

Report of the Head of Planning & Enforcement Services

Address 298 KINGSHILL AVENUE HAYES

Development: Change of use from A1 (Retail) to A3 (Restaurant) & A5 (Takeaway) and installation of 2 x extract ducts to rear.

LBH Ref Nos: 8195/APP/2011/38

Drawing Nos: Design & Access Statement
Drg No 1510/1
Drg No 5559/1A

Date Plans Received: 10/01/2011 **Date(s) of Amendment(s):**

Date Application Valid: 07/02/2011

1. SUMMARY

The application relates to the change of use of an existing vacant A1 retail unit to an A5 restaurant use. The application seeks to get the principle of the use to be determined and no exterior alterations are proposed save the installation of two extract ducts to the rear. Any future alterations to the frontage would require further planning permission. The parade comprises 24 units (although 3 of the existing units are double units).

Currently, 14 of these units (excluding the application site) remain in A1 (Retail) use, as such, it is considered that should the application receive consent an adequate choice of facilities would remain. Furthermore, subject to appropriate conditions relating to hours of operation, litter control, odour and extraction control, the proposal would not conflict with any other of the relevant Adopted policies within the Hillingdon Unitary Development Plan (Saved Policies September 2007).

In this case the 2 rear extraction vents/flues/chimney would be set sufficiently far (9m and 15m) from residences located above the ground floor shops. In addition, because of the parapet atop the rear of the ground floor element, the flues would not be highly visible from properties to the north. There is not an objection in terms of impact on visual amenity.

In addition, the proposal would bring an existing vacant unit back into commercial use along with its associated employment opportunities.

Therefore subject to appropriate conditions the application is 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 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).

3 OM15 General Litter/Waste

No development shall take place until a scheme detailing the method of disposal, storage and collection of litter and waste materials, generated by the business and/or discarded by patrons, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided and the methods for collection of litter within and in the vicinity of the premises. The approved scheme shall be implemented in full thereafter.

REASON

To ensure that adequate provision is made for the disposal of litter and waste, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Plans (September 2007).

4 NONSC Non Standard Condition

No persons other than staff shall be permitted to be on the premises between the hours of 10:30 am and 23.00 hours.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

5 NONSC Non Standard Condition

Deliveries and collections, including waste collections, shall be restricted to the following hours;
09:00 hrs to 18:00 hrs Monday to Saturdays and not at all on Sundays and Bank/Public Holidays.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE3 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

6 H16 Cycle Storage - details to be submitted

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for 2 bicycles have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with

Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

7 DIS1 Facilities for People with Disabilities

The proposed unisex accessible toilet facility shall to be designed to BS 8300:2009 and shall be provided before the use hereby approved commences and thereafter permanently retained as such.

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.

8 N12 Air extraction system - noise and odour

No air extraction system shall be used on the premises until a scheme for the control of noise, odour and vibration emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented before the development is occupied/the use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

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.

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

R16	measures Accessibility for elderly people, people with disabilities, women and children
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

3 I1 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 I2 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 I3 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 I5 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 I6 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 I34 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 8300:2009 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
- 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.
- 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.
- 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.

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

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Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use best practicable means as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other

emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in 'The control of dust and emissions from construction and demolition: best practice guidelines', Greater London Authority, November 2006; and
(iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

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Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321

SEWERAGE INFRASTRUCTURE - Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

WATER COMMENT - With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

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Please ensure that the entrance 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.'

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It is noted that roller shutters have been applied to the unit. The installation of roller shutters requires planning consent. The Authorities Adopted Design Guidance on 'Shopfronts and Signage' Section 9.0 - 9.9 deals with security measures, and comments as follows, whilst the councils recognises the need for premises to be adequately secured and protected through appropriate security devices, it is concerned the character of the area can be adversely effected by inappropriate physical security measures. Solid and visually impermeable roller shutters can create a forbidding and unsafe environment after dark, preventing passive surveillance (both into the street and the shop). Their appearance also adversely affects the character and appearance of the building and the area. These types of shutters are easy to vandalise with graffiti, which in turn can further negatively affect the character and image of the area. Therefore, external solid roller shutters (including punched, perforated or micro-perforated shutters) should be avoided and where necessary, internal open-mesh type screens and other visually permeable shutters should be used.

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

This permission does not authorise the display of advertisements or signs and in particular does not grant consent for the projecting sign; 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 - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the north side of Kingshill Avenue. The unit forms part of a 3 storey parade, with commercial at ground floor and residential above. To the front there is a wide footway and limited street side parking is available. This side of the street is commercial in character and appearance, although facing the parade, on the opposite side of the road are residential properties. The application site lies within a 'Parade', as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies, September 2007).

3.2 Proposed Scheme

The proposal involves the change of use of the ground floor from a retail unit (A1) to Restaurant (A3). No external alterations are proposed to the frontage and to the rear two extract ducts would be installed.

The unit has been vacant for approximately 2 years

3.3 Relevant Planning History

Comment on Relevant Planning History

None

4. Planning Policies and Standards

Policy 3D.2 Town centre development of the London Plan
Policy 3D.3 Maintaining and improving retail facilities of the London Plan
Policy 4A.22 of the London Plan

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

- | | |
|------|--|
| BE13 | New development must harmonise with the existing street scene. |
| BE15 | Alterations and extensions to existing buildings |
| BE19 | New development must improve or complement the character of the area. |
| BE20 | Daylight and sunlight considerations. |
| BE21 | Siting, bulk and proximity of new buildings/extensions. |
| 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
R16	Accessibility for elderly people, people with disabilities, women and children
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

22 neighbours and interested parties were consulted and four responses have been received, which make the following comments -

1. I believe that there is a lot more restaurants than needed so I am strictly against an A3 use being given. For improvement to Kingshill Avenue I believe that restaurants are not needed
2. Often the air is polluted by smells coming from these and the large amounts of waste left in overflowing and open wheely bins. It would also add to the parking problems, the traffic using the service road and the rodent infestation which already exists in the area.
3. As owners of the Freehold at 302 Kingshill Avenue we feel that currently there are enough restaurants and other eateries in this area, meaning that there is too much competition causing them all to struggle. New businesses would breathe new life into Kingshill Avenue.

Following a review of the scheme it was identified that there was a Takeaway component to the scheme, and it was renotified on 26 April with a revised description (including the takeaway operation). Four objections were received in relation to the second round of consultation, raising the following matters:

- * Reiterate objections raised in the first round of consultation.
- * The applicant should utilise existing extraction equipment rather than introduce 2 new extraction vents
- * The restaurant current emits odours which are unpleasant and affect washing
- * The restaurant will divert trade away from other restaurants and have a competitive impact on other restaurants

Thames Water

Recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321

SEWERAGE INFRASTRUCTURE - Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

WATER COMMENT - With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

Internal Consultees

Environmental Protection Unit:

Recommend the following conditions should the application be recommended for approval.

Condition 1

No persons other than staff shall be permitted to be on the premises between the hours of 10:30 am and 23.00 hours.

REASON: To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

Condition 2

Deliveries and collections, including waste collections, shall be restricted to the following hours; 09:00 hrs to 18:00 hrs Monday to Saturdays and not at all on Sundays and Bank/Public Holidays.

Reason:

To safeguard the amenity of surrounding areas in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

Condition 3

No air extraction system shall be used on the premises until a scheme which specifies the provisions to be made for the control of noise and odour emanating from the site or to other parts of the building, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

REASON:

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

Informative

INF 20 Control of environmental nuisance from construction work

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

(i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;

(ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use best practicable means as defined in section 72 of the Control of Pollution Act 1974;

(iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in The control of dust and emissions from construction and demolition: best practice guidelines , Greater

London Authority, November 2006; and

(iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

Highways:

The site is located in Kingshill avenue Hayes, which is unclassified road, although section of Kingshill Avenue is classified Borough Secondary Distributor Road. The site form part of a

shopping parade and is set back by approximately 6.5m from the rear of existing footway which is 3.5m wide, and carriageway of 9.0 m wide, with unrestricted parking spaces in the front of shops, although parking restriction applies to the rear of parking bays to within the vicinity of the site.

As indicated in the submitted application form, the proposed restaurant would employ two full time and four part time staff, and undecided about the opening hours.

Some trips to/from the site are likely to be linked with residents or those already in the vicinity, and no increase in trip generation is anticipated.

The peak traffic and car parking associated with the application is likely to be at times outside the normal highway network peak periods and also at times when most retail units in the Town Centre have ceased trading, and hence the lay-by in front of the site could be used by customers for parking, whilst nearby customers are likely to walk to the proposed restaurant.

Policy AM14 of the UDP refers to the Council's vehicle parking standard contained in the Annex 1. The London Borough of Hillingdon UDP (adopted 1998) saved policies, 27th September 2007, requires maximum of three vehicle parking and six cycle parking spaces for similar use.

However, considering the location of site, availability of on street parking at the lay by in front of shop, no objection is raised on the highways aspect of the proposals subject to the applicant be requested to provide the following

1) Details of covered and secure cycle storage for use by staff.

Waste and Recycling Officer - I would make the following comments on the above application regarding waste management.

a) The application is for a fast food take-away. One x 1,100 litre type of bulk bin is needed to safely and hygienically contain the waste arising from this type of business. This design of bin has dimensions given in the table below:-

Bin Size	Height	Depth	Width
1,100 litre Eurobin	1,370mm	990mm	1,260mm

Further bins could be required for the separation of waste for recycling.

b) The bulk bin should be sited on an area of hard-standing, with a smooth surface, so that it can be washed down with water and disinfectant. The surface should be cambered so the run off follows towards a proper drain.

c) The collectors should not have to cart a bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard). The collection crew would therefore need to access the rear of the shop, via Adelphi Way. Alternatively the owners would have to present the bulk bin at an agreed collection point on the allocated day.

d) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the path is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

ACCESS OFFICER - Plans submitted indicate that this building would not be fully accessible to disabled people using wheelchairs. It is appreciated that this application relates only to a change of use and that no building works are proposed, however, the Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a protected characteristic, which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

1. In terms of this particular planning application, as no alterations are proposed to the existing shopfront, no specific accessibility improvements will be required for gaining access into the shop unit. However, the planning applicants should be advised, by way of a planning informative attached to any grant of planning permission, of their legal obligations to provide a service that allows disabled people access and should be encouraged to put in place provisions that allow wheelchair users to gain access to the restaurant.

2. A planning condition should be attached to any grant of planning permission, requiring the proposed unisex accessible toilet facility to be designed to 8300:2009.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The Local Planning Authority seeks to protect vulnerable parades which are particularly important to the community and to provide opportunities for the establishment of new essential shop uses in existing A1 premises.

Policy S6 states changes of use applications will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion.

Policy S7 states changes of uses in parades will only be permitted if the parade retains sufficient essential shops to provide a choice appropriate to the size of the parade, the surrounding area is not deficient in essential shop uses, and the proposal accords with policy S6 (above).

Policy 3D.3 of the London Plan (2008), states Boroughs should work with retailers and other to prevent the loss of retail facilities within these areas.

Kingshill Avenue comprises a parade of approximately 24 commercial units at ground floor with residential units above (although of the commercial units there are 3 double units). Currently the parade comprises 14 units still maintaining an A1 use. It is noted this unit has been vacant since 2009. As such it is considered should the proposal receive consent, there would still be an appropriate choice of shops within the parade, and furthermore, it would bring an existing vacant unit back into commercial use along with its associated employment opportunities and therefore would be considered acceptable in this instance.

7.02 Density of the proposed development

Not applicable No housing is proposed.

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

Not applicable - the application does not affect any of these designations

7.04 Airport safeguarding

Not applicable The application is not within a safeguarding area..

7.05 Impact on the green belt

Not applicable the application is not within the Green Belt

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.

The application proposes the installation of two extractor flues to the rear. Accordingly, these flues would not be visible from the street front, although vantage would be gained from the adjacent properties to the rear. However, these elements are considered to be in-keeping with the commercial nature of the existing building and entirely what you would expect to see on a site of this nature.

The 2 rear extraction vents would be set sufficiently far (i.e. 9m and 15m) from residences located above the ground floor shops that they would not cause such harm to the outlook of these residences as to warrant refusal of the application. In addition, because of the parapet atop the rear of the ground floor element, the flues would not be highly visible from properties to the north.

In this instance, the proposal is considered to accord with policies BE13 and BE15 of the Hillingdon UDP (Saved Policies, September 2007).

7.08 Impact on neighbours

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and 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 officer has considered this application and has suggested a number of conditions should be applied relating to control of; hours of operation; extract ventilation systems and odour control; deliveries; and future illumination to advertisements, to safeguard the amenity of residents and the surrounding area.

The case officer has held a meeting with the Environmental protection officer to specifically understand if the proposed flues would cause harm to the amenity of occupiers of the residences above the ground level shops due to noise, vibration and odour. The Environmental protection officer has made it clear that subject to the conditions which are recommended, the scheme would not cause harm to residential amenity.

Therefore subject to the appropriate conditions being applied the proposal is considered to accord with policies OE1 and OE3 of the UDP (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Not applicable, no housing is proposed.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Highway Engineer has been consulted on the application and has commented that the site is located in an unclassified road, although a section of Kingshill Avenue is classified Borough Secondary Distributor Road. The site forms part of a shopping parade and is set back by approximately 6.5m from the rear of the existing 3.5m wide footway. The carriageway is 9.0 m wide with unrestricted parking spaces in the front of shops..

The submitted application forms state the proposed restaurant would employ two full time and four part time staff. Likely opening hours are undecided at this stage. Some trips to/from the site are likely to be linked with existing residents or those already in the vicinity, and therefore no increase in trip generation is anticipated.

The peak traffic and car parking associated with the application is likely to be at times outside the normal highway network peak periods and also at times when most retail units in the Town Centre have ceased trading, and hence the lay-by in front of the site could be used by customers for parking, whilst nearby customers are likely to walk to the proposed

restaurant.

Policy AM14 of the UDP refers to the Council's vehicle parking standards, contained within Annex 1. The London Borough of Hillingdon UDP (adopted 1998) saved policies, 27th September 2007, requires maximum of three vehicle parking and six cycle parking spaces for similar use. However, considering the location of the site and the availability of on street parking at the lay by in front of the unit, no objection is raised on highway grounds, subject to the covered and secure cycle storage for 6 no. cycles being provided for use by staff.

Cycle storage could be provided to the rear of the property and this could be secured by way of condition.

The proposal would therefore comply with AM7 and AM14 of the UDP (Saved Policies September 2007).

7.11 Urban design, access and security

Not applicable the application is for change of use and installation of extract ducts to the rear. Therefore the application does not involve any alterations to the frontage of the building

7.12 Disabled access

A disabled WC is provided and conditions and informatives are recommended to cover accessibility issues.

7.13 Provision of affordable & special needs housing

Not applicable

7.14 Trees, landscaping and Ecology

Not applicable. The application is for change of use with installation of extract ducts 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

The waste development manager has been consulted on this application and has commented that the site would require a bulk bin to safely and hygienically contain waste arising from the use and that this would need to be stored in a suitable position.

The plans clearly show an area available to store a bulk bin of adequate size. A condition is recommended to secure appropriate details of screening to any permission issued before the development commences. As such, the proposal would be considered acceptable in relation to these matters.

7.16 Renewable energy / Sustainability

Not applicable the application is for change of use and save the installation of the extract ducts to the rear, does not involve any alterations to the building

7.17 Flooding or Drainage Issues

The site is not within a flood zone and no further drainage issues have been raised.

7.18 Noise or Air Quality Issues

These matters have been considered under 'impact on neighbours'.

7.19 Comments on Public Consultations

The issues raised in terms of noise, odour, refuse storage impacts have been addressed in the report and conditions are recommended to ensure amenity is not affected by odours from the proposed use.

The other matters raised have either been dealt with by way of condition, informative, or in the main body of the report. The competitive relationship between other restaurants, in this scenario is not a material planning consideration.

7.20 Planning obligations

Not applicable

7.21 Expediency of enforcement action

Not applicable

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

10. CONCLUSION

The application relates for change of use only and does not involve any exterior alterations to the building, save the installation of two extract ducts to the rear and as such the existing frontage would be maintained. Subject to appropriate safeguarding conditions the proposal would be considered compatible with neighbouring uses, the due to the existing siting (within a commercial parade) it is not considered to result in an adverse impact to highway safety. It is considered that should the application receive consent, the parade would still an appropriate level and choice of shops, and therefore is considered to comply with Policies S6 and S7 of the UDP (Saved Policies September 2007).

11. Reference Documents


- (a) Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)
- (b) London Plan (February 2008)
- (c) HDAS: 'Residential Layouts', 'Accessible Hillingdon' and 'Shopfronts'
- (d) Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan, Saved Policies, September 2007)
- (e) Consultation responses

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Notes

 Site boundary
For identification purposes only.

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London Borough of Hillingdon
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Site Address	
298 Kingshill Avenue, Hayes	
Planning Application Ref:	Scale
8195/APP/2011/38	1:1,250
Planning Committee	Date
Central & South	April 2011

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OF HILLINGDON**

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