

Report of the Head of Planning, Transportation and Regeneration

Address 5B WINDSOR STREET UXBRIDGE MIDDLESEX

Development: Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) and installation of external duct to the rear of the building

LBH Ref Nos: 63792/APP/2019/975

Drawing Nos: 5b Windsor St 17 Mar 2019 6:23
D&AS 5 Windsor Road Rev A
103-CoU
102-CoU
101-CoU
KLS2145 Rev A Proposed_Range_Layout
KLS2145 Rev A Proposed_Range_Ductwork

Date Plans Received: 21/03/2019 **Date(s) of Amendment(s):** 22/03/2019

Date Application Valid: 21/03/2019

1. SUMMARY

The application seeks consent for the change of use from retail (Use Class A1) to hot food takeaway (Use Class A5). The site is located within the Old Uxbridge/Windsor Street Conservation Area, Uxbridge Town Centre and is part of Uxbridge Town Centre and Uxbridge Primary Shopping Area.

A previous application under reference 63792/APP/2011/66 was refused for the Change of use from A1 (Retail) to A5 (Hot Food Takeaway) and installation of extract ductwork to rear elevation.

According to the Annual Shopping Survey 2016: Uxbridge (Metropolitan Town Centre), retail frontage with A1 use is currently at 67.1% which is below the minimum 70% required. As such, it is considered that the proposed change would not comply with Policy S11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMTC2 of the emerging Local Plan: Part 2 Development Management Policies - Revised Proposed Submission Version (2015).

The siting of the proposed extraction ductwork is in close proximity of an existing first floor window which raises concerns for potential noise and smell. The applicant has not provided any ventilation information or specification to control odours and to prevent smell nuisance. Furthermore, no waste management solution was proposed in the application to deal with waste, storage, disposal/collection and as such, could have an adverse effect on the surrounding area.

The Council's Urban Design and Conservation Officer has raised objections to the proposal. The installation of the galvanised ducting on the rear would be highly visible along Windsor Street and the alley running behind the property. Thus, the proposal is considered not to be in accordance with Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

The application is recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal, by reason of the loss of a retail unit within the primary shopping area of the Uxbridge Town Centre and the use proposed, would erode the retail function of the area, harming the vitality and viability of the centre. The proposal is therefore contrary to Policy S11 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and Policy 2.15 of the London Plan (2016).

2 NON2 Non Standard reason for refusal

The proposal, by reason of design and siting of the extraction duct, would appear visually intrusive and would thus fail to harmonise with the architectural composition of the original property, would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Old Uxbridge/Windsor Street Conservation Area. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE8, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.8 of the London Plan (2016) and the NPPF.

3 NON2 Non Standard reason for refusal

The proposal has not demonstrated adequate provision of a bin storage area for the proposal or that effective waste management control for the site has been considered. The proposal could thus result in a detrimental effect on the overall street scene and level of residential amenity. Therefore the proposal is contrary to policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE 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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
DMTC 1	Town Centre Development
DMTC 2	Primary and Secondary Shopping Areas
LPP 2.15	(2016) Town Centres
LPP 7.8	(2016) Heritage assets and archaeology
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

3 171 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located south-east of Windsor Street adjacent to the roundabout. The building comprises of ground level retail with residential flats above. The unit has a L-shaped layout as the rear of the property is slightly wider. Access to retail units is via Windsor Street and residential access is from the rear of the property.

The building is a locally listed building, formed by 5, 5A & 5B Windsor Street. The site is within Old Uxbridge/Windsor Street Conversation Area, Uxbridge Town Centre and Uxbridge Primary Shopping Area.

The surrounding area is characterised by 2 to 3 storey high adjoining buildings with retail on ground level and residential flats above. Directly north to the site, is St Margaret's Church and the Market Hall. Approximately 80m north-east of the proposed site is the Uxbridge underground and bus station.

3.2 Proposed Scheme

The application seeks consent for the change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) on the ground floor. The alterations that are proposed in association with the change of use include the installation of:

- a counter
- 4 pan island range
- grease sump
- 315mm galvanised spiral ducting from internal rear to exterior rear and terminates 1m above existing roof
- Novenco 315 fan motor 67 DB @ 3M mounted on rubber mounts on the rear of the property.

3.3 Relevant Planning History

63792/APP/2011/616 5b Windsor Street Uxbridge Middlesex

Change of use from Class A1 (Retail) to mixed use Class A1/ D1 (Retail/ Non Residential Institutions) for use as a shop with ancillary well being, acupuncture and physiotherapy services

Decision: 31-05-2012 Withdrawn

63792/APP/2011/667 5b Windsor Street Uxbridge Middlesex

Change of use from A1 (Retail) to A5 (Hot Food Takeaway) and installation of extract ductwork rear elevation

Decision: 26-05-2011 Refused

Comment on Relevant Planning History

Planning consent was refused under application reference 63792/APP/2011/667 on 26-05-11 for the change of use from A1 (Retail) to A5 (Hot Food Takeaway) and installation of extract ductwork to rear elevation.

The reason for refusal are as follows:

- Due to the low termination point of the proposed extraction duct it is considered dispersal of residual odourous extracted air could cause nuisance to nearby residential properties reducing their amenities to below a level they can reasonably expect to enjoy and therefore the application has failed to demonstrate that the development will safeguard the amenities of those properties.

-Due to the inadequate provision of a bin storage area for the proposal, it is not considered effective waste management control for the site has been considered, this could result in a detrimental effect on the overall street scene and level of residential amenity.

The current application has addressed the low termination point of the proposed extraction duct from the previous application. The new proposed termination point of the proposed extraction duct is 1m above the roof height which now raises concerns relating to the design and impact on the setting of the Listed Buildings and the conservation area. No information was provided to address the provision of a bin storage area.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

S6 Change of use of shops - safeguarding the amenities of shopping areas

S11 Service uses in Primary Shopping Areas

BE4 New development within or on the fringes of conservation areas

BE8 Planning applications for alteration or extension of listed buildings

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

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

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

DMTC 1 Town Centre Development

DMTC 2 Primary and Secondary Shopping Areas

LPP 2.15 (2016) Town Centres

LPP 7.8 (2016) Heritage assets and archaeology

NPPF- 7 NPPF-7 2018 - Ensuring the vitality of town centres

NPPF- 16 NPPF-16 2018 - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **11th May 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was on public display between 8/4/2019 and 11/5/2019 and a total of 16 neighbouring occupier/owner were consulted. There were 2 comments and 1 objection received. The following concerns were raised:

- Potential increase in anti-social element to the street, there are existing loud, drunken and violent episodes occurring outside the neighbouring pubs (The Metropolitan and The Fig Tree) on a weekly basis and should a fish and chip shop operate late night to cater for the post-pub football, it may create another focal point for people to loiter and behave anti socially

- Attract drunkards
- Litter
- Hinder the image of the road and customer for other businesses
- Existing proposal does not outline how waste is disposed - risk of mice and rats in the area
- Hours of operation will affect the street immensely
- Noise
- Insufficient information in regards to insulation in the proposal
- Ventilation solution to adequately funnel fumes from the cooking station
- Aesthetic of the street

Thames Water Utilities:

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-payfor-services/Wastewater-services>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 7823333.

Internal Consultees

Conservation and Urban Design Officer:

1. Summary of Comments

Objection raised to change of use to A5 which would involve unsightly external ducting to rear of the building which is readily visible on the lane to the rear and would also be visible in conjunction with the grade II* Market Hall when viewed from the lane looking back towards the Market Hall. The proposal would not preserve the locally listed building or the Old Uxbridge/Windsor Street Conservation Area and would be detrimental to the setting of the grade II* listed Market Hall.

2. Observations

5B Windsor Street is a locally listed building in the heart of the Old Uxbridge/Windsor Street Conservation Area. The building is two storeys divided into three units. The ground floor shop fronts are modern while it is thought the building has a timber framed 17th century core, refronted in stock brick visible on the first floor and to the rear in the nineteenth century. The main roof is slate and set down from the neighbouring houses to either side which are also similarly locally listed. To the rear is a flat roofed extension. Opposite is a run of grade II houses on Windsor Street, numbers 50 to 53 and to the east is the Grade II* listed St Mary's Church. The rear of the property is seen obliquely in conjunction with the Grade II* listed Market Hall when viewed from the junction of Windsor Street and the High Street at the south end of the building and also further along the lane behind number 5B looking back towards the Market Hall. The application site is therefore in a sensitive location in heritage terms.

The application proposes a change of use from Shops (A1) to Fish and Chips takeaway (Class A5) which will necessitate the installation of ducting to the rear.

The ducting to the rear would be 315 mm galvanised spiral ducting with a fan motor and rise one

metre above the ridge line. The ducting would be visible to the rear as the buildings along Windsor Street on the east side are exposed with an alley running behind. The hard reflective material and scale of the proposed ducting would be detrimental to the character and appearance of the locally listed building and the conservation area as well as the setting of the grade II* listed Market Hall particularly when viewed from the lane beyond 5B. The proposed cowl rising above the ridge line would be visible from Windsor Street itself and detrimental to the character and appearance of the conservation area and the locally listed building.

Ducting is inherently detrimental to the character and appearance of historic town centres and extremely difficult to sensitively integrate. In this particular case the rear of the building is highly visible due to the lane running behind and there is no historic reason to find a compromise as one might in the case of an historic listed public house to keep it in use as such. This is a simple locally listed building with modest shops at ground floor and should be retained in retail use to avoid unsightly ducting to the rear.

3 Recommendation: Objection. Refusal on basis of HE1, that it would not preserve the locally listed building or the conservation area. The proposal would also not preserve the setting of the Market Hall (Planning (Listed Buildings and Conservation Areas) Act 1990, 66 (1)).

Waste Strategy Officer:

The proposed plans do not have any details relating to the storage of waste and recycling.

Proposed condition - A refuse management plan should be submitted which shows that: Suitable containment must be provided for separate general waste, recycling and oil which will be produced under the proposed use. To enable collections to take place adequately, the bins must be placed on a hard standing and have lids which are kept in good condition. The pathway from the storage point to the vehicle must be smooth, free from steps or kerbs and not exceed a distance of 10 metres from the nearest stopping point for the collection vehicle. It will be the occupiers duty of care to ensure that the contracted collector for general waste, recycling and oil hold the necessary permits to collect and dispose of the waste and recycling produced.

Environmental Protection Unit:

I have read through the submitted documents and the proposal includes external ducting at the rear of the main elevation, discharge point terminates at the highest eaves of the main elevation.

The applicant has not provided any ventilation information or specification to control odours and prevent smell nuisance.

Before any approval is granted conditions relating to maintenance of new extract and odour control systems and external noise from machinery, extract/ventilation ducting, etc are recommended.

Flood and Water Management:

No objection. No need to consult FWMO as the change of use does not change a more vulnerable class (i.e. does not change to residential).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that permission will be granted for changes of use of Class A1 Shops if the proposal will not be detrimental to the visual amenity, a frontage of a design appropriate to the surrounding area is maintained or provided, the proposed use is compatible with

neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems and has no harmful effect on road safety and does not worsen traffic congestion or disrupt bus operations.

Policy S11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that in primary shopping areas, permission will only be granted for the service uses where the remaining retail facilities are adequate to accord with the character and function of the shopping centre and to provide for the needs of modern retailing and the proposed will not result in a separation of Class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre are satisfied.

The emerging Local Plan: Part 2 Development Management Policies - Revised Proposed Submission Version (2015) is at an advanced stage of being adopted therefore it should be cited as a material consideration when assessing the application.

Policy DMTC2 of the Local Plan: Part 2 Development Management Policies - Revised Proposed Submission Version (2015) states that in primary shopping areas, the Council will support the ground floor use of premises for retail, financial and professional activities and restaurants, cafes, pubs and bars provided that a minimal of 70% of the frontage is retained in Class A1; Use Class A5 hot food takeaways are limited to a maximum of 15% of the frontage; the proposed use will not result a separation of more than 12 metres between A1 retails uses; and the proposed use does not result in a concentration of non retail uses which could be considered to cause harm to the vitality and viability of the town centre.

The application site is within the Uxbridge Town Centre and Primary Shopping Area. In accordance with the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the emerging Local Plan: Part 2 Development Management Policies - Revised Proposed Submission Version (2015), the Local Planning Authority's aim is to retain a minimum of 70% of primary area frontage in Class A1. The Local Planning Authority will resist proposals that would result in the loss of Class A1 shop use in core areas and will examine very closely similar proposals for other parts of these centres. The principle for a change of use from A1 to a non-A1 use in a primary frontage can be established if there are adequate retail facilities to maintain the character and function of the shopping centre.

The most recent Annual Shopping Survey (2016) for this centre shows that the retail frontage within the primary shopping area is currently at 67.1% which is below the minimal requirement of 70%. The granting of permission to this unit would further erode the retail function. Therefore, the proposal is not in accordance with Policy S11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMTC2 of the emerging Local Plan: Part 2 Development Management Policies - Revised Proposed Submission Version (2015) and would therefore, fail to maintain the vitality and viability of the town centre.

Due to the design and position of the proposed external ducting, the application is considered to be detrimental and will cause unacceptable loss of amenity to nearby properties by reason of disturbance, noise, smell and fumes in which the proposed fish and chips takeaway shop will create. Thus, it is contrary to Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.02 Density of the proposed development

Not applicable to this application.

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

The application site is within the Archaeological Priority Areas, however the proposal is for the change of use and the installation of an external duct to the rear of the building. Thus, it is unlikely there will be impact on archaeology.

The site is within the Old Uxbridge/Windsor Street Conservation Area and the the property is a locally Listed Building. The proposed is sited in close proximity to multiple Grade II Listed Buildings including numbers 50-53 Windsor Street, St. Mary's Church and the Market Hall. As a result, the impact on the setting of the Listed Buildings are a main consideration and are addressed in the sections below.

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 BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) 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.

Policy BE8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that application for planning permission to alter or extend statutory listed buildings or buildings on the local list will normally only be permitted if no damage is caused to historic structures. Any additions should be in keeping with other parts of the building and any new external or internal features should harmonise with their surroundings.

Policy BE10 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that listed building consent will not normally be granted for proposals which are considered detrimental to the setting of a listed building

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the Local Planning Authority considers it desirable to retain or enhance.

Policy BE15 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) then goes on to say that proposal for alterations and extensions to existing building will be permitted where they harmonise with the scale, form, architecture composition and proportions of the original building.

There are no external changes to the front elevation however, an external galvanised extraction duct is proposed to the rear of the property. The proposed ducting will appear behind the first level flat of the adjoining property, number 6 Windsor Street, however due to the 1m termination point above the existing roof level and the reflective galvanised finishes, the ductwork will remain highly visible from the street scene on Windsor Street and it will be extremely visually prominent from the rear lane of the property.

Furthermore, due to the close proximity to the multiple Grade II Listed Buildings, the proposed is considered to be detrimental to the setting of the area in general and fail to harmonise with the surrounding. As such, the proposal, by reason of the design and siting of the extraction duct, would appear visually intrusive and would thus fail to harmonise with

the architectural composition of the original property, would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Old Uxbridge/Windsor Street Conservation Area. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE4, BE8, BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.8 of the London Plan (2016) and the NPPF.

7.08 Impact on neighbours

Policy BE20 of Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) says that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them and the amenities of existing houses are safeguarded.

Policy BE21 of Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that planning permission will not be granted for new buildings or extensions which by reason of their siting, bulk and proximity, would result in a significant loss of residential amenity.

There are no material changes to the bulk and massing of this building and therefore it is not considered a material loss of light or outlook would rise to neighbouring properties as a result of this proposal. As such, the application is considered to accord with Policies BE20 and BE21 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP (November 2012) considers whether the traffic generated by proposed development is acceptable in terms of the capacity and functions of existing and committed principal roads only, and will wholly discount any potential which local distributor and access roads may have for carrying through traffic.

Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP (November 2012) permits new development if it is in accordance with the Council's adopted car parking standards.

The site is situated on Windsor Street, approximately 60m from the pedestrianised High Street, and there is no off-street parking spaces available. However, due to the proximity to High Street, it is considered that the majority of trade would be by foot and therefore, it is not considered that the traffic generation between A1 (Retail) and A5 (Takeaway) use would be significantly worsened if the proposal received permission. However, it is considered should permission be granted, a condition is attached restricting any delivery service from the site. The proposal would therefore comply with AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP (November 2012)

7.11 Urban design, access and security

It is not considered that the application has adequately addressed accessibility issues and it appears there is an existing step at the front of the unit. As such, it is considered should a permission be issued it is recommended an informative is applied reminding the applicant of the need to comply with Building Regulations.

7.12 Disabled access

Refer to Urban design, access and security.

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

The submission lacks information on the siting of refuse bins, method of waste disposal and recycling. The Council's Waste Strategy officer was consulted and it is recommended that if the application was to be granted, a condition should be applied.

Based on the observation from the case officer's site visit, the rear wall is built to the boundary line of the property and in close proximity to the kerb of the road. It is thus clear that space is not available, externally, to provide the required bin storage area, and given the limited space within the building, questions are raised as to whether a refuse bin location within the property boundary can be secured. Thus, the proposal has not demonstrated adequate provision of a bin storage area for the proposal or that effective waste management control for the site has been considered. The proposal could thus result in a detrimental effect on the overall street scene and level of residential amenity. Therefore the proposal is contrary to policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The fan motor is located in close proximity to the opening of the first floor flat's window and the extraction duct is routed along the rear elevation which raises concerns of noise generation and odour/smell for the proposed hot food takeaway premise on neighbours. The Council's Environmental Protection Unit officer was consulted and no objections were raised, however if approval is granted, it is recommended that conditions are applied to address noise and air quality prior to development.

7.19 Comments on Public Consultations

The issues raised are addressed in the main body of the report.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

application concerned.

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks consent for the change of use from retail (Use Class A1) to hot food takeaway (Use Class A5). The site is located within the Old Uxbridge/Windsor Street Conservation Area, Uxbridge Town Centre and is part of Uxbridge Town Centre and Uxbridge Primary Shopping Area.

According to the Annual Shopping Survey 2016: Uxbridge (Metropolitan Town Centre), retail frontage with A1 use is currently at 67.1% which is below the minimum 70% required. As such, it is considered that the proposed change would not comply with Policy S11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMTC2 of the emerging Local Plan: Part 2 Development Management Policies - Revised Proposed Submission Version (2015).

Furthermore, the proposed installation of the external galvanised ducting would fail to harmonise with the existing street scene and would be detrimental to the setting of the area comprising of Grade II Listed Buildings. Thus, the proposed is considered not to be in accord with Policies BE4, BE8, BE10, BE13 and BE15 of of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

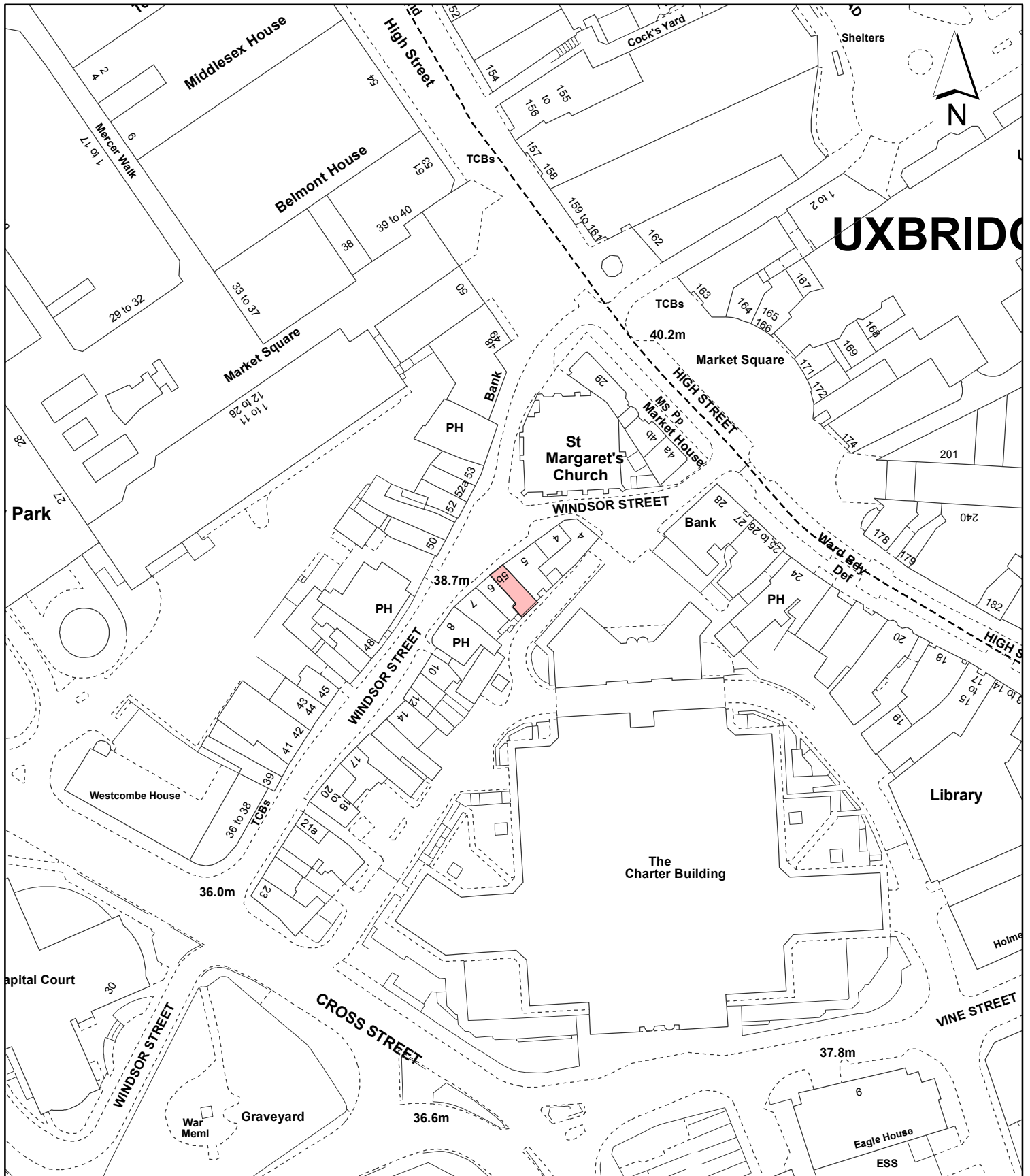
The application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
National Planning Policy Framework (2019)
Local Plan: Part 2 Development Management Policies - Revised Proposed Submission Version (2015)

Contact Officer: Rebecca Lo

Telephone No: 01895 250230



UXBRIDGE

Notes:

 Site boundary

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Site Address:

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**LONDON BOROUGH
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 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
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Planning Application Ref:
63792/APP/2019/975

Scale:
1:1,250

Planning Committee:
Central & South

Date:
June 2019

