

Report of the Head of Planning, Sport and Green Spaces

Address 35 SWAKELEYS ROAD ICKENHAM

Development: Change of use from Use Class A2 (Bank) to Use Class A1/A3 (Shops/Restaurants/Cafes) with external alterations

LBH Ref Nos: 3445/APP/2017/1715

Drawing Nos: 53.27/A.1.0
53.27/A.1.3
53.27/A.1.2
53.27/A.1.4

Date Plans Received: 11/05/2017 **Date(s) of Amendment(s):**

Date Application Valid: 11/05/2017

1. **SUMMARY**

The application is for the change of use of an existing vacant A2 to a mixed A1/A3 coffee shop involving an amended shopfront door and associated signage, which is subject to a separate advertisement application (Ref: 3445/ADV/2017/57).

It is considered that the use is appropriate to the high street in a local town centre and that it would contribute to its vitality and viability. Furthermore the proposed minor alterations are considered to respect the character and appearance of the property and the street scene. Subject to appropriate conditions it would not give rise to any adverse impact on the amenities of adjoining occupiers, nor would there be any unacceptable impact on the Conservation Area or the parking/traffic generation in this town centre location.

The application is therefore recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 **Time Limit**

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

REASON

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

2 COM4 **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 53.27/A.1.0, 53.27/A.1.1, 53.27/A.1.2, 53.27/A.1.3 and 53.27/A.1.4 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 NONSC Use restriction

The premises shall be used solely as a mixed A1/A3 use class and at no time shall become an A3 use class only.

REASON

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies 2007.

4 NONSC Coffee Shop and Goods Restriction

The premises shall not be used other than as a coffee bar serving coffee, other hot and cold drinks, sandwiches and similar light refreshments for consumption on or off the premises.

REASON

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies 2007.

5 NONSC Details of chimney/vent

No development shall take place until details of the height, position, design and materials of a chimney or extraction vent and any air conditioning equipment to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out until the vent/chimney has been installed in accordance with the approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

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 NONSC Noise affecting residents/neighbouring property

Noise affecting residential property:

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142.

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

7 COM20 Air extraction system noise and odour

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures 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 of the Hillingdon Unitary Development Plan.

8 N13 Sound insulation of commercial/entertainment premises

The development shall not begin until a sound insulation scheme for the control of noise transmission to the adjoining dwellings/premises 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 as may be approved by the LPA. Thereafter, the scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in full compliance with the approved measures for so long as the building remains in use.

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

9 COM23 Hours of Use (Restaurant etc.)

The premises shall not be open for customers outside the following hours: -
0700 to 1900, Mondays - Fridays
0700 to 1900 Saturdays
0900 to 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

10 HO4 Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (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 (2015) and national guidance.

AM7 Consideration of traffic generated by proposed developments.

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE20	Daylight and sunlight considerations.
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 4.7	(2016) Retail and town centre development
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
S6	Change of use of shops - safeguarding the amenities of shopping areas
BE28	Shop fronts - design and materials
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE4	New development within or on the fringes of conservation areas
LPP 3.5	(2015) Quality and design of housing developments
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

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 147 Damage to Verge - For Council Roads:

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

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

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

5 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

6 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction work is subject to control under the Control of

Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit 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 South side of the High Street Ickenham. The property was previously occupied by Lloyds TSB Bank but it is now vacant. The application site is adjoined by a Community Hall to the East and a commercial unit to the West.

The application site is situated within the Ickenham Village Conservation Area as identified in the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). It is within Ickenham Local Centre, but not within a core or primary shopping area as identified within the adopted UDP.

3.2 Proposed Scheme

The application seeks planning permission for change of use from Use Class A2 (Financial And Professional Services) to Use Class A1/A3 (Shops, Restaurants and Cafes) and external alterations to the front elevation.

3.3 Relevant Planning History

3445/ADV/2006/99 35 Swakeleys Road Ickenham
INSTALLATION OF INTERNALLY ILLUMINATED FASCIA AND PROJECTING SIGNS

Decision: 29-12-2006 Refused

3445/ADV/2007/29 35 Swakeleys Road Ickenham
INSTALLATION OF EXTERNALLY ILLUMINATED FASCIA AND PROJECTING SIGN.

Decision: 26-04-2007 Approved

3445/ADV/2013/20 Lloyds Tsb Bank Plc 35 Swakeleys Road Ickenham

Installation of 1 internally-illuminated fascia sign, 1 internally-illuminated hanging sign and 3 non illuminated other signs

Decision: 07-06-2013 Approved

3445/ADV/2017/57 35 Swakeleys Road Ickenham

Installation of externally illuminated fascia sign and internally illuminated projecting roundel sign

Decision: 10-07-2017 Approved

3445/APP/2007/1403 35 Swakeleys Road Ickenham

DETAILS - NO FURTHER ACTION.

Decision: 17-05-2007 NFA

3445/J/98/3095 35 Swakeleys Road Ickenham

Installation of a non-illuminated projecting box sign and an externally illuminated 'Lloyds TSB' fascia sign

Decision: 28-10-1998 Approved

Comment on Relevant Planning History

3445/ADV/2017/57 - Installation of externally illuminated fascia sign and internally illuminated projecting roundel sign.

There is no relevant planning history in this instance. The majority of the previous applications relate to advertisement consents for the previous use.

4. Planning Policies and Standards

No additional policies for consideration.

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:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE20 Daylight and sunlight considerations.
- LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
- LPP 4.7 (2016) Retail and town centre development
- LPP 4.8 (2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
- S6 Change of use of shops - safeguarding the amenities of shopping areas
- BE28 Shop fronts - design and materials
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- BE4 New development within or on the fringes of conservation areas
- LPP 3.5 (2015) Quality and design of housing developments
- 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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **28th June 2017**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Ickenham Residents Association - Objection:

The proposed COSTA fascia sign would be externally illuminated, whereas the standard COSTA projecting sign would be internally illuminated, not allowed in the Ickenham Village Conservation Area.

(OFFICER COMMENTS - This is not part of this application and is dealt with separately under the advertisement application, ref: 3445/ADV/2017/57.)

They go on to state:

Already plenty of coffee shops in Ickenham, and the location is immediately adjacent to the Village Hall, where many charities and local organisations hold their own Coffee Mornings. There are currently 23 restaurants/cafes or hot food takeaway establishments (out of a total of 37 retail shops) in the shopping parade along Swakeleys Road, Glebe Avenue and High Road + West Ruislip Station.

Swakeleys Road ICKENHAM

- 1 WENZEL's Bakery and Takeaway.
- 2 Fry Days Fish and Chips Takeaway.
- 3 The Tichenham Inn Public House .
- 4 Maison de Soleil - Cafe.

- 5 Roc Cottage Chinese Restaurant Takeaway.
- 6 Birothi Indian Restaurant Takeaway.
- 7 Lotus House Chinese Restaurant Takeaway.
- 8 73 Swakeleys Road Restaurant and Coffee Shop.

Long Lane ICKENHAM

- 9 Coach & Horses Public House.
- 10 Pink Garlic.
- 11 Fresh Bites.

Glebe Avenue ICKENHAM

- 12 Blue Saffron Indian take away.
- 13 Peking Palace Chinese take away.
- 14 Iced 'n' Sliced cafe.
- 15 No. 2 Glebe Avenue / MAPLESTONE - Change of Use for hot takeaway approved (2771/APP/2012/2062)

High Road ICKENHAM

- 16 Soldiers Return Public House.
- 17 Old Fox Public House introducing
- 18 a new Italian Restaurant

High Road ICKENHAM / West Ruislip Station

- 19 Dominos Pizza, Great Central Parade,
- 20 Darjeeling Tandoori, Great Central Parade,
- 21 Ickenham Rendezvous.
- 22 Ickenham Fish Bar.
- 23 Pakora East India Takeaway (next to West Ruislip Station)

Plus two Petrol Stations (one in Long Lane and one in High Road) with shop outlets and facilities for takeaway food.

OFFICER COMMENTS:

The objection from Ickenham Residents Association is noted. However it is important to note that although the proposal is for A1/A3 use, it is quite specific in regard to the proposed 'Coffee Shop' and not say restaurants or hot food takeaway establishments. In addition from their own submission it is clear that the 'search area' taken is much wider than just the application site. Nevertheless taking just Swakeleys Road, there are currently only 2 existing cafes along this stretch, as taken from their submission. Therefore it is considered that this is not an over intensification of one particular use in this area. Furthermore the proposal would help bring an existing vacant unit back into use thereby increasing the viability and vitality of the local town centre.

Internal Consultees

Highways Officer Comments - no objection:

There is no on site parking provision for the existing or proposed uses. The parking standards for the existing and proposed uses are similar. No objections are raised on highway grounds.

Access Officer - no objection:

I have considered the detail of this planning application and have no comments to make.

Conservation Officer - no objection.

Environmental Protection Unit - no objection subject to conditions:

Air extraction system noise and odour

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures 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 of the Hillingdon Unitary Development Plan.

Noise affecting residential property

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142.

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

Sound insulation of commercial premises

The development shall not begin until a sound insulation 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 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 of the Hillingdon Unitary Development Plan.

Control of environmental nuisance from construction work (Informative)

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit 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)

Planning Policy Team - No Objection:

I note that the application is for change of use from A2 to A1/A3. Whilst I am aware of the complexities around the planning definition of 'coffee shops' and the tendency to submit mixed-use definitions for sites of this nature, applicants should still seek to justify why a mixed-use definition is required. This may include evidence of a forecasted sales breakdown or information on the number of covers. As the applicant will likely be aware, A1 retail policies are prominent across planning policy and the London Borough of Hillingdon's local policies are no exception.

In regards to the principle of development, there is no policy objection to the proposed change of use. The site is currently vacant and the proposed change of use would allow the site to come back into operation. Paragraph 5.2.1 of the Mayor of London's Town Centre SPG highlights that:

'Vacant properties can lead to a spiral of decline, engender feelings of neglect and lack of confidence in town centres, and act as a magnet for crime and antisocial behaviour. Redeveloping and bringing vacant and under-used sites and properties back into use can help stimulate vitality and economic viability.'

It is acknowledged that coffee shops are common in high streets and town centres and can add to the vitality and viability of a town centre. Coffee shops can enhance the shopping experience by providing a location for shoppers to relax and acts as a location for people to meet.

Furthermore, regardless of 'coffee shop' land use definition, the change of use would not result in the loss of Use Class A1 shop and so is not in conflict with Policies S9 and S10 of the UDP Saved Policies (2007) or Policy DMTC 3 of the emerging Local Plan Part 2.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S6 states changes of use applications will be granted where: a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion. The proposed external alterations to the building would not appear out of keeping with the existing building or impact unduly on the visual amenities of the surrounding area. Loss of residential amenity and highway issues are dealt with elsewhere in the report and as such, the proposal is considered to comply with all the criteria listed in Policy S6 of the UDP (Saved Policies September 2007).

It is generally accepted that coffee shops have a similar footfall to mainstream retail units therefore providing a significant contribution toward the patronage of shopping areas as a whole. It is also the case that this proposal is a hybrid A1/A3 use as generally food would only be re-heated on the premises. To ensure only a coffee shop is implemented as part of this consent the permission is recommended to be conditioned as a hybrid A1/A3 use only. It is therefore considered that the application proposal would positively contribute to the vitality and viability of the Local Town Centre Area.

The proposal involves change of use from A2 to a mix A1 and A3 use. It does not involve the loss of any retail frontage.

The proposal would provide an appropriate use within the high street. The proposed use would contribute to the vitality and viability of the high street and would not result in an undue concentration of non A1 retail units. Therefore, the principle of a mixed use A1/A3 (shop and restaurant/cafe) is considered acceptable.

Furthermore the Planning Policy Team have also confirmed that there is no policy objection to the proposed change of use. The site is currently vacant and the proposed change of use would allow the site to come back into operation. Regardless of 'coffee shop' land use definition, the change of use would not result in the loss of Use Class A1 shop and so is not in conflict with Policies S9 and S10 of the UDP Saved Policies (2007) or Policy DMTC 3 of the emerging Local Plan Part 2.

7.02 Density of the proposed development

Not applicable to this application.

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

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area, and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building. Furthermore Policy BE4 requires development to preserve and enhance the character of Conservation Areas. Policy BE4 reflects the relevant legal duties.

The application site is located within the Ickenham Village Conservation Area. The Council's Conservation Officer has no objections to the proposed change of use. The external alteration involving the amendment to the shop front door is considered to have minimal impact on the character and appearance of the street scene. Therefore, the application is considered to preserve and enhance the character of the Conservation Area in accordance with Policies BE4, BE13 and BE15 of the Hillingdon UDP.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene. The proposal would have minimal impact on the character and appearance of the street scene and as such would comply with Policy BE13 of the Hillingdon UDP..

7.08 Impact on neighbours

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and Policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated.

The Council's Environmental Protection Officer has not raised an objection to the application subject to appropriate conditions being imposed.

The proposal is for change of use from A2 to A1/A3 use. The application forms confirm that the hours of operation would be 07:00 to 19:00 Monday to Saturday and 09:00 to 17:00 on Sundays. The hours of operation are considered acceptable. This would be secured through a condition.

The application does not include details of any extraction/ventilation. However, the details would be secured through a condition.

Therefore subject to these conditions the proposal is considered to accord with Policies OE1 and OE3 of the UDP (Saved Policies September 2007).

Policy S6 states changes of use applications will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion.

The proposal would not have any adverse impact in respect of any of these matters, given its town centre location.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

It is considered that the proposal would not give rise to any harm in terms of traffic impact or pedestrian safety in this location. There is no external seating proposed.

There is no off street car parking immediately associated with this unit. The existing access and servicing arrangements would remain as per the existing retail uses. In this respect, it is therefore considered that there would be no conflict with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

It is recommended that if permission were to be granted an informative is added advising the applicant of the need to comply with The Building Regulations Part M 'Access to and use of Buildings'.

Therefore the proposal would comply with the intentions of the Council's HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

No trees or other landscape features of merit would be affected by the development and the proposal will have little visual impact when viewed from the public realm. There is no opportunity for landscape enhancement as part of this town centre site. As such the proposal is considered acceptable in accordance with Policy BE38 of the Hillingdon UDP.

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

Policy OE1 states that permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and Policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated.

The Environmental Protection Officer has not raised an objection to the application subject

to a number of safeguarding conditions being applied relating to the extract ventilation systems and odour control, noise and sound insulation, in order to safeguard the amenity of residents and the surrounding area.

7.19 Comments on Public Consultations

The issues raised have been addressed in the main report.

7.2 Impact on Street Scene

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. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

Policy BE4 states that: "New development within or on the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities; development should avoid the demolition or loss of such features. There will be a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. Policy BE4 reflects the relevant legal duties.

The proposed alterations to the frontage are considered acceptable. They would not detract from the character and appearance of the existing building or the Conservation Area.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.4 Carparking & Layout

There is no on site parking provision for the existing or proposed uses. The parking standards for the existing and proposed uses are similar.

It is considered that the proposal would not give rise to any harm in terms of traffic impact or pedestrian safety in this location.

The existing access and servicing arrangement would remain as per the existing.

In this respect, it is considered that there would be no conflict with policies AM7 and AM14 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.6 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.

10. CONCLUSION

The proposal would not be detrimental to visual amenity of the conservation area and the proposed use is compatible with the neighbouring uses, with no loss of amenity to residential properties.

There are no identified traffic, highways related or parking concerns as a result of the proposal.

The application accords with the Council's adopted planning policies and is therefore recommended for approval.

11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007),
Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development
Plan, Saved Policies, September 2007).
London Plan (2016)
NPPF

Contact Officer: Hardeep Ryatt

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Notes:

 Site boundary

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Planning Application Ref:
3445/APP/2017/1715

Scale:
1:1,250

Planning Committee:
North

Date:
August 2017



HILLINGDON
 LONDON