Report of the Head of Planning, Transportation and Regeneration

Address 1120 UXBRIDGE ROAD HAYES

Development: Change of use of land from car wash to use as a tyre fitting business involving alteration to roof profile

LBH Ref Nos: 32331/APP/2019/3989

Drawing Nos: PA-02 (Pre-Existing Floor Plan and Elevations)
Environmental Noise Impact Assessment:
PA-02 Rev. B (Existing Floor Plan and Elevations)
PA-01 Rev. B
Transport Assessment

Date Plans Received: 10/12/2019 **Date(s) of Amendment(s):**

Date Application Valid: 10/12/2019

1. SUMMARY

The application seeks part retrospective planning permission for the change of use of land from a car wash to use as a tyre fitting business and storage involving the installation of a new gate, a new roller shutter to the side and alterations to the roof profile.

The new gate and new roof profile would not be detrimental to the street scene, and the design of the gate allows safe access/egress for both vehicles and pedestrians. The impact on noise and disturbance has been demonstrated and it is considered acceptable.

Subsequently, 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 PA-01 Rev. B and PA-02 Rev. B (Existing Floor Plan and Elevations).

REASON
To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2016).

2 COM22 **Operating Hours**

The premises shall only operate between the following hours:

0900 and 1800 Mondays-Fridays and,
0900 and 1700 Saturdays.

REASON
To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

3 COM25 **Loading/unloading/deliveries**

There shall be no servicing of the unit involving deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

REASON
To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

4 NONSC **Non Standard Condition**

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least by 10 dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

REASON
To safeguard the amenity of the surrounding area in accordance with policy DMTC 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 **Compulsory Informative (2)**

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

DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMTC 4	Amenity and Town Centre Uses

3 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 Local Plan: Part Two - Development Management Policies (2020), then London Plan Policies (2016).

4 I70 **LBH worked applicant in a positive & proactive (Granting)**

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 Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

5 I25 **Consent for the Display of Adverts and Illuminated Signs**

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located in a backland position behind a small shopping parade close to the junction of Uxbridge Road and Lansbury Drive. The site is occupied by a small garage/large shed. It is accessed by a driveway located to the West of the shopping parade.

The site is surrounded to the North, East and West by gardens of residential properties: to the North lies 11A Woodstock Gardens, to the West lies Regent Close and to the East lies an access drive located to the rear of residential properties on Lansbury Drive. A hand car wash currently occupiers the existing large canopy area. The attached outbuilding is labelled as vacant on the plans.

The area consists of a mix of residential and commercial properties. The site lies within the Uxbridge Road Minor Town Centre and the Developed Area as identified within the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

3.2 Proposed Scheme

The application seeks part retrospective planning permission for the change of use of the land from a car wash to use as a tyre fitting business and storage to involve the installation of a new gate, roller shutter and roof profile. The small vacant garage has been converted to a car repair building, however, the car wash is still in use. The roller shutter and new roof profile, which is 0.4 metres higher than previous, have been installed but the gate has yet to be installed.

The opening hours would be 9 am to 6 pm Monday to Friday, 9am to 5pm Saturday and closed on Sundays and Bank Holidays. Three proposed number of employees is specified within the application forms.

During the determination process, the plans were amended to include pre-existing plans to demonstrate what is being proposed.

3.3 Relevant Planning History

32331/APP/2006/1627 1120 Uxbridge Road Hayes

RETENTION OF CAR MAINTENANCE AND REPAIR WITH SECONDARY USE AS CAR SALE
AND THE USE OF THE YARD AS A CAR VALETING SERVICE

Decision: 17-02-2012 NFA

32331/APP/2007/288 1120 Uxbridge Road Hayes

RETENTION OF CHANGE OF USE OF BUILDING/SITE FROM BUILDER'S YARD TO CAR VALETING (CLASS B1) (RETROSPECTIVE APPLICATION)

Decision: 16-04-2007 Approved

32331/APP/2014/2417 1120 Uxbridge Road Hayes

Change of Use of land from car park to use as a tyre fitting business and storage

Decision: 17-11-2014 Refused **Appeal:** 22-05-2015 Dismissed

32331/APP/2016/2640 1120 Uxbridge Road Hayes

Change of use of land from car park to use as a tyre fitting business.

Decision: 01-09-2016 Refused

32331/APP/2017/3697 1120 Uxbridge Road Hayes

COU from car wash to tyre fitting business

Decision: 08-01-2018 NFA

32331/APP/2018/208 1120 Uxbridge Road Hayes

Change of use of land from car wash to use as a tyre fitting business

Decision: 15-03-2018 Refused

32331/APP/2019/1035 1120 Uxbridge Road Hayes

Change of use of land from car wash to use as a tyre fitting business

Decision: 20-09-2019 Approved

32331/APP/2019/3147 1120 Uxbridge Road Hayes

Details pursuant to condition 3 (Materials), of planning permission Ref: 32331/APP/2019/1035 dated 20/09/2016 (Change of use of land from car wash to use as a tyre fitting business)

Decision: 01-11-2019 Refused

Comment on Relevant Planning History

The change of use involving the installation of a roller shutter and access gate to front was approved under application reference 32331/APP/2019/1035 on 20/09/2019. This proposal is very similar to the approved, with the exception of the new roof profile over the car repair building. Subsequently, it is considered that this application is seeking permission for the new roof.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development
DMT 2 Highways Impacts
DMT 6 Vehicle Parking
DMTC 4 Amenity and Town Centre Uses

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Eleven neighbouring properties were notified of the proposal on 13/12/2019. A site notice was also displayed which expired on 29/01/2020.

Seven objections and a petition against the proposal were received:
- Raise all the same objections as previously sited in relation to the previous application;
- There is unauthorised operations outside of hours of operation and unauthorised erection of signage;
- Noise report only relates to a tyre business not a combined use of tyre business and car wash or repair business;
- Neighbours have footage of pressurised ratchet guns being used early in the morning;
- Roof extension is an eyesore;
- Noise has trebled;
- Site is being used 7 days a week, from early morning to late evening;
- Alleyway into this location is not sufficiently wide enough resulting to parking on the main road resulting in traffic disruption;
- Working and developing without a license.

Officer Comments:
The noise and traffic concerns were considered as acceptable within the previously approved application. If the site is being used outside of the operating times which were conditioned within the

previous application, then this is an Enforcement Issue which will be looked into separately. The impact of the raising of the roof on the surrounding area will be discussed in the report below.

Internal Consultees

Highways:
No objection. This is identical to the previous application (32331/APP/2019/1035) in terms of highway impacts.

Trees/Landscaping:
There are no trees or other soft landscape features on the site, although the residential area to the west is covered by TPO 349. No trees or other landscape features of merit will be affected by the proposal. The site is relatively secluded behind the buildings fronting onto Uxbridge Road. There is no space/opportunity for landscape enhancement in this case. No objection and no need for landscape conditions.

ASB & Environment:
It is noted that in regards to noise, this application is identical to the previous application and would not result in any additional noise concerns.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Although part of the site is located within the Uxbridge Road Minor Town Centre, the buildings to which the application relates to are sited outside the area. There are no policies restricting the change of use of this land from a car wash (Sui Generis) to use as a tyre fitting business. As such, the application is acceptable in principle subject to all other Planning Policies.

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 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 high quality urban design. In addition, Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of the existing and adjoining sites.

The proposal would involve the installation of one new gate within the access way. The first gate would be set back from the public footpath by 9 metres and it would have a width of 1.8 metres and a height of 1.6 metres. The gates would be powder coated aluminium in graphite black which is considered suitable for a gate and it would be similar to the existing gate set further to the rear of the property. It is considered that the installation of a new door to the repair building is minimal. The change to the roof, including the height is not visible from the public realm and the use of materials is in keeping with the industrial setting. As such, it is considered that the proposal would not have a detrimental impact on the visual amenities of the street scene and so would comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMHB 11 of the Hillingdon

Local Plan: Part Two - Development Management Policies (2020).

7.08 Impact on neighbours

The National Planning Framework has a presumption in favour of sustainable development. However, it acknowledges that pursuing sustainable development involves 'seeking positive improvements' in the quality of the built environments and people's quality of life. Policy DMTC 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that change of use would not be acceptable if it would cause unacceptable disturbance to neighbouring properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion. Policy DMHB 11 states that proposals should not adversely impact on the amenity of adjacent properties.

The use of the site for tyre fitting would generate noise through the manoeuvring of cars and the use of equipment. The proposed opening hours stated are, Monday to Friday 9am to 6pm and Saturday 9am to 5pm. The Environmental Protection Officer has raised no concerns with these times. On one of the previous applications the Planning Inspector has stated that the use of a tyre business would have an 'impact on the living conditions of nearby residents, particularly those on Regents Close'. The inspector also considered the use of conditions to overcome the concerns, however, as no evidence was presented of likely noise levels at the site or whether any mitigation would be possible, there was no guarantee that a survey would make the development acceptable by informing the wording of a condition. However, in this application a Noise Impact Assessment has been submitted which has previously been considered by the Council's Environment Protection Officer. They have raised no concerns based on the information provided and have requested that a condition be added to ensure that the noise levels be lower than the lowest existing background noise level by at least by 10 dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

The roof which has been raised is located over 11 metres from the neighbouring properties along Regents Close. As the increase in height is minimal it is considered that this does not result in a detrimental impact on the amenity of these neighbouring properties.

Subsequently, it is considered that the proposal would comply with Policies DMTC 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.09 Living conditions for future occupiers

Not relevant.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that safe and efficient vehicular access to the highway network is provided, and safe and secure access for cyclists and pedestrians are satisfactorily accommodated. Policy DMT 6 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The site is served by a narrow communal access road located adjoining a parade of shops in Uxbridge Road. Uxbridge Road is a Classified Road and part of the Strategic Road Network and the site is located close to the junction of Uxbridge Road with Lansbury Drive. There are waiting restrictions in place on Uxbridge Road but there are opportunities for short term parking adjacent to the access lane. An electronic gate system is proposed to ensure that only one vehicle is entering or leaving the premises to avoid cars having to reverse onto the Uxbridge Road to allow exiting vehicles to leave. The front gate, would

have a width of 1.8 metres, allowing for a gap of 1.2 metres for unblocked pedestrian access whilst requiring vehicles to stop which is considered would allow pedestrians to have good visibility of the vehicles leaving and entering the site. In addition, it is noted that the proposed use would result in a lower trip generation than the existing use and the design of the gated entry is improved than the current one gate situation. It is considered that two parking spaces for staff is sufficient. The Council's Highway Engineer has confirmed there are no highway objections to the scheme. Subsequently, it is considered that the proposal would comply with Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.11 Urban design, access and security

Not applicable to this application.

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

There are no trees or landscape features that would be affected by the proposal. The Council's Tree and Landscape Officer has advised that no objection is raised and there is no requirement for landscape conditions to be imposed.

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

A Noise Impact Assessment has been submitted which has previously been considered by the Council's Environment Protection Officer. They have raised no concerns based on the information provided and have requested that a condition be added to ensure that the noise levels shall be lower than the lowest existing background noise level by at least by 10 dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

7.19 Comments on Public Consultations

The noise and traffic concerns were considered as acceptable within the previously approved application. If the site is being used outside of the operating times which were conditioned within the previous application, then this is an enforcement issue which will be looked into separately. The impact of the raising of the roof on the surrounding area has been considered in the main 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 part retrospective planning permission for the change of use of land from a car wash to use as a tyre fitting business and storage involving the installation of a new gate, a new roller shutter to the side and alterations to the roof profile.

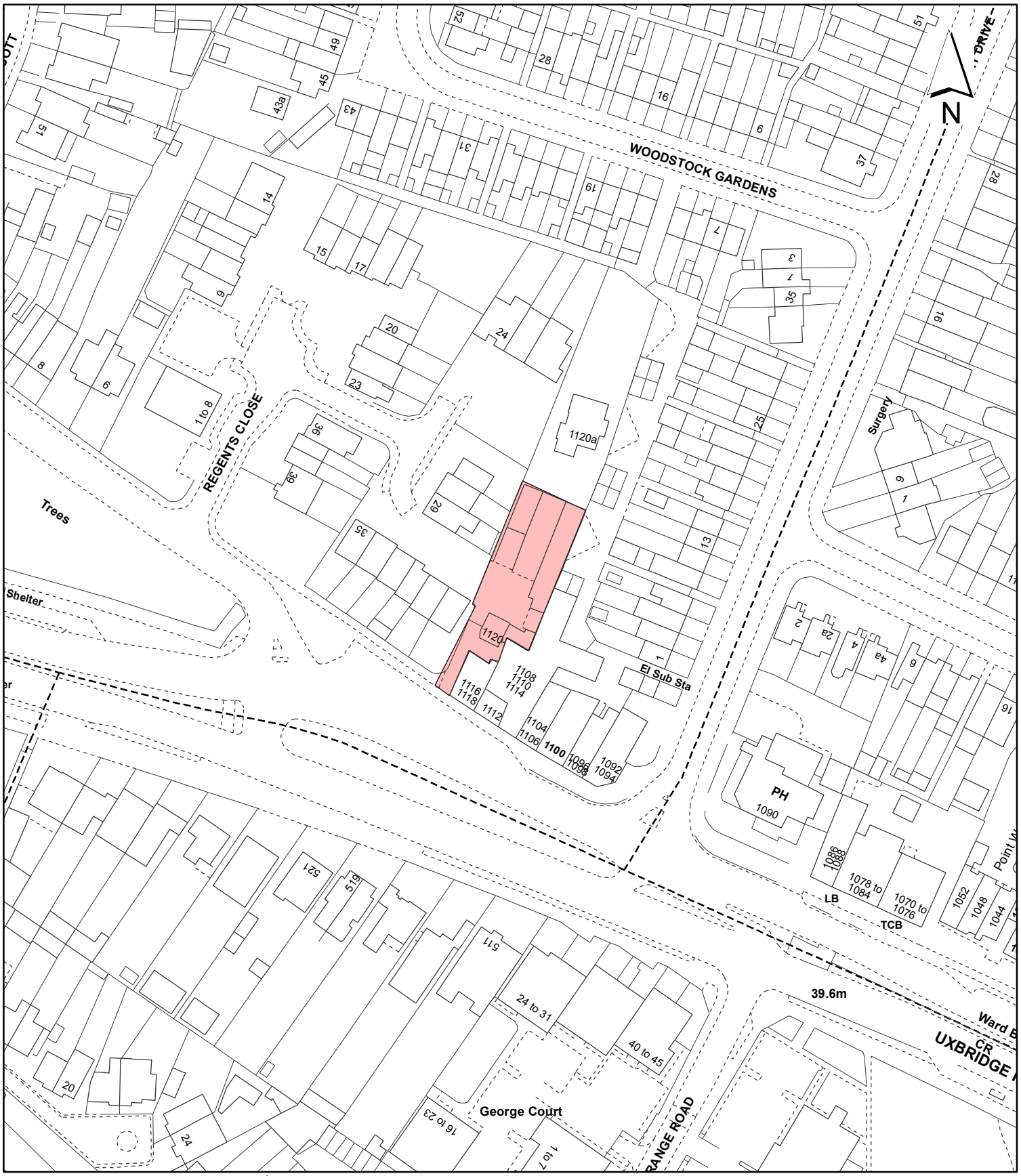
The new gate and new roof profile would not be detrimental to the street scene, and the design of the gate allows safe access/ egress for both vehicles and pedestrians. The impact on noise and disturbance has been demonstrated and it is considered acceptable.

Subsequently, the application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (2020)
The London Plan (2016)
National Planning Policy Framework

Contact Officer: Charlotte Spencer **Telephone No:** 01895 250230



Notes:

Site boundary

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Site Address:

1120 Uxbridge Road

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section
Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
32331/APP/2019/3989

Scale:
1:1,250

Planning Committee:
Central & South

Date:
March 2020

HILLINGDON
LONDON