

Report of the Head of Planning & Enforcement Services

Address 121 MOORFIELD ROAD COWLEY UXBRIDGE

Development: Change of use from Use Class A1 (Shops) to Use Class A5 (Hot Food Takeaway) to include installation of extractor outlet to rear

LBH Ref Nos: 11498/APP/2012/953

Drawing Nos: 1222-pl-01 Rev A
Location Plan to Scale 1:1250
Planning Statement and Design and Access Statement
Extraction System Internal Layout
Extraction System Written Specification
JM Cased Accessories Specification
JM Cased Maxfan Specification
Jansun Panel Filter
Jansun Baffle Filter
Jansun Carbon Filter (Cells)
Crime Prevention Strategy
Safety Plan

Date Plans Received: 20/04/2012 **Date(s) of Amendment(s):**

Date Application Valid: 24/04/2012

1. SUMMARY

The application is for planning permission for the change of use of ground floor retail unit from a Butchers (A1) to a Hot Food Takeaway (A5). The proposed business would operate with an internal ventilation system, so no external flue would be required for the extraction of odours from the cooking areas of the building. No external alterations are proposed as part of this application for the change of use.

There is no evidence base upon which to suggest the change of use to a hot food takeaway would cause an increase in anti-social behaviour. Therefore, the proposed change of use, with suitable conditions relating to CCTV and opening hours, is considered to have an acceptable impact on adjoining occupiers in the surrounding area.

The change of use to an A5 unit would retain a sufficient proportion of A1 units within the designated retail parade, so as not to undermine its functionality. The proposed extraction system is considered to have an acceptable impact on the residential amenity of the neighbouring occupiers in terms of odour and noise disturbance and the change of use to a hot food takeaway would have an acceptable impact on the character of the area. Therefore, the application is recommended for approval.

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 1222-pl-01 Rev A 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 Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

3 COM5 General compliance with supporting documentation

The development hereby permitted shall not be first occupied until the extraction system has been completed in accordance with the specified supporting plans and/or documents:

Extraction System Internal Layout
Extraction System Written Specification
JM Cased Accessories Specification
JM Cased Maxfan Specification
Jansun Panel Filter
Jansun Baffle Filter
Jansun Carbon Filter (Cells)

Thereafter the extraction system shall be maintained in working operational order in accordance with these details for as long as the development remains in existence

REASON

To ensure that the protection of the residential amenity of neighbouring occupier in compliance with Policies OE1 & OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

4 NONSC Non Standard Condition

No development shall take place until a scheme to show CCTV cameras to monitor the public area of the building and the land adjacent the principal elevation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan to show the location of the cameras, manufactures specifications and a management plan for the operation of the CCTV system. Thereafter the cameras shall be permanently retained and kept in operation in accordance with the manufactures specification for as long as the development remains in existence.

REASON

To ensure the protection of residential amenity of the neighbouring occupiers in accordance with Policies BE19 and OE3 of the adopted UDP (Saved Policies September 2007).

5 COM24 Hours of use Hot Food Takeaways

The premises shall not be used for the preparation or sale of food outside the hours of:-
0800 to 2200 Mondays - Saturdays, 1000 to 2000 on Sundays, Public and Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

6 NONSC Non Standard Condition

The site shall not be used for delivery and the loading or unloading of goods outside the hours of 08:00 and 22:00, Monday to Friday, and between the hours of 08:00 and 18:00 on Saturdays. The site shall not be used for delivery and the loading or unloading of goods on Sundays, Public or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

7 NONSC Non Standard Condition

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 storage of refuse generated by the business and collection arrangements from the highway of Moorfield Road and 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 S1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007). A

8 NONSC Non Standard Condition

A notice shall be displayed permanently and prominently within the premises requesting that customers dispose of their litter responsibly.

REASON

To ensure the satisfactory disposal of litter in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with policy S1 of the Hillingdon Unitary Development Plan.

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 (July 2011) and national guidance.

S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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
LPP 4.9	(2011) Small Shops
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-NO	Noise Supplementary Planning Document, adopted April 2006

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.

4 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

5 I28 **Food Hygiene**

The Council's Commercial Premises Section should be consulted prior to the use of the premises so as to ensure compliance with the Food Safety Registration Regulations 1990, Hygiene (General) Regulations 1970, The Food Act 1984, The Health and Safety at Work Act 1974 and any other relevant legislation. Contact: - Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Telephone 01895 250190).

6 I44A **Prevention of Litter**

You should ensure that your premises do not generate litter in the streets and nearby areas. Sections 93 and 94 of the Environmental Protection Act 1990 give local authorities the power to serve 'Street Litter Control Notices' requiring businesses to clear up the litter and implement measures to prevent the land from becoming littered again. By imposing a 'Street Litter Control Notice', the local authority has the power to force businesses to clean up the area in the vicinity of their premises, provide and empty bins and do anything else which may be necessary to remove litter. Amendments made to the 1990 Act by the Clean Neighbourhoods and Environment Act 2005 have made it immediately an offence to fail to comply with the requirements of a Street Litter Control Notice, and fixed penalties may be issued as an alternative to prosecution.

Given the requirements of the Clean Neighbourhoods and Environment Act 2005, you are advised to take part in Defra's Voluntary Code of Practice for 'Reducing litter caused by Food on the Go', published in November 2004.

Should you have any queries on the above, please contact the Environmental Enforcement Team within the Environment and Consumer Protection Group on 01895 277402 at the London Borough of Hillingdon.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a ground floor retail unit located on the western side of Moorfield Road, which is currently vacant and last in use as a butchers. The property forms part of a retail parade of four units, with two storeys of residential flats above. The other units within the retail parade are in use as a hairdresser and off-licence, with the third unit being vacant.

To the rear of the building is a private car park and service yard area, which is accessed via controlled security gates which flank either side of the parade of shops. The application premises has use of on one parking space in the service yard and has a refuse storage area adjacent the rear elevation.

On-street parking is available in a lay-by in front of the retail parade, which provides a number of customer parking spaces to visitors, with further on-street parking available on Moorfield Avenue.

The retail parade is monitored by CCTV cameras which have been erected in the footway of Moorfield Road to monitor the parade of shops for anti-social behaviour.

The site is situated within a Developed Area and within the Moorfield Road Retail Parade as identified in the policies of the Adopted Hillingdon Unitary Development Plan (Saved

Policies September 2007).

3.2 Proposed Scheme

The application is for a change of use of the retail unit from a butchers (A1) to a hot food takeaway (A5). No external flue would be installed, with the cooking area of the premises serviced by an internal ventilation system. No physical alterations to the premises are proposed as part of the development.

3.3 Relevant Planning History

11498/A/77/0272 121 & 125 Moorfield Road Cowley Uxbridge
Erection of building for cutting, pre-packaging and storing meat and two garages.

Decision: 07-07-1977 Approved

11498/APP/2007/3081 121 Moorfield Road Cowley Uxbridge
ERECTION OF A SINGLE STOREY SIDE INFILL EXTENSION (RETROSPECTIVE APPLICATION).

Decision: 03-12-2007 Approved

11498/B/77/1310 121 & 125 Moorfield Road Cowley Uxbridge
Reserved matters of outline 11498/77/0272 (P)

Decision: 15-11-1977 Approved

11498/C/81/0262 121 & 125 Moorfield Road Cowley Uxbridge
Details of materials in compliance with condition 4 of outline planning permission ref.11498A/77/272 dated 6.7.77

Decision: 06-03-1981 Approved

11498/D/82/0571 121 & 125 Moorfield Road Cowley Uxbridge
Erection of single storey building and alterations to shop premises.

Decision: 26-05-1982 Withdrawn

Comment on Relevant Planning History

There have been a number of planning applications at the site over the years. However, none of these would impact the determination of the current application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
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
LPP 4.9	(2011) Small Shops
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-NO	Noise Supplementary Planning Document, adopted April 2006

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Site Notice: Erected 2nd May 2012. Expired 23rd May 2012.

7 neighbouring occupiers were notified of the proposed development on 27th April 2012. Three individual replies and a petition with 70 signatures received objecting on the following grounds:

- a) Increased noise and odour disturbance.
- b) Increased anti social behaviour in the area.
- c) Increased traffic in the area.
- d) Littering in the surrounding area.
- e) There are already a number of takeaway which service the surrounding area.
- f) Impact to parking in the area.

These issues are addressed in the main body of the report.

SAFER NEIGHBOURHOODS TEAM:

In relation to the application to open a hot food take away establishment in Moorfield road, Cowley I do believe that in doing so we will increase the chances of anti social behaviour taking place. The area has historic problems of ASB caused by groups of youths who live both locally and further afield. As a Safer Neighbourhood team we have worked hard to reduce ASB in the area and for the past 4 or so years the area has been relatively quiet compared to what used to happen with large gangs of youths gathering outside the shops late at night.

The introduction of a Take Away will only serve to attract individuals late at night. I appreciate that the perspective tenants have stated that they intend to close at 11pm but even this time is too late for a largely residential area. Although Mr Dharmi has a license to stay open to 11pm he always closes before 10pm. By virtue of the fact that it is a take away will encourage youths to buy food and consume it outside the premises. Other youths who do not intend to purchase food will use the location purely to congregate and it will soon become a meeting place.

The owner of the Off Licence, Mr Dharmi has suffered numerous problems with youths gathering outside his shop primarily for the same reason that he was staying open late and the attraction of purchasing alcohol. A late night take away will have the same effect.

In my opinion I cannot see that there will be any other demand for hot food at that time of night in this area other than from local youths. It is purely residential, there are no licensed drinking premises nearby and there is no a passing trade. I do not wish to stifle the opportunity for redevelopment in a parade of shops that has suffered numerous problems over the years and I welcome any opportunity for vacant shops to be leased. However the risks associated with allowing a take away to open till 11pm at this particular parade of shops outweighs any potential benefit it may bring to the community.

My views are purely based on my opinion which has been formed from over 6 years of policing Brunel ward and having to deal with numerous issued surrounding anti social behaviour in and around the shops in Moorfield Road.

METROPOLITAN POLICE

Over the years the area has had lots of anti social behaviour in and around this little shopping parade. I would ask that you add the CCTV condition that we use. I believe there is a limited CCTV installation run by Housing already covering the parade, but we would want something specifically on this venue as well as inside. Fast food places often attract individuals late at night, at least with ID standard CCTV we have a chance of controlling any anti-social behaviour.

Case Office Comments: In response to the comments from the Safer Neighbourhoods Team and Metropolitan Police the applicant has submitted a crime prevention strategy which shows the location of proposed CCTV within and outside the building. The strategy also indicates that the bins would be provided to minimise littering from the proposed take-away to the surrounding area.

THAMES WATER

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 0203 577 9963. Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

I have examined the submitted details of the extraction system and the filtration that accompanies it.

We also carried a further inspection of the location of the proposed development. Due to the distance between the premises and dwellings plus the 3 stages of filtration below, which consist of baffle filters, carbon filters (Cells) and panel filters, we believe that both emissions of noise and odour would be adequately mitigated as long as the system is well maintained and serviced in accordance with the manufacturer's specifications.

The submitted details have addressed our concerns in terms of public nuisance and do not object to the application.

WASTE MANAGEMENT

I would make the following comments on the above application regarding waste management.

a) The application is for a 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. Additional bins for recycling waste may also be required.

The existing plan shows two 240 litre wheeled bins which are unlikely to provide sufficient waste storage unless emptied more frequently. The Council does not provide this size of commercial waste container.

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 alleyway at the rear of the premises, which is a difficult access, or locate the bin(s) at an agreed accessible collection point like others on this parade of shops.

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.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application is for planning permission for the change of use of a retail unit from A1 to A5 use within a designated Retail Parade.

Policy S7 of the adopted UDP (Saved Policies September 2007) states that the Local Planning Authority will only grant planning permission to the change of use of shops in retail parades if:

i) The parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and its function in the borough shopping

hierarchy

All four of the existing units within the parade are currently, or were last in, A1 use. The proposed change of use would result in 75% of the retail parade being retained as A1, which would retain sufficient shop uses within the parade for its function in the borough shopping hierarchy.

ii) The surrounding residential area is not deficient in essential shop uses.

Two of the units within the parade, including the application unit, are currently without an occupier in its current A1 use. Therefore, this would indicate that the market for shops is oversupplied in this area and the loss of the application building from A1 would not remove all available capacity from the surrounding area for potential A1 business to fill.

iii) The proposal accords with Policy S6

Policy S6 of the adopted UDP (Saved Policies September 2007) states that to safeguard the amenities of shopping areas, the Local Planning Authority will grant permission for changes of use of Class A1 shops if:

a) The proposal will not be detrimental to visual amenity where the premises form part of a statutory or locally Listed Building or are located within a Conservation Area

The application building is not statutory or locally listed nor within a Conservation Area.

b) A frontage of a design appropriate to the surrounding area is maintained or provided:

No alterations to the external building are proposed, therefore, the existing design of the building would be appropriate to the surrounding area. Any advertisements would be subject to advertisement consent and could be controlled under the Control of Advertisement (England) Regulations 2007.

c) The proposed use is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems:

The proposed internal ventilation system has been reviewed by Environmental Protection Officer who believes the bespoke system would protect the occupiers of the upper floor residential units from odours and noise disturbance created by the proposed use.

(iv) Has no harmful effect on road safety and does not worsen traffic congestion or disrupt bus operations:

The parade of the retail units rely on the on-street lay-by parking in front of their principal elevations. The potential increase in visitors to the site from the existing A1 use to the proposed A5 use would be considered not to place an unacceptable burden to the on-street parking or harmfully impact road safety or bus operations. Therefore, the development would be compliant in the matters listed above. Therefore, the proposed change of use of the premises to A5 use is considered to be in compliance with Policies S6 and S7 of the adopted UDP (Saved Policies September 2007) and would be acceptable in principle.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

The site is not located in the Green Belt.

7.07 Impact on the character & appearance of the area

The proposed development would result in no external alterations to the appearance of the property. Therefore, the development would have an acceptable impact on the appearance of the building and the visual amenities of the wider area, in compliance with Policy BE13, BE15 and BE19 of the adopted UDP (Saved Policies September 2007).

7.08 Impact on neighbours

Under the Crime and Disorder Act 1998 the Local Planning Authority has to do all it reasonably can to prevent crime and disorder.

During the consultation process three consultation responses from local residents and a petition with 70 signatures was submitted in objection to the proposed development due to the potential for an increase in Anti-Social Behaviour (ASB) associated with the hot food takeaway. This objection was also raised by the area Safer Neighbourhood Team (SNT) who noted that the area has in the past been the subject of ASB, due to the existing off-licence in the retail parade. The SNT have worked with the off-licence, which now shuts at 10pm, to bring about a reduction in ASB in the area. The SNT are of the opinion that the proposed development would result in an increase in ASB in the area once again if approved.

However, there is no evidence base to suggest that a hot-food takeaway would give rise to increased ASB in the area. There are also provisions under other legislation to deal with ASB should it occur. Officers have rejected the option of a temporary permission (to gauge the impact on ASB over a trial period) as in this case it would be unreasonable to ask the applicant to pay the costs involved with changing the premises to the proposed use on only a temporary basis.

The Metropolitan Police Crime Prevention Design Advisor has raised no objection to the development, on the basis that CCTV is installed outside and inside the premises and the applicant has indicated they are willing to comply with this in their Crime Prevention Strategy. With a condition relating to limiting opening hours to 10pm, which the off licence now operates to, as well as a condition requiring details to be provided of a CCTV system to meet Metropolitan Police requirements, no objection would be raised to the change of use in this matter.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposed change of use from A1 to A5 would not significantly increase the number visitors requiring the use of motor vehicles. Additionally, the majority of visitors would visit the site during evening hours, which would reduce the burden to on-street parking during the business hours of the day for the remaining A1 businesses in the retail parade. Therefore, the development would have an acceptable impact on highway safety and would comply with Policy AM7 and AM14 of the adopted UDP (Saved Policies September

2007).

7.11 Urban design, access and security

No comments in relation to these matters.

7.12 Disabled access

The existing entrance to the unit would not be altered by the proposed development and would remain accessible by disabled and wheelchair visitors to the site, in accordance with the Design and Accessibility Statement 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.

7.15 Sustainable waste management

The Waste Officer has noted that the service yard area to the rear of the premises would be difficult to access for waste collection. They have also stated that the majority of businesses in the retail parade have agreements for waste collections to be presented on Moorfield Road on the day of collection. The existing plans show the location of 2 x 240 litre wheelie bins, which would not provide the 1,100 litre bin which is required for an A5 use. However, there would be sufficient space to the rear of the building to keep a 1,100 litre bin and with a condition relating to a Waste Management Scheme to be approved by the Local Planning Authority, no objection would be raised on this matter.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

The Environmental Protection Officer has reviewed the proposed internal ventilation system and believes that it would have an acceptable impact in terms of noise and odour disturbance to the occupiers of the above neighbouring residential properties. Therefore, the change of use is considered to have an acceptable impact on the residential amenity of the neighbouring occupiers in these matters in compliance with Policy OE1 of the adopted UDP (Saved Policies September 2007).

7.19 Comments on Public Consultations

During the consultation process a neighbour objected to the proposal on the ground of increase litter in the surrounding area, which may arise due to the proposed hot food takeaway. It is considered that adequate provision of facilities for waste management could be secured by way of condition were the application to be approved.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No further issues in relation to this application.

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

There is no established connection between hot food takeaways and anti-social behaviour. Therefore, the proposed change of use, with suitable conditions relating to CCTV and opening hours is considered to have an acceptable impact on anti-social behaviour in the surrounding area. The change of use to an A5 unit would retain a sufficient proportion of A1 units within the designated retail parade to not undermine its functionality and a sufficient number of shops would be retained within the surrounding residential area.

The proposed extraction system is considered to have an acceptable impact on the residential amenity of the neighbouring occupiers in terms of odour and noise disturbance and the change of use to a hot food takeaway would have an acceptable impact on the character of the area. Therefore, the application is recommended for approval.

11. Reference Documents

Hillingdon Unitary Development Plan (Saved Policies September 2007).
Supplementary Planning Document 'Accessible Hillingdon'
Supplementary Planning Document Noise.
The London Plan (July 2011).

Contact Officer: Alex Smith

Telephone No: 01895 250230