision: 07-03-2013 Refused **Appeal:** 10-01-2014 Dismissed

59263/APP/2014/1780 280 High Street Uxbridge
Alterations to shop front

Decision: 17-07-2014 Approved

59263/APP/2014/3196 280 High Street Uxbridge

Single storey rear extension, single storey side extension and installation of covered seating area

Decision: 18-02-2015 Approved

59263/APP/2014/404 280 High Street Uxbridge

Single storey rear extension, single storey side extension and installation of covered seating area

Decision: 17-04-2014 Refused

59263/APP/2015/3372 280 High Street Uxbridge

Installation of new shop front

Decision: 26-11-2015 Approved

Comment on Relevant Planning History

ENF/418/14 - An enforcement notice was served as a result of complaints regarding odour and nuisance. A silencer to the extractor was added as a consequence. The applicant noted that the extraction system existed before the current applicant bought the site. The enforcement notice did not include any reason relating to the appearance of the extraction system or its impact on the street scene. No further complaints have been received since the silencer was added to the extraction system.

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

PT1.HE1 (2012) Heritage

Part 2 Policies:

BE4 New development within or on the fringes of conservation areas

BE8 Planning applications for alteration or extension of listed buildings

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.

BE21 Siting, bulk and proximity of new buildings/extensions.

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 7.6	(2011) Architecture
LPP 7.8	(2011) Heritage assets and archaeology
NPPF12	NPPF - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **3rd August 2016**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

15 neighbouring occupiers were consulted on this application. 1 letter of objection was received from No 3 Vine Street.

The objection is summarised below:

- concern raised relating to noise; and
- concern raised relating to smells and odours from cooking.

Officer comment:

The applicant has submitted a noise report and extract vent details which addresses the concerns raised by the neighbouring occupier and found to be adequate.

Internal Consultees

EPU:

No objection raised to the proposal, the noise mitigation measures for both noise and odour have been found to be adequate. The Officer recommended Condition 4.

Enforcement:

No objections to this application

Conservation and Design:

There are concerns in regards to the proposed new kitchen extract and outdoor condensing units. The proposal would add clutter to the rear of the property rather than improve its existing appearance. Should this application be approved it is recommended that the proposed kitchen extract is dull in external appearance.

Officer comment:

The extraction system is well setback from the most sensitive views within the Conservation Area, where the extraction system is visible, it is dull in appearance and thus does not detract from the Conservation Area.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of installing a kitchen extractor and air condenser units to service the existing restaurant is considered acceptable in principle provided the proposal does not harm the amenity of neighbouring occupiers.

7.02 Density of the proposed development

Does not apply to this application.

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Section 72 of the (Planning Listed Buildings and Conservation Areas Act) 1990 states the statutory duty of Local Planning Authorities in regard to development affecting conservation areas 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Policy BE4 of the Local Plan: Part Two (November 2012) notes that developments within or on the fringes of Conservation Areas would be expected to preserve or enhance their features, architectural merit and visual qualities.

Policy BE12 of the Local Plan: Part Two (November 2012) notes that the statutory listed buildings and others of architectural or historic interest such as those on the local list should be preferably remain in their historic use.

The kitchen extract unit and condensers are currently installed upon the roof. The proposal would result in clutter on the roof, however given that height of the building and the siting of the units on the roof, there are very limited views of the extraction system from the surrounding conservation area and it is dull in appearance as such the proposal is not considered to harm to setting of the listed building or the Old Uxbridge/Windsor Street Conservation Area or the character of the locally listed building and such the proposal complies with Policies BE4 and BE12.

7.04 Airport safeguarding

Does not apply to this application.

7.05 Impact on the green belt

Does not apply to this application.

7.07 Impact on the character & appearance of the area

See above.

7.08 Impact on neighbours

Policy OE1 states that planning permission would not normally be granted for uses or structures that are or likely to become detrimental to the character and amenity of the surrounding properties because of noise, vibration, smell or pollutants.

The application has been supported by a noise assessment and details of extraction. The report has been considered by EPU and has been found to be acceptable. The proposal is unlikely to cause adverse impacts to the neighbouring occupiers due to the siting of the installation and the type of equipment that is being installed. The proposal is therefore considered to be consistent with the objective of Policy OE1 of the Local Plan: Part Two (November 2012).

7.09 Living conditions for future occupiers

Does not apply to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Does not apply to this application.

7.11 Urban design, access and security

Does not apply to this application.

7.12 Disabled access

Does not apply to this application.

7.13 Provision of affordable & special needs housing

Does not apply to this application.

7.14 Trees, landscaping and Ecology

Does not apply to this application.

7.15 Sustainable waste management

Does not apply to this application.

7.16 Renewable energy / Sustainability

Does not apply to this application.

7.17 Flooding or Drainage Issues

Does not apply to this application.

7.18 Noise or Air Quality Issues

Does not apply to this application.

7.19 Comments on Public Consultations

None.

7.20 Planning obligations

Does not apply to this application.

7.21 Expediency of enforcement action

Does not apply to this application.

7.22 Other Issues

Does not apply to this application.

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

Does not apply to this application.

10. CONCLUSION

The site had been served with an enforcement notice as the condenser units previously failed to comply with the Council's noise standards. This has since been rectified and the enforcement notice has been complied with. EPU has reviewed the supporting information and raise no objection to the application. The extract unit and outdoor condensing unit, due to its siting would not be harmful to the Old Uxbridge/Windsor Street Conservation Area or locally and statutorily listed buildings.

The proposal is therefore in accordance with Policies OE1, BE4 and BE12 of the Local Plan: Part Two (November 2012).

11. Reference Documents

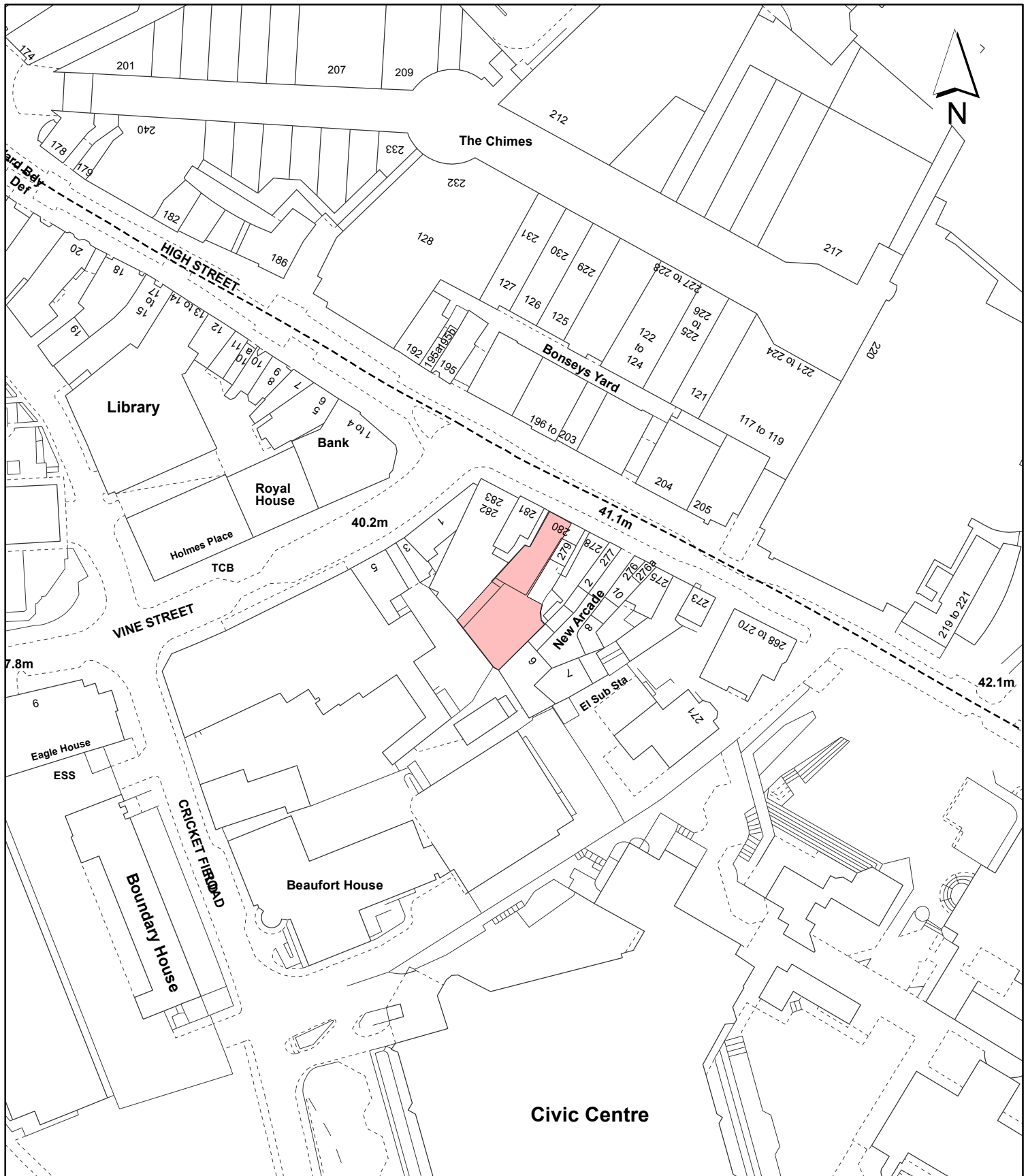
Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

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

The London Plan (2016)

Contact Officer: Zenab Haji-Ismail

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

280 High Street

LONDON BOROUGH OF HILLINGDON

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

Planning Application Ref:
59263/APP/2016/1707

Scale:
1:1,250

Planning Committee:
Central & South

Date:
June 2017

