

## Report of the Head of Planning & Enforcement Services

**Address** 43-45 SWAKELEYS ROAD ICKENHAM

**Development:** New shopfront, air conditioning units to rear and Installation of 2 satellite dishes to rear.

**LBH Ref Nos:** 809/APP/2010/2045

**Drawing Nos:** 1:1250  
Design and Access Statement  
COR1411/AB01 Rev C

**Date Plans Received:** 31/08/2010      **Date(s) of Amendment(s):** 31/08/2010  
**Date Application Valid:** 13/09/2010      13/09/2010  
13/10/2010

### 1. SUMMARY

The application seeks permission for a new shopfront, together with the installation of replacement air-conditioning units and 2 new satellite dishes to the rear. The application site falls within Ickenham Local Centre and as such, the locality is commercial in character and appearance. The proposed shopfront is considered to satisfactorily integrate with the existing building and the wider street scene. Due to the commercial nature of the site and adjoining premises the proposed plant and satellite dishes to the rear would be in-keeping with the building and surrounding area.

Subject to conditions the application is therefore recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 T8 Time Limit - full planning application 3 years

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

#### REASON

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

#### 2 M1 Details/Samples to be Submitted

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### 3 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

#### REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **4 NONSC noise emitted**

The rating level of the noise emitted from the plant hereby approved shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential premises in accordance with British Standard 4142, (Method for rating industrial noise affecting mixed residential and industrial areas).

#### REASON

To safeguard the residential amenity of the occupiers and nearby properties in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### **5 DIS1 Facilities for People with Disabilities**

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

#### REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

#### **6 DIS2 Access to Buildings for People with Disabilities**

Development shall not commence until details of access to building entrance (to include the proposed localised pavement ramp, level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

#### REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

### 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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE28	Shop fronts - design and materials
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Shopfronts and Signage
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
DIS1	Accessibility for elderly people, people with disabilities, women and children

### **3            11            Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

### **4            12            Encroachment**

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

### **5            13            Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

## **6**            **15**            **Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **7**            **16**            **Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

## **8**            **134**            **Building Regulations 'Access to and use of buildings'**

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from [www.opsi.gov.uk](http://www.opsi.gov.uk)
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

· Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

· Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

## 9

Construction Site Informative: Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation, you are advised as follows:

- 1) Demolition and construction works which are audible at the site boundary should only be carried out between the hours of; 0800 and 1800 on Monday to Friday, 0800 and 1300 on Saturday. No such work must be carried out on Sundays and Bank Holidays. All noise generated during such works must be controlled in compliance with British Standard 5228;
- 2) Measures must be taken to eliminate the release of dust caused by the works that may create a statutory nuisance (a useful reference is the Best Practice Guidance - The control of dust and emissions from construction and demolition, Greater London Authority, November 2006);
- 3) No bonfires on the site shall be allowed to take place at any time.

## 10

Please ensure that the door is not be too heavy to open - the maximum opening force at the leading edge of the door should not exceed 30 Newton from 00 (closed position) to 300 and 22.5N from 300 to 600. An electronic - hydraulic assisted mechanism can be employed to stop the door from being disabling and considered "heavy" to many people. Further information can be obtained from Building Control on 01895 250804/5/6.'

## 11

It is noted (following the site visit) roller shutters have been applied to the existing premises. These would require planning permission and no planning records have been found in relation to the same. In Conservation Areas, solid shutters will not be considered acceptable in any circumstance and internal open-mesh type screens and other visually permeable shutters must be used. External shutters will only be considered when strictly necessary and their design is considered appropriate. No information has been supplied for roller shutters in relation to the currently submitted schemes and therefore it is recommended these unauthorised shutters are removed.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is on the south side of Swakeleys Road, and comprises a ground floor commercial unit with a residential flat above. To the front is a wide footway with metered parking provided on the edge of the vehicular highway. To the rear is an access road, for

the units in the immediate vicinity. This side of the highway (south) is commercial in character and appearance, although there are residential properties on the north side of the road and to the rear of the site. The site lies within Ickenham Local Centre and Ickenham Village Conservation Area. as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

### **3.2 Proposed Scheme**

The proposal involves the installation of a new shopfront, air-conditioning units and two satellite dishes to the rear. The new shopfront would comprise an aluminum frame and would be of a similar design to the existing shop front. The 2 air conditioning condenser units would replace the existing units which are attached to the rear elevation of the single storey element (adjacent to the rear entrance door). Two satellite dishes would also be mounted on this elevation, one being 0.9m diameter and the other 0.6m in diameter. These would be attached by pole and would not project above the parapet height of this elevation.

There are two further applications running concurrently with this proposal -

- 809/ADV/2010/58 - Installation of new externally illuminated fascia and projecting signs to the frontage.

- 808/APP/2010/1988 - Change of use of the unit from Class A1 (Retail) to Class A2 (Financial and Professional Services) for use as a betting shop. This application is reported elsewhere on this agenda.

### **3.3 Relevant Planning History**

809/ADV/2010/58                      43-45 Swakeleys Road Ickenham

Installation of 1, internally illuminated fascia sign to front and 1, internally illuminated projecting sign to front.

**Decision:**

809/APP/2010/1988                43 - 45 Swakeleys Road Ickenham

Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services) for use as a betting office.

**Decision:**

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

None.

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

None.

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

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

Part 1 Policies:

## Part 2 Policies:

BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE28	Shop fronts - design and materials
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Shopfronts and Signage
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
DIS1	Accessibility for elderly people, people with disabilities, women and children

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **20th October 2010**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

41 neighbours were consulted and no responses have been received.

Ickenham Residents Association were consulted, and the following comments were received -

We wish to record our concerns in respect of several aspects of the above three Planning applications.

1. First and foremost the Village does not need a second Betting Shop. We assume that this application is for the relocation of the present Betting Shop to these larger premises. If it is not and this is in fact for a second Betting Shop, we would wish to record our objection to this proposal.

2. We are also concerned at the loss of an A1 Retail outlet with its conversion to A2. However we have been assured, assuming that this is the transfer of a Betting shop from one premise to another, that the then vacant shop, currently with an A2 License will not need Planning permission to revert to an A1 License.

3. We raise this issue in an attempt to make it easier for any such subsequent sale, and potential new owner of the vacated property, to operate a properly licensed A1 Retail Outlet to maintain the

viability of the Village as a shopping centre.

(Note: Further comments provided on advertisements are not relevant to this application).

### **Internal Consultees**

Environmental protection Unit

No objections are raised to this proposal, subject to the following conditions

#### Condition 1

The rating level of the noise emitted from the plant hereby approved shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential premises in accordance with British Standard 4142, (Method for rating industrial noise affecting mixed residential and industrial areas).

REASON To protect the amenity of the surrounding area.

Please ensure the following informative is added;

#### Construction Site Informative:

Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation, you are advised as follows:

(i) Demolition and construction works which are audible at the site boundary should only be carried out between the hours of;

- 0800 and 1800 on Monday to Friday

- 0800 and 1300 on Saturday.

No such work must be carried out on Sundays and Bank Holidays. All noise generated during such works must be controlled in compliance with British Standard 5228;

(ii) Measures must be taken to eliminate the release of dust caused by the works that may create a statutory nuisance (a useful reference is the Best Practice Guidance The control of dust and emissions from construction and demolition, Greater London Authority, November 2006);

(iii) No bonfires on the site shall be allowed to take place at any time.

#### Conservation and Urban Design Officer

This is a shop unit within the Ickenham Village Conservation Area. The existing shop front is typical of this part of the Conservation Area with non-illuminated fascia. Paragraph 6.0 of the Shop Front guidance clearly states that "In conservation areas, applicants will be expected to adopt their corporate signage to retain and enhance the quality of the building, the character of the area and the street scene". The existing shop is closed and it is not possible to see the material of the shop front. From previous street scene views, it appears that the site may have a traditional timber shop front with low stall risers and a recessed entrance door, now modernised. This should be confirmed by the applicant, and if there is a timber shop front, it should be retained.

The modern tiled shop front proposed in the current scheme would not be traditional in appearance, and would be detrimental to the street scene of the area. If the shop front has already been modernised, we would not object to a modern metal shop front. The proposed shop front, however, would detract from the character and appearance of the area. It is, therefore, unacceptable.

CONCLUSION: Unacceptable.

Officer comments - these views were forwarded to the applicants agent and revised details/plans



have been received. Further comments from the conservation officer -

The revisions would be considered the optimum solution, and therefore would be acceptable from a conservation point of view.

## **7. MAIN PLANNING ISSUES**

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

Policy BE4 of the UDP (Saved Policies September 2007), states that all new development within Conservation Areas should preserve or enhance those features, which contribute to their special architecture and visual qualities. Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area, while Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building. Policy BE28 requires shopfronts to harmonise with the building and to improve the character of the area. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Shop Fronts and Signage: Section 5.3 states, the Council will encourage all applicants to adopt good design that can set example for others and can trigger improvements in the appearance of other shop fronts in the locality.

The revised proposal is considered to comply with this advice. The design of the proposed shop front is considered to satisfactorily integrate with the existing building, using appropriate traditional design features, such as stall risers and sub-divisions, and furthermore it is not considered that the proposal would have a detrimental impact on the Conservation Area of which it would form part.

The replacement air conditioning units and new satellite dishes to the rear would not be visible from the surrounding public vantage points and are considered to be in-keeping with the existing building and typical of what you would expect to on a commercial premises of this nature.

### **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 falls within the Ickenham Village Conservation Area. The Conservation and Urban Design Officer notes that this is a shop unit within the Ickenham Village Conservation Area and the existing shop front is typical of this part of the Conservation Area, with non-illuminated fascia signage. Paragraph 6.0 of the Shop Front guidance clearly states that in conservation areas, applicants will be expected to adopt their corporate signage to retain and enhance the quality of the building, the character of the area and the street scene. The amended drawings received, which now incorporate a stall riser, are considered to be the optimum solution for this shopfront, and therefore are considered acceptable from a conservation point of view.

As such, the proposal is considered to accord with Policy BE4 of the UDP (Saved Policies September 2007).

### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

### **7.06 Environmental Impact**

Not applicable to this application.

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

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area, and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building. Policy BE28 requires shopfronts to harmonise with the building and to improve the character of the area. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Shop Fronts and Signage: Section 5.3 states, the Council will encourage all applicants to adopt good design that can set example for others and can trigger improvements in the appearance of other shop fronts in the locality.

With regard to the design and appearance of the shop front, Section 5.6 of the SPD: Shopfronts and Signage, states the Council will look for the use of traditional design features, such as; stall risers; several smaller panes of glass, instead of one large sheet of glass and more traditional types of window; vertical subdivisions at ground floor level below the fascia area, which would appropriately relate to the street and to the building above. The application is considered to comply with this advice as the new shopfront would be broken up with both vertical and horizontal sub-divisions with central doorway, aluminum framing and stall-risers. This is considered to be in-keeping in the street scene to which it relates. Therefore, the proposal is considered to comply with Policies BE4, BE13, BE15 and BE28 of the Hillingdon UDP (Saved Policies, September 2007).

The replacement air conditioning units and new satellite dishes to the rear would not be visible from the surrounding public vantage points and would be considered to be in-keeping with the existing building and entirely what you would expect to see on a site of this nature. Therefore the proposal would comply with Policies BE13 and BE15 of the UDP (Saved Polices September 2007).

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

It is considered the replacement the shop front would not impact on the amenities of any adjoining properties by way of loss of light, outlook, or privacy, and therefore this aspect of the proposal is considered to be in accordance with polices BE20, BE21 and BE24 of the UDP (Saved Policies September 2007).

The proposed satelite dishes and air conditioning units would not be visible from the flat above or adjoining flats and would be located nearly 45 metres away from properties in Almond Avenue to the rear. As such, it is not considered that these elements of the proposal would would impact on the amenities of surrounding properties by way of loss of outlook, or visual intrusion, in accordance with relevant policies.

With regard to noise from the aircondition units, an appropriate condition has been attched, at the recommendation of the Council's Environmental Protection Unit, to ensure that the noise emitted from the plant is at least 5dB lower than the existing background noise level. As such the proposal is considered to accord with Policy OE1, which seeks amongst other things to protect the amenity of surrounding areas from potential noise nuisance.

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

Not applicable to this application.

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

The application is for a new shop front, air conditioning units and satellite dishes to the rear. As such, the proposal is not considered to have an impact on the existing highway aspects of the site. Therefore, the proposal is considered to comply with Policy AM7 and AM14 of the Hillingdon UDP (Saved Policies, September 2007).

#### **7.11 Urban design, access and security**

Not applicable to this application.

#### **7.12 Disabled access**

The design and access statement submitted with the application indicates that provision has been made for access inside the unit for use by disabled customers, including a lowered service point, induction loop and disabled toilet. The plans show the doorway will have a minimum clear opening of 0.9m which will allow access for wheel chair users and a localized ramp would be installed in the pavement. However, it is recommended if permission were to be granted, a condition be imposed requiring details of this ramp and an informative be added advising the applicant of the need to comply with The Building Regulations Part M 'Access to and use of Buildings'. Subject to these provisions the proposal would comply with the aims of Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon.

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

Not applicable to this application.

#### **7.14 Trees, Landscaping and Ecology**

Not applicable to this application. The application relates to the installation of a new shop front, air conditioning units and satellite dishes to the rear. The site is situated within an existing commercial area and would not have an effect on any existing landscape features.

#### **7.15 Sustainable waste management**

Not applicable to this application. The application relates to the installation of a new shop front, air conditioning units and satellite dishes to the rear and it is not considered the difference between the existing A1 (retail) use and the proposed A2 (financial and professional services) use would be materially different to warrant additional controls being applied in relation to this issue.

#### **7.16 Renewable energy / Sustainability**

Not applicable to this application.

#### **7.17 Flooding or Drainage Issues**

Not applicable to this application.

#### **7.18 Noise or Air Quality Issues**

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties. Policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated. The Environmental Protection Unit has commented on this application and has suggested a condition should be applied relating to control of noise emitted from the air conditioning units, to safeguard the amenity of residents and the surrounding area. Therefore subject to this condition being applied, the proposal is considered to accord with Policies OE1 and OE3 of the UDP (Saved Policies September 2007).

#### **7.19 Comments on Public Consultations**

With regard to points 1, 2, 5, and 6 these relate to application 808/APP/2010/1988 - Change of use of the unit from Class A1 (Retail) to Class A2 (Financial and Professional Services) for use as a betting shop and have been considered as part of that application.

Point 3 and 4 relate to the current advertisement application (809/ADV/2010/58)

#### **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**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

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

Not applicable to this application.

## **10. CONCLUSION**

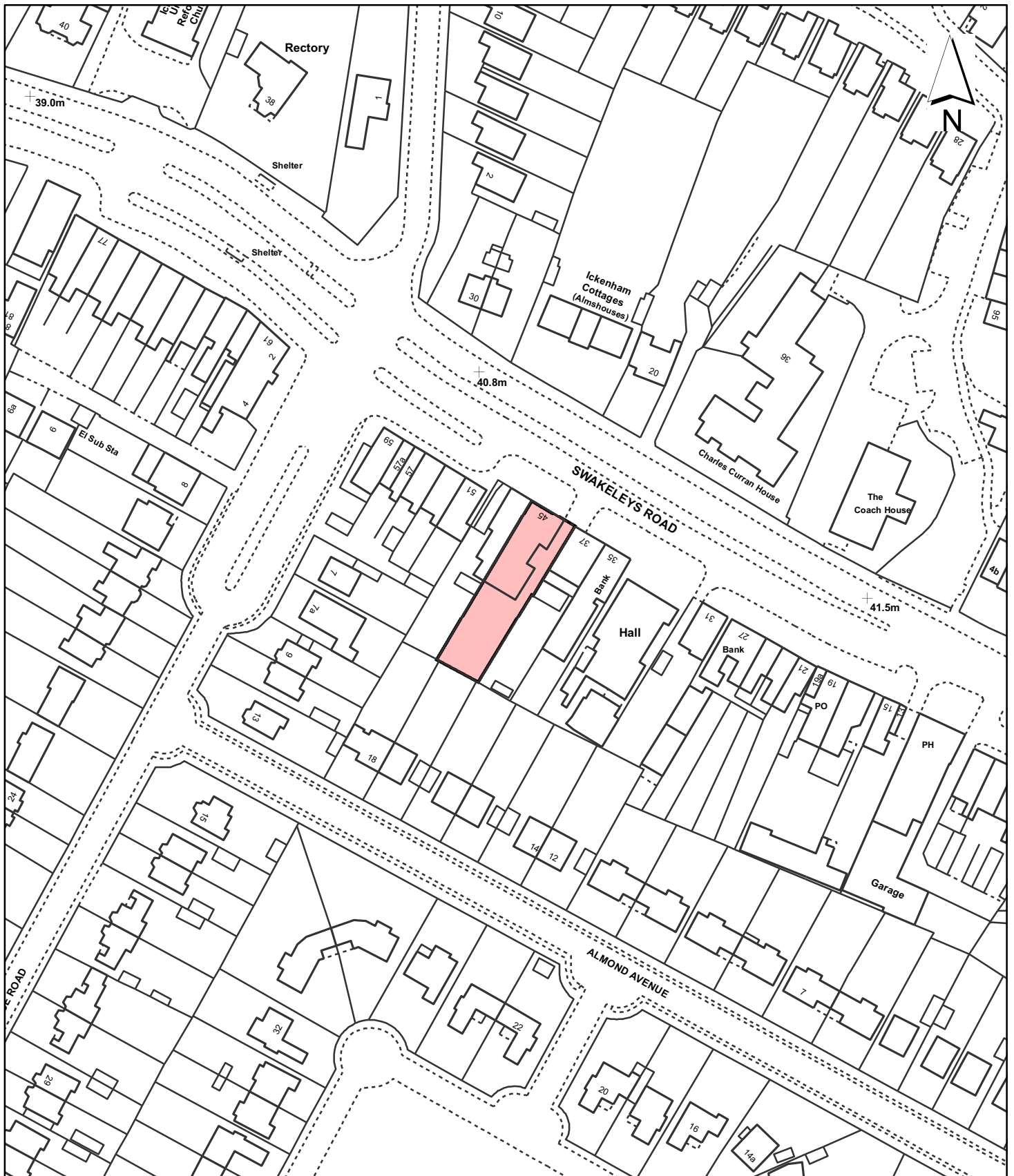
The application relates the installation of a new shop front, together with replacement air conditioning units and 2 satellites dishes to be applied to the rear of the building. Due to the commercial nature and location of this building, it is considered these alterations would be in-keeping with this existing unit and the site to which it would be applied. Therefore, subject to appropriate safeguarding conditions, the proposal would is not considered to result in any adverse impacts and is therefore recommended for approval.


## **11. Reference Documents**

Unitary Development Plan (Saved Policies September 2007)  
London Plan Policies (2008)  
HDAS Shopfronts and signage

**Contact Officer:** Catherine Hems

**Telephone No:** 01895 250230



<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p><b>43 - 45 Swakeleys Road Ickenham</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Planning, Environment &amp; Community Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p><b>809/APP/2010/2045</b></p>	<p>Scale</p> <p><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p><b>North</b></p>	<p>Date</p> <p><b>October 2010</b></p>	



**HILLINGDON**  
LONDON