

Report of the Head of Planning, Sport and Green Spaces

Address TAMARA LOUNGE, BYRON PARADE UXBRIDGE ROAD HILLINGDON

Development: Retention of a replacement single storey side/rear canopy extension and single storey store building to existing part Drinks Establishment (Use Class A4) and part Shisha Lounge (Sui Generis) following demolition of existing side/rear canopy extension incorporating a store and servery

LBH Ref Nos: 61362/APP/2017/1902

Drawing Nos: 104B
Planning, Design and Access Statement
102A
105A
Location Plan (1:1250)

Date Plans Received: 23/05/2017 **Date(s) of Amendment(s):** 08/09/2017
Date Application Valid: 31/05/2017 23/05/2017

1. SUMMARY

Planning permission is sought for the retention of a replacement single storey side/rear canopy extension and single storey store building to the existing part Drinks Establishment (Use Class A4) and part Shisha Lounge (Sui Generis) following demolition of the existing side/rear canopy extension incorporating a store and servery. The scheme also includes internal alterations to an existing lobby and hall to provide a cocktail area.

The proposed canopy, the single storey store building and the internal works would not result in a detrimental impact on the character and appearance of the building and would not impact on residential amenity. The proposed canopy would be located at the rear of the site and would not be visible from the street.

The proposal complies with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application is therefore recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 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, 104B and 105A and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the London Plan (2015).

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.

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

3 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).

4 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/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

5

Your attention is drawn to the fact that the planning permission does not override your separate legal requirements to ensure the operation and use of the facility detailed in the approved plans accords with the requirements of the following legislation: The Health Act 2006; The Smoke-free (Premises and Enforcement) Regulations 2006 [SI 2006/3368]; The Smoke-free (Exemptions and Vehicles) Regulations 2007 [SI 2007/765]; The Smoke-free (Penalties and Discounted Amounts) Regulations 2007 [SI 2007/764]; and The Smoke-free (Signs) Regulations 2012 [SI 2012/1536].

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the north side of Uxbridge Road between the junction of Star Road and Heath Road. The site is located adjacent to Byron shopping parade designated as a local centre within the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and is bordered to the north by 9-13 Heath Road and a block of garages, to the east by 1-7A Heath Road and to the west by 7 and 8 Byron Parade and the rear gardens of 2-8 Star Road.

3.2 Proposed Scheme

Planning permission is sought for the retention of a replacement single storey side/rear canopy extension and single storey store building to the existing part Drinks Establishment (Use Class A4) and part Shisha Lounge (Sui Generis) following demolition of the existing side/rear canopy extension incorporating a store and servery.

The single storey store building would be 2.89m wide and 3.74m deep with a height of 2.53m, and would be located along the western side boundary.

The scheme also includes internal alterations to an existing lobby and hall to provide a cocktail area.

The applicant has advised that it was their original intent to implement planning application

ref: 61362/APP/2016/146 fully in accordance with the approved plans; however, because of the condition of the existing canopy they decided to replace it. They also consider that a new canopy will reduce noise disturbance, although it is unclear how this conclusion is reached.

In comparison with the previous planning permission ref: 61362/APP/2016/146 for a canopy at this location, the changes comprise of the following:

- Inclusion of a 'cocktail area'
- Demolition of store and server buildings
- Erection of a new storage building
- The area covered by the canopy is 4.5sqm larger; however, the smoking area enclosed by the freestanding glazed screens remains as per the previous consent.
- The height from ground level to the ceiling of the canopy has been increased from 2.66m to a maximum of 2.8m, and from ground level to the highest point of the canopy from 2.86m to 3.3m.

3.3 Relevant Planning History

61362/ADV/2016/3 Tamara Lounge, 5 Byron Parade Uxbridge Road Hillingdon
Display of illuminated sign on front elevation (Advertisement Consent)

Decision: 16-02-2016 Approved

61362/APP/2012/2390 Tamara Lounge 5 Uxbridge Road Hillingdon
Part change of use to Sui Generis to be used as a Shisha Lounge, 2 x single storey rear extensions and single storey side extension involving and installation of roller shutter to front, and demolition of stores to rear (retrospective)

Decision: 18-12-2012 Refused **Appeal:** 03-12-2013 Part Allowed

61362/APP/2014/701 Tamara Lounge 5 Uxbridge Road Hillingdon
Details in compliance with conditions 1 (Sound Proofing Scheme/Sound Attenuation Measures) and 2 (Secured by Design Details) of the Secretary of State's Appeal Decision APP/R5510/A/13/2190196 dated 3 December 2013.

Decision:

61362/APP/2014/868 Tamara Lounge, 5 Byron Parade Uxbridge Road Hillingdon
Single storey front extension to entrance area

Decision: 12-06-2014 Approved

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

Decision: 16-02-2016 Approved

61362/APP/2016/3466 Tamara Lounge, Byron Parade Uxbridge Road Hillingdon

Proposed side timber canopy

Decision: 01-11-2016 Approved

61362/APP/2017/1642 Tamara Lounge, Byron Parade Uxbridge Road Hillingdon

A marquee to be erected in rear garden for a period of 3 months.

Decision: 11-09-2017 Withdrawn

Comment on Relevant Planning History

The application site has a history of enforcement investigations, and is currently the subject of an enforcement investigation into unauthorised works to the rear canopy. This current application seeks to regularise the unauthorised works to the canopy.

An enforcement notice for the unauthorised change of use of the premises from a drinking establishment (A4 Use) to a mixed use comprising a drinking establishment (A4) and a covered area used for smoking shisha pipes (sui Generis) was served in October 2012. An appeal against the enforcement notice was allowed and the enforcement notice quashed in December 2013.

A timber canopy to the side of the kitchen and store has also been the subject of an enforcement investigation. A planning application (ref: 61362/APP/2016/3466) to retain the timber canopy was approved in November 2011.

Planning Application ref: 61362/APP/2012/2390 for a 'Part change of use to Sui Generis to be used as a Shisha Lounge, 2 x single storey rear extensions and single storey side extension involving installation of roller shutter to front, and demolition of stores to rear (retrospective)' as allowed at Appeal (Planning Inspectorate ref: APP/R5510/C/12/2188290).

Hence, the use of the site for a part Drinks Establishment (Use Class A4) and part Shisha Lounge (Sui Generis) was regularised and made lawful. Subsequently in 2016 planning application ref: 61362/APP/2016/146 for a 'new proposed canopy to terrace at rear of smoking area' was granted. This consented scheme was to extend an existing canopy to cover an area broadly similar to the proposal hereby sought. It should also be noted that a temporary marquee was located in part of the rear garden at the start of the summer. This marquee was removed by the applicant at officer's request during the determination of this application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 39 local owners/occupiers. One response was received:

- i) Previous condition that no music to be broadcast outside soundproofed interior is not being complied with
- ii) smells from outdoor cooking is invasive.

Ward Councillor: Requests that the application be determined by the Planning Committee.

Internal Consultees

None

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed scheme, to retain a replacement single storey side/rear canopy extension over the terrace at the rear of the smoking area, a replacement single storey store building and internal alterations to provide a cocktail area, is considered to be acceptable in principle subject to compliance with the relevant Hillingdon Local Plan Policies (November 2012).

In particular the principle of a mixed use site was agreed through the 2013 appeal decision and a canopy has already been allowed at the location which is the subject of the planning application. The reference to a cocktail area is not considered material given the wider use of the site as a Public House.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires developments to harmonise with the existing street scene and other features of the area that are considered desirable to retain or enhance. Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) require alterations and extensions to harmonise with the scale, form, architectural composition and proportions of the original building.

The canopy to be retained, whilst larger than the previous canopy, would cover an existing smoking area/terrace located at the rear of the site. The size and height of the canopy is considered to be acceptable and would not be visible from the street or within views of the wider area.

The size and location of the single storey store building is considered to be acceptable, and it would not be visible from the street.

The internal works to the existing lobby/hall at the front of the building, to provide a cocktail area, are considered to be acceptable and would not result in any external changes to the building.

The proposal is therefore considered to comply with Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The proposal seeks to retain a canopy which replaces an existing smaller canopy, covering over an existing smoking area. The application does not allow for a material change in the use or the intensity of the use of the area beneath it.

Whilst of a larger size than the previous canopy, due to the location of the terrace and the orientation of the building, the canopy to be retained would not be particularly visible from neighbouring properties and would not impact on residential amenity. Concerns over odour nuisance would be dealt with under separate legislation.

It is therefore considered that the development would comply with Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not applicable to this application.

7.11 Urban design, access and security

Urban design:
See Section 07.07 of this report.

Access and Security:
There would be no change to the existing access and security arrangements of the site.

7.12 Disabled access

- Not applicable to this application.
- 7.13 Provision of affordable & special needs housing**
- Not applicable to this application.
- 7.14 Trees, landscaping and Ecology**
- Not applicable to this application.
- 7.15 Sustainable waste management**
- Not applicable to this application.
- 7.16 Renewable energy / Sustainability**
- Not applicable to this application.
- 7.17 Flooding or Drainage Issues**
- Not applicable to this application.
- 7.18 Noise or Air Quality Issues**
- It is not considered that a 4.5m square canopy increase will lead to a material increase in noise disturbance. It should also be noted that a temporary marquee was located in part of the rear garden of the Public House at the start of the summer. This marquee was removed by the applicant at officer's request during the determination of this application. The marquee was considered to represent a potentially more harmful proposition as regards neighbour impact than the proposal the subject of this application, the marquee being a more lightweight construction and being located closer to various neighbours' rear gardens.
- 7.19 Comments on Public Consultations**
- One response was received during the public consultation.
- 7.20 Planning obligations**
- Not applicable to this application.
- 7.21 Expediency of enforcement action**
- Previous enforcement notices and the 2013 appeal decisions for the site have been complied with. This current application seeks to regularise the unauthorised works to the canopy.
- 7.22 Other Issues**
- None

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

Planning permission is sought for the retention of a replacement single storey side/rear canopy extension and single storey store building to the existing part Drinks Establishment (Use Class A4) and part Shisha Lounge (Sui Generis) following demolition of the existing side/rear canopy extension incorporating a store and servery. The scheme also includes internal alterations to an existing lobby and hall to provide a cocktail area.

The proposed canopy, the single storey store building and the internal works would not result in a detrimental impact on the character and appearance of the building and would not impact on residential amenity. The proposed canopy would be located at the rear of the site and would not be visible from the street.

The proposal complies with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application is therefore recommended for approval.

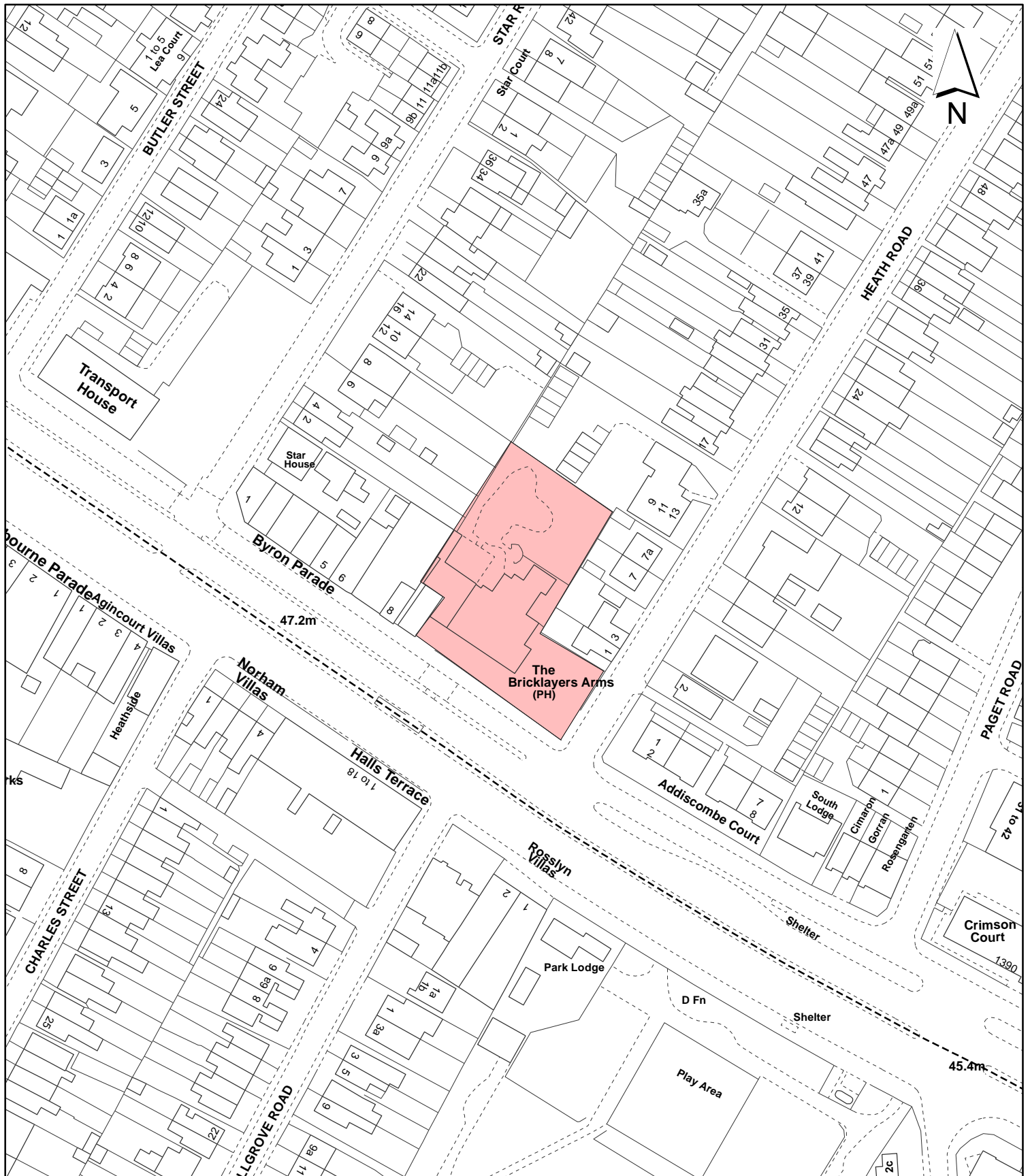
11. Reference Documents

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

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

Contact Officer: Katherine Mills

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Tamara Lounge,
 Byron Parade**

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

Planning Application Ref:
61362/APP/2017/1902

Scale:
1:1,250

Planning Committee:
Central & South

Date:
September 2017

