

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received ☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds ☐
3. There is no Committee resolution for the enforcement action ☐
4. There is no effect on listed buildings or their settings ☐
5. The site is not in the Green Belt (but see 11 below) ☐

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards ☐
7. No petition of 20 or more signatures has been received ☐
8. Application has not been supported independently by a person/s ☐
9. The site is not in Green Belt (but see 11 below) ☐

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha ☐
11. Householder application in the Green Belt ☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses ☐
13. Refusal of change of use from retail class A1 to any other use ☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. ☐

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development) ☐
16. Certificate of Lawfulness (for existing use or Development) ☐
17. Certificate of Appropriate Alternative Development ☐

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings) ☐
19. PRIOR APPROVAL APPLICATION ☐
20. OUT-OF-BOROUGH OBSERVATIONS ☐
21. CIRCULAR 18/84 APPLICATION ☐
22. CORPSEWOOD COVENANT APPLICATION ☐
23. APPROVAL OF DETAILS ☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address UNITS 3A & 4 ESKDALE ROAD UXBRIDGE

Development: Variation of conditions 2 (Approved Plans) of planning permission Ref: 71691/APP/2016/975 dated 12/05/2019 (Erection of a replacement two storey industrial unit and first floor rear extension to Unit 4 involving demolition of existing Unit 3A building to rear) to allow for minor material amendments

LBH Ref Nos: **71691/APP/2019/4018**

Drawing Nos: KKC/4/2019/P/1
 KKC/4/2019/P2
 4872-6
 4872-5D
 4872-4C

Date Plans received : 06/01/2020

Date(s) of Amendment(s):

Date Application Valid: 06/01/2020

1. SUMMARY

The application site is located to the south-western side of Eskdale Road, and situated within the Uxbridge Industrial Estate.

The application is for the variation of conditions No.2 (Approved Plans) of planning permission ref: 71691/APP/2016/975 dated 12/05/2019 to allow for minor material amendments (Erection of a replacement two storey industrial unit and first floor rear extension to Unit 4 involving demolition of existing Unit 3A building to rear). The proposed amendments involve:

- i. Alterations to windows;
- ii. Internal layout to be more open plan; and
- iii. Two new garage openings.

The amendments are considered to be an appropriate and acceptable amendment to the original planning permission that would not have an impact on the original building or the character of the streetscene. As such, the proposal is considered to comply with policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

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 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 KKC/4/2019/P/1, KKC/4/2019/P2, 4872-4 Rev. C and 4872-5 Rev. D and shall thereafter be retained/maintained for as long as the development remains in existence.

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).

3 NONSC Non Standard Condition

The development shall not begin until a scheme, which specifies the provisions to be made for the control of noise emanating from the site has been submitted to and approved in writing by the Local Planning Authority. Where external machinery/equipment or external openings are proposed, details of the siting and sound insulation of such works (for example, refrigeration and air conditioning, ventilation units, air intake louvres, ducting, chimneys, mechanical extraction and disposal of fumes, dust and grit) shall be submitted to and approved by the Local Planning Authority. The details shall be implemented before the development hereby approved is occupied and thereafter permanently retained.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2016).

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 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2016) and national guidance.

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DME 1 Employment Uses in Designated Sites

NPPF National Planning Policy Framework - DO NOT USE

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 Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved

policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 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.

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 Residents 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

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.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located to the south-western side off Eskdale Road, and situated within the Uxbridge Industrial Estate.

The site comprises two, two-storey unit buildings (Units 3A and 4), which constitute food preparation and supply facilities (La Freshco) for the catering industry. Whilst Unit 4 fronts a tarmac access road off the Eskdale Road highway, Unit 3A is in a state of dilapidation and is attached to the rear of an adjoining higher building at Unit 3 (comprises metal sheet cladding to the side elevations), which also fronts the highway. The first floor of Unit 4, which has red-brick external facings, is set in from the rear boundary by 14.6m, while its deeper flat-roof single storey rear addition is set in 2.6m from the rear boundary. Unit 3A has yellow-brick external facings and is set in 1.1m from the rear boundary. Unit 4 features two industrial scale extractor flue units along the rear wall of the deeper single storey rear addition. There are three parking spaces within the private forecourt of the site adjacent to the access road, and there is a gravel-surfaced parking area to the side of adjoining Unit 3, which also serves the application units.

The application site is surrounded by a diverse mix of old and new, two storey and single storey industrial units. The surrounding area is wholly industrial in character and is designated as an Industrial and Business Area in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

3.2 Proposed Scheme

The application is for the variation of conditions No.2 (Approved Plans) of planning permission ref: 71691/APP/2016/975 dated 12/05/2019 to allow for minor material amendments (Erection of a replacement two storey industrial unit and first floor rear extension to Unit 4 involving demolition of existing Unit 3A building to rear). The proposed amendments involve:

- i. Alterations to windows;
- ii. Internal layout to be more open plan; and
- iii. Two new garage openings.

3.3 Relevant Planning History

71691/APP/2016/975 Units 3a & 4 Eskdale Road Uxbridge

Erection of a replacement two storey industrial unit and first floor rear extension to Unit 4 involving demolition of existing Unit 3A building to rear

Decision: 12-05-2016 Approved

Comment on Planning History

71691/APP/2016/975 - Erection of a replacement two storey industrial unit and first floor rear extension to Unit 4 involving demolition of existing Unit 3A building to rear. Approved.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

6. Local Plan 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:

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DME 1 Employment Uses in Designated Sites

NPPF National Planning Policy Framework - DO NOT USE

In addition:

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

The application site comprises existing business units within an established Industrial and Business estate. The orientation, scale and similar height of the adjacent industrial units to the rear (Units 9 to 14, accessed off Arundel Road) are such that there would be no unacceptable effect on those adjacent units by way of overbearing, overshadowing, loss of sunlight or loss of privacy. As such, the proposed amendments are considered to not result in an un-neighbourly development, in compliance with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.2 Impact on Street Scene

The amendments to the building include alterations to window openings, two new garage openings and alterations to the internal layout is considered to be an appropriate and acceptable amendment to the original planning permission that would not have an impact on the original building or the character of the streetscene. As such, the proposal is considered to comply with policies DMHD 1 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.3 Traffic Impact / Pedestrian Safety

Traffic and pedestrian safety would be unaffected by this proposal.

7.4 Carparking & Layout

Car parking would be unaffected by this proposal.

7.5 Urban Design, Access and Security Considerations

Security would be unaffected by the proposed amendments. The Access Officer has no objections to the proposal.

7.6 Other Issues

There are no other issues.

8. 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 (2018)

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