

## Report of the Head of Planning, Sport and Green Spaces

**Address** 2 RESERVOIR ROAD RUISLIP

**Development:** Change of use to car wash, valeting and car sales (Part retrospective)

**LBH Ref Nos:** 7112/APP/2017/2725

**Drawing Nos:** GA\_01  
GA\_00

**Date Plans Received:** 26/07/2017

**Date(s) of Amendment(s):** 26/07/0017

**Date Application Valid:** 06/09/2017

### 1. SUMMARY

The application seeks planning permission for a change of use to car wash, valeting and car sales (Part retrospective).

Planning permission has already been granted for a change of use to car wash and valeting in December 2016. This application seeks to regularise the additional use of car sales from the premises, which is currently unauthorised. It is considered that the additional use of car sales, would not result in any significant increase in noise over and above the existing use and would therefore not be detrimental to the amenities of the adjoining occupiers. In addition it is considered that with appropriate conditions and in particular limiting the number of vehicles on site to 12, would not result in any adverse impact to the site or surrounding area.

Therefore the application is recommended for approval.

### 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: GA\_00 and GA\_01; 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 NONSC Non Standard Condition

The total number of vehicles to be parked on site for sale will be limited to a maximum total of 12. These vehicles will be positioned in the areas highlighted in accordance with the submitted plan, numbered GA\_01.

#### 3 COM5 General compliance with supporting documentation

Within three months of the date of this approval all noise mitigation measures shall have been implemented in accordance with the following specified supporting plans and/or documents:

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

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

#### REASON

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

#### **4 COM22 Operating Hours**

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

#### REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **5 COM21 Sound insulation /mitigation**

Car sales or display for sale shall not begin until a scheme for the control of noise transmission to the adjoining dwellings has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures to insulate the plant & machinery as may be approved by the LPA. Thereafter, the scheme shall be implemented within three months of the written approval having been given and maintained in full compliance with the approved measures thereafter.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **6 RES15 Sustainable Water Management (changed from SUDS)**

Within three months of the date of this approval, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it incorporates sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.15 of the London Plan and will:

- i. provide information on all SuDs features including the method employed to delay and control the surface water discharged from the site and:
- ii. provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime. Including appropriate details of Inspection regimes, appropriate performance specification.  
The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iii. provide details of water collection facilities to capture excess rainwater; and how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented within three months of the written

approval having been given and retained/maintained in accordance with these details for as long as the development remains in existence.

#### Reason

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to:

- Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1-Strategic Policies (Nov 2012),
- Policy DMEI 10 Water Management, Efficiency and Quality in emerging Hillingdon Local Plan Part 2 Development Management Policies,
- Policy 5.12 Flood Risk Management of the London Plan (March 2016),
- To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2016),
- Conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016),
- National Planning Policy Framework (March 2012), and
- Planning Practice Guidance (March 2014).

#### **7            0M11            Floodlighting**

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

#### REASON

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

#### **8            COM27            Traffic Arrangements - submission of details**

Within three months of the date of this approval, details shall be submitted showing markings within the site directing drivers to washing points, washing bays, and a one way system for cars with access from Reservoir Road and egress onto Ducks Hill Road. Thereafter, the scheme shall be implemented within three months of the written approval of the details having been given. The markings shall be retained for the duration of the development.

#### REASON

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

### **INFORMATIVES**

#### **1            I59            Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

#### **2            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).

### **3 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

|         |   |
|---------|---|
| AM14    | New development and car parking standards.  |
| AM7     | Consideration of traffic generated by proposed developments.  |
| BE13    | New development must harmonise with the existing street scene.  |
| BE15    | Alterations and extensions to existing buildings  |
| BE19    | New development must improve or complement the character of the area.   |
| BE38    | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| OE1     | Protection of the character and amenities of surrounding properties and the local area                                    |
| OE3     | Buildings or uses likely to cause noise annoyance - mitigation measures   |
| LE1     | Proposals for industry, warehousing and business development  |
| LE5     | Small scale business activities within the developed area   |
| LPP 5.3 | (2016) Sustainable design and construction  |

### **4**

The applicant is advised that any vehicles associated with activities on site parked on the public highway would be a contravention of the London Local Authorities Act 1990.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site comprises a single storey building and covered forecourt. The site is currently in use as providing car wash and valeting services as well as car sales. However the car sales use is currently unauthorised as the existing permission (7112/APP/2016/856) does not cover this.

It had previously been used as an unauthorised 'car wash' and a 'taxi' station, which ceased following Enforcement Action. Previous to this the site was formerly used for 'car sales'.

The site is located on the Southern side of Reservoir Road, adjacent to the junction where Bury Street, to the South of the site meets Ducks Hill Road, to the North. Directly East of the site are residential properties, comprising flats and houses. 18 m North of the site on Ducks Hill Road, is a locally listed building, 'The Methodist Chapel'. To the North of the site is an area identified as being at risk of surface water flooding.

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

### 3.2 Proposed Scheme

The application seeks planning permission for a change of use to car wash, valeting and car sales (Part retrospective).

The proposal would limit the number of vehicles on site for sale to a maximum of 12 vehicles.

### 3.3 Relevant Planning History

7112/ADV/2013/102      2 Reservoir Road Ruislip  
Installation of various illuminated and non-illuminated signs

**Decision:** 30-01-2014    Refused

7112/ADV/2014/37      2 Reservoir Road Ruislip  
Installation of 4 non-illuminated fascia signs

**Decision:** 07-08-2014    Approved

7112/APP/2013/3405      2 Reservoir Road Ruislip  
Change of use from Car Sales to Car Wash, Taxi Car Business and MOT centre to include creating additional first floor level to existing building, two storey structure for use as MOT workshop, new covered area for car wash/taxi cars and installation of new pedestrian gate to side and reduction of canopy at front.

**Decision:** 27-05-2014    Refused

7112/APP/2014/1936      2 Reservoir Road Ruislip  
Change of use from Car Sales to Car Wash and Taxi Car Business involving installation of canopy to side

**Decision:** 07-08-2014    Refused

7112/APP/2014/2896      2 Reservoir Road Ruislip  
Change of Use from Car Sales to Car Wash and Taxi Car-Booking Office involving installation of canopy to side

**Decision:** 12-11-2014    Refused

7112/APP/2014/4276      2 Reservoir Road Ruislip  
Change of use from car sales to car wash and taxi Booking office involving installation of canopy to side for tyre fitting

**Decision:** 04-03-2015    Refused

7112/APP/2016/856      2 Reservoir Road Ruislip  
Change of use to car wash and valeting.

**Decision:** 06-12-2016    Approved

7112/C/78/0217      Heron Service Station, 2 Reservoir Road Ruislip  
Details in compliance with 07112/770079(P)

**Decision:** 09-03-1980    Approved

7112/G/82/0889      Heron Service Station, 2 Reservoir Road Ruislip  
Formation of access (P)

**Decision:** 28-07-1982    Approved

7112/H/84/3136      Heron Service Station, 2 Reservoir Road Ruislip  
Advertisement (P)

**Decision:** 22-11-1984    Approved

7112/J/91/1526      Ruislip Common Service Station,2      Reservoir Road Ruislip  
Installation of new petrol pumps and above ground diesel storage tank

**Decision:** 03-04-1992    Approved

7112/K/98/2253      2 Reservoir Road Ruislip  
Change of use from petrol filling station to open car sales

**Decision:** 07-04-1999    Approved

7112/L/99/1311      2 Reservoir Road Ruislip  
Details of landscaping scheme in compliance with condition 3 of planning permission  
ref.7112K/98/ 2253 dated 07/04/99; Change of use from petrol filling station to open car sales

**Decision:** 23-07-1999    Approved

7112/PRC/2016/23      2 Reservoir Road Ruislip  
See covering letter

**Decision:** 24-02-2016    PRC

#### **Comment on Relevant Planning History**

It is evident that the site has an extensive planning history which includes various enforcement action:

7112/APP/2016/856 - Change of use to car wash and valeting. Approved subject to a number of conditions on 19.12.2016.

7112/APP/2014/4276 - Change of use from car sales to car wash and taxi Booking office involving installation of canopy to side for tyre fitting. Refused for the following reason:

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

7112/APP/2014/2896 - Change of use from car sales to car wash and taxi Booking office involving installation of canopy to side for tyre fitting. Refused for the following reasons:

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

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

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

The reasoning given for the enforcement Notice was:

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

The Enforcement Notice has been complied with the unauthorised uses ceasing.

However following the unauthorised use of car sales from the premises the Enforcement Team contacted the applicant in July 2017 and this application has been submitted to regularise the use.

#### **4. Planning Policies and Standards**

#### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14 New development and car parking standards.  
AM7 Consideration of traffic generated by proposed developments.  
BE13 New development must harmonise with the existing street scene.  
BE15 Alterations and extensions to existing buildings  
BE19 New development must improve or complement the character of the area.  
BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.  
OE1 Protection of the character and amenities of surrounding properties and the local area  
OE3 Buildings or uses likely to cause noise annoyance - mitigation measures  
LE1 Proposals for industry, warehousing and business development  
LE5 Small scale business activities within the developed area  
LPP 5.3 (2016) Sustainable design and construction

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Neighbouring properties and the Ruislip Residents Association were consulted on 08.09.2017 and a site notice was displayed to the front of the site on 15.09.2017.

No objections or comments have been received.

### **Internal Consultees**

Floods: Condition - Sustainable Drainage:

The site is identified to be at risk of surface water flooding on the Environment Agency Flood Maps. The proposal therefore needs to manage surface water on site.

Comments:

It is therefore important all developments in this area contribute to manage the risk from surface water, and reduce the run off from their site. The following condition is therefore requested:

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it incorporates sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.15 of the London Plan and will:

i. provide information on all SuDs features including the method employed to delay and control the surface water discharged from the site and:



ii. provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime. Including appropriate details of Inspection regimes, appropriate performance specification.

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

iii. provide details of water collection facilities to capture excess rainwater; and how rain and grey water will be recycled and reused in the development.

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

#### Reason

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to:

- Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1-Strategic Policies (Nov 2012),
- Policy DMEI 10 Water Management, Efficiency and Quality in emerging Hillingdon Local Plan Part 2 Development Management Policies,
- Policy 5.12 Flood Risk Management of the London Plan (March 2016),
- To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2016),
- Conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016),
- National Planning Policy Framework (March 2012), and
- Planning Practice Guidance (March 2014).

#### Highways:

I have reviewed the material contained in the above application and have the following comments:

This application is for the use of the site as a mixed use car sales and car wash on the corner of Reservoir Road, a local road and Ducks Hill Road (A4180) which is a classified road.

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

The site proposals involve the use of the now legitimate car wash as a result of a recent approval and now the applicant wishes to add car sales for upto 12 cars on the site.

I doubt if the proposed additional use would add significant amounts of traffic to the local area.

It is assumed that the one-way system will continue to operate at the site with access from Reservoir Road and egress onto Ducks Hill Road.

Providing there are no car sales conducted outside the premises on the highway I have no significant highway concerns over such a proposal.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

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

### **7.02 Density of the proposed development**

Not applicable to this application.

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

The site is not located in a designated area.

### **7.04 Airport safeguarding**

Not applicable to this application.

### **7.05 Impact on the green belt**

The site is not located within the green belt.

#### **7.07 Impact on the character & appearance of the area**

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

There would be no change to the existing building or the layout of the site. As such the proposed development does not impact on the established character of the area, in compliance with Policies BE13 and BE19 of the Hillingdon Local Plan. It is accepted that there would be additional vehicles on site however a condition will be included to limit the overall number for sale to 12 and these vehicles would be located within the enclosed site.

#### **7.08 Impact on neighbours**

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

In determining the previous application and granting planning permission for the change of use to car wash and valeting, the Council's EPU officer reviewed the submitted Noise Report raised no objection subject to the applicant complying with the Noise Management Strategy set out in the submitted Noise Impact Assessment and a condition requiring additional sound insulation of the building.

The proposed additional use of car sales over and above the existing permitted use would not result in any significant increase in the overall noise levels from the site. The proposal is therefore considered to comply with policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.09 Living conditions for future occupiers**

Not applicable to this type of planning application.

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

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.

The Highway Officer has raised no objections to the proposal, stating:

This application is for the use of the site as a mixed use car sales and car wash on the corner of Reservoir Road, a local road and Ducks Hill Road (A4180) which is a classified road.

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

The site proposals involve the use of the now legitimate car wash as a result of a recent approval and now the applicant wishes to add car sales for upto 12 cars on the site.

I doubt if the proposed additional use would add significant amounts of traffic to the local area.

It is assumed that the one-way system will continue to operate at the site with access from Reservoir Road and egress onto Ducks Hill Road.

Providing there are no car sales conducted outside the premises on the highway I have no significant highway concerns over such a proposal.

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

The proposed layout indicates that 12 vehicles for sale can be positioned on site whilst not interfering with the car washing or valeting services provided on site. The proposal would therefore be in compliance with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7.11 Urban design, access and security**

This has been addressed earlier within this report.

**7.12 Disabled access**

Not applicable to this type of application.

**7.13 Provision of affordable & special needs housing**

Not applicable to this type of application.

**7.14 Trees, Landscaping and Ecology**

There are no trees on site.

**7.15 Sustainable waste management**

Not applicable to this type of application.

**7.16 Renewable energy / Sustainability**

Not applicable to this type of application.

**7.17 Flooding or Drainage Issues**

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

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

**7.18 Noise or Air Quality Issues**

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

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

In determining the previous applicaiton and granting planning permission for the change of use to car wash and valeting, the Council's EPU officer reviewed the submitted Noise Report raised no objection subject to the applicant complying with the Noise Management Strategy set out in the submitted Noise Impact Assessment and a condition requiring

additional sound insulation of the building.

The proposed additional use of car sales over and above the existing permitted use would not result in any significant increase in the overall noise levels from the site. The proposal is therefore considered to comply with policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7.19 Comments on Public Consultations**

None.

**7.20 Planning Obligations**

Not applicable to this type of application.

**7.21 Expediency of enforcement action**

The application is retrospective and, if refused, it will be necessary to consider the expediency of enforcement action.

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control as this is a different tenant. In any event this application has been submitted following ongoing communications with the Council's Enforcement Team.

An Enforcement Notice was issued against the previous Car Wash, Tyre Fitting and Taxi business that operated on the site. The Enforcement Notice stated the following breach had occurred:

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

The reasoning given for the enforcement Notice was:

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

The Enforcement Notice has been complied with the unauthorised uses ceasing.

**7.22 Other Issues**

None.

**8. Observations of the Borough Solicitor**

General

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

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

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

#### Planning Conditions

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

#### Planning Obligations

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

#### Equalities and Human Rights

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

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

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

### **9. Observations of the Director of Finance**

### **10. CONCLUSION**

The application seeks planning permission for a change of use to car wash, valeting and car sales (Part retrospective).

Planning permission has already been granted for a change of use to car wash and valeting in December 2016. This application seeks to regularise the additional use of car sales from the premises, which is currently unauthorised. It is considered that the additional use of car sales, would not result in any significant increase in noise over and above the existing use and would therefore not be detrimental to the amenities of the adjoining occupiers. In addition it is considered that with appropriate conditions and in particular limiting the number of vehicles on site to 12, would not result in any adverse impact to the site or surrounding area.

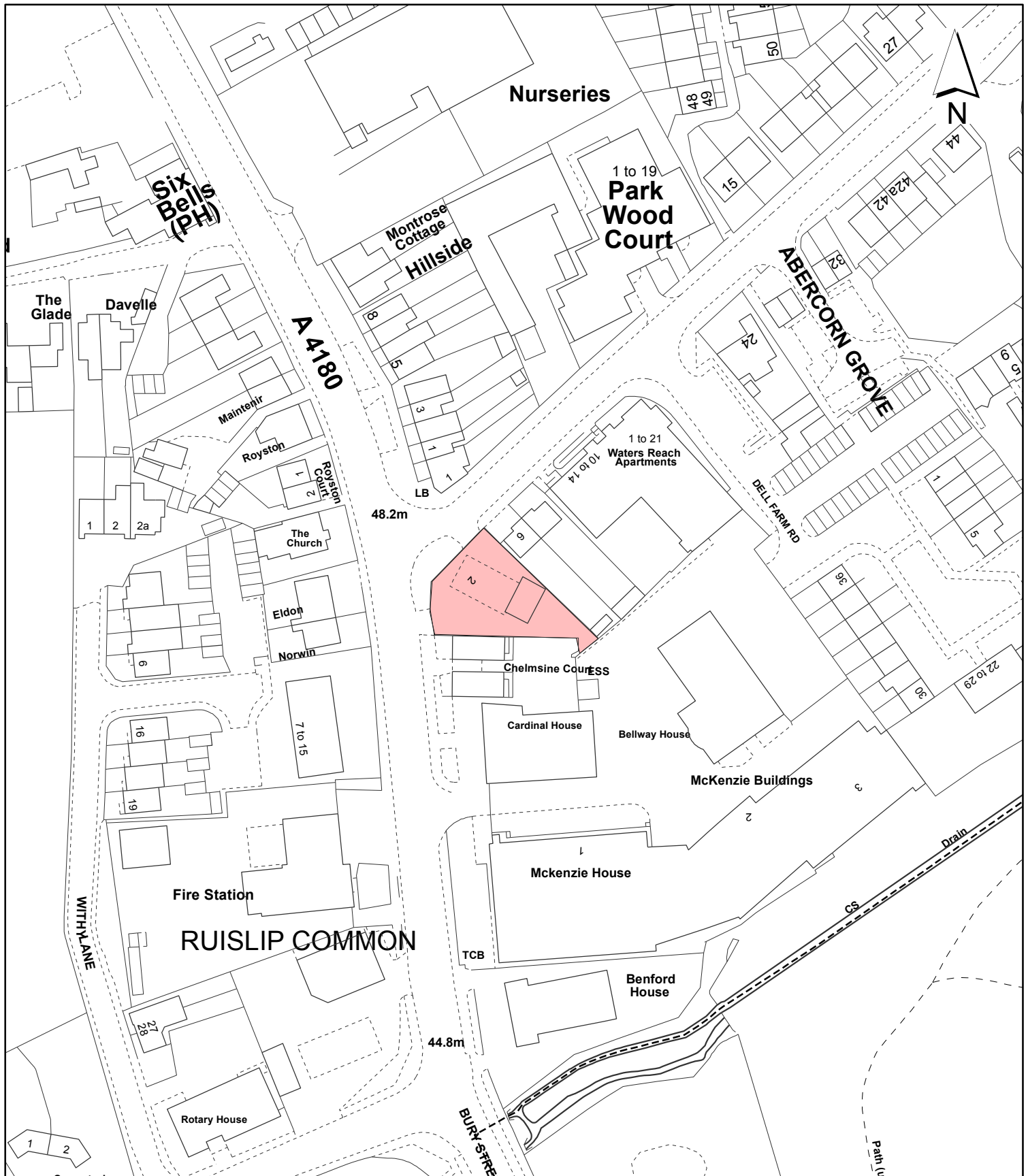
Therefore the application is recommended for approval.

#### **11. Reference Documents**

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

**Contact Officer:** Hardeep Ryatt

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**2 Reservoir Road**

Planning Application Ref:

**7112/APP/2017/2725**

Planning Committee:

**North**

Scale:

**1:1,250**

Date:

**November 2017**

**LONDON BOROUGH OF HILLINGDON**

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



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