

Report of the Head of Planning & Enforcement Services

Address UNIT 5, THE ARENA, STOCKLEY PARK STOCKLEY ROAD WEST
DRAYTON

Development: Change of use from class A1 to a mixed use class A1/A3 coffee shop and
Installation of 1x internally illuminated fascia sign and 1x internally illuminated
projecting sign

LBH Ref Nos: 68015/APP/2011/2074

Drawing Nos: 00417/1
00417/2
00417/6 Signage
00417/6 Shop frontage
Costa Appendix 1
Role of Coffee Shops on the High Street
Design & Access Statement
Location Plan

Date Plans Received: 23/08/2011 **Date(s) of Amendment(s):** 30/08/0011
Date Application Valid: 31/08/2011 30/08/2011

1. SUMMARY

The application is for the change of use of the premises from Use Class A1 (retail) to mixed Use Class A1/A3. The proposal is for the use of the premises as a Coffee Shop.

The frontage of the unit faces into an internal courtyard and is therefore largely screened by the buildings around it. The proposed use will not result in the loss of a protected use, it would not harm the openness of the Green Belt, and it would relate satisfactorily to the visual amenities of the area. The application is therefore recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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

REASON

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

2 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 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 MCD9 No External Storage

No display, placing or storage of goods, materials, plant or equipment shall take place other than within the buildings.

REASON

In the interests of amenity and to ensure that external areas are retained for the purposes indicated on the approved plans in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.1

4 NONSC Hours of Operation

The premises shall only be used for the preparation, sale of food and drink and clearing up between the hours of 07:00 and 22:00. There shall be no staff allowed on the premises outside these hours.

REASON

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

5 NONSC Deliveries

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

REASON

To safeguard the amenity of surrounding areas, 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).

6 NONSC Extract ventilation systems and odour control equipment

The commercial use hereby approved shall not be commenced until details of all extract ventilation systems and odour control equipment including details of any noise levels and vibration reduction measures and external ducting, have been submitted to and approved by the local planning authority and the equipment so approved has been installed. The approved extract ventilation system equipment and odour control equipment shall be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed when no longer required.

REASON

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

7 NONSC Waste Management Plan

The development hereby permitted shall not be commenced until a waste management scheme has been submitted to, approved in writing by the Local Planning Authority and fully implemented. Thereafter, this proposal shall only be carried out in accordance with this schedule for as long as the use continues.

REASON

To ensure the amenity of the surrounding area is not adversely effected in accordance with policy BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

8 OM17 Litter Bin Required

The use hereby permitted shall not commence until the owner has made arrangements, to be submitted to and approved in writing by the Local Planning Authority, for the provision of a litter bins within and in the vicinity of the site.

REASON

To ensure that adequate provision is made for the disposal of litter likely to be generated by the proposed development, 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 Policies (September 2007).

9 DIS1 Facilities for People with Disabilities

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

REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policies 3.1, 3.8 and 7.2

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
OL4	Green Belt - replacement or extension of buildings
BE27	Advertisements requiring express consent - size, design and location
BE28	Shop fronts - design and materials
BE29	Advertisement displays on business premises

3. CONSIDERATIONS

3.1 Site and Locality

The Arena within Stockley Park comprises a small group of retail/commercial units that serve the wider employment area of Stockley Park, a low density business park set within landscaped grounds. There are no residential properties within the area, and with Stockley Park being gated and generally within a controlled environment, the retail/commercial units tend to serve just the employees of the park.

The building itself comprises 6 commercial units set around a partly enclosed, circular courtyard, which affords the provision of enclosed and outside seating areas. The commercial units occupy the ground floor, whilst the first floor contains office accommodation, gym and swimming pool.

The commercial uses serve the employees of the park, and currently comprise a public house, a bakers, a newsagents, a sandwich shop, a restaurant, and the application premises which is now vacant, but previously occupied by a hairdressers. The application property has a floorspace of 140m².

There is a dedicated car par for The Arena to the north of the site, beyond which is Stockley Park Golf Club.

The site is located within the Green Belt and the Hayes/West Drayton Corridor. Stockley Park is also identified as an Industrial and Business Area (IBA) within the UDP.

3.2 Proposed Scheme

The application property, until recently has been used as a hairdressing/beauty salon. The proposal is to change the use of the premises from this A1 use to an A1/A3 coffee shop use.

Within the building a serving counter and seating area would be provided. Some seating would also be provided outside.

There would be no cooking on the premises, other than the toasting of sandwiches. Cakes and sandwiches are prepared and packaged off-site and delivered to the unit each day.

Opening hours would vary to suit demand, but the proposal seeks opening hours of 6.30am to 7pm Mondays to Saturdays, and 8am to 6.30pm Sundays.

3.3 Relevant Planning History

68015/ADV/2011/71 Unit 5, The Arena, Stockley Park Stockley Road West Drayton
Installation of 1x internally illuminated fascia sign and 1 non-illuminated projecting sign

Decision:

Comment on Relevant Planning History

A concurrent application to this application has also been submitted in relation to the shopfront and advertisements associated with the proposed use. This is to be considered elsewhere on this Agenda.

4. Planning Policies and Standards

Not applicable to this application.

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
OL4	Green Belt - replacement or extension of buildings
BE27	Advertisements requiring express consent - size, design and location
BE28	Shop fronts - design and materials
BE29	Advertisement displays on business premises

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

9 adjoining and nearby properties have been notified of the application by means of a letter dated 1st September 2011. At the time of writing this report 3 responses have been received, objecting to the application.

The 3 objections raised can be summarised as follows:

1. From an employee of the former hairdressers..."I have been working within stockley for over 4 years and due to the planned change, putting in so many coffee bars and catering services I have had a huge hour loss pending, leaving me no choice but to find other work which is upsetting after working here for such a long time and frustrating as its in close proximity. I am now going to have to travel further to find full time employment."

2. The original plans for Stockley Park Arena of shops was to provide goods and services for the benefit of those working on the business park and for the wider community. The hair and beauty salon is an essential facility catering for everyone, in a safe location away from traffic and main roads. It is the only Hair and Beauty business on the park. There is ample off street free parking and disabled parking. There is good CCTV and security. Parents can bring their children to a safe location to have their hair cut. Busy executives and users of the gym can easily park and have their hair cut, meaning money is spent in the local economy. The salon provide local employment and training opportunities. The managing agents of the park do not subscribe to the original ethos of the park as agreed by Hillingdon Council and the Stockley Park Partners. Costa Coffee is well represented in the area already and surplus to requirements. Is the proposed use fair competition for a limited market?

3. From an adjoining retail occupier..."The Arena at Stockley Park is not a high street location and only has a limited captive market that we can sell are products too. All units apart from the former Beauty Salon (That was pushed out due to their rent being doubled) sell coffee and sandwiches. Greggs opened 3 years ago, and arguments were used that Greggs would bring more people into

the Arena and make all the existing tenants more busier. We are know this was rubbish and in fact Subway lost over 30% of it sales from the day Greggs opened and 3 years on we are still 20% down from pre Greggs. The facts are the Arena at Stockley Park does not need another shop selling coffee and sandwiches in any shape or form as we all providing the same services to people who visit the Arena. We have the Wetherspoons, Alexandra's Wine Bar, Virgin and Subway and selling coffee and sandwiches with comfortable seating for customers. If the A3 use is granted and another food establishment comes along Like Costa Coffee into a closed market like the Arena I guarantee it will take Alexandra's, Wetherspoons and myself to the point that we will need to consider closing as it has been extremely hard trading with little or no profit over the last 3.5 years. There has been many non food related business that wanted to take the Greggs unit in the past and pay more, however, the Landlord was not interested in those and does care about his current tenants and the staff we employ. The government and councils needs to help existing business to grow and expand and stop these type of application that will harm the other surrounding business".

It should also be noted that a PETITION of 55 signatories has been received OBJECTING "to the loss of the hairdressers and beauty parlour for Costa Coffee". This petition has been submitted in relation to the application for Advertisement Consent 68015/ADV/2011/71 but it is assumed that it is meant to be also in relation to this application in respect of the change of use.

OFFICER COMMENT: Many of the objections are in relation to the loss of the hair salon and the competition that would arise between existing users. These are not material planning considerations in this case. The hair salon is no longer operating from the premises (at the time of the officer's site visit the premises was empty, and the potential competition between existing users is not a material consideration, particularly given the unique nature of the site and its surroundings.)

Internal Consultees

The Council's URBAN DESIGN AND CONSERVATION TEAM have no objection to the proposed change of use.

The Council's ACCESSIBILITY OFFICER comments can be summarised as follows...

Plans submitted would suggest that the entrance doors into the proposed coffee shop would present an access barrier to disabled people using wheelchairs. Whilst it is appreciated that this is an existing building, the Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct 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 the cost of accessibility improvements are reasonable and proportionate to the overall costs of the proposal, and where these adjustments can be incorporated with relative ease.

The entrance doors as proposed, provide a clear opening width of approximately 600 mm, requiring both those to be opened to allow wheelchair access. The shopfront should be modified to provide a single leaf door that provides a clear opening width of no less than 1000 mm.

Should the applicant provide a technical report, giving reasons why the shopfront could not be modified, the application would be acceptable.

OFFICER COMMENT: No changes are proposed to the shopfront in this instance, which is well established - changes to openings, where required, will be supported by the Building Regulations if appropriate.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is not within a designated retail shopping area or town centre, and given the unique circumstances of this site that serves a business park it is considered that the proposed change of use is acceptable in principle.

There is no policy that would prevent the change of use in this instance. The proposal would not be detrimental to the visual amenities of the area, there would be no major changes to the design of the unit, it would be compatible with the neighbouring uses and there would be no impact on traffic generation or highway safety.

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 proposal relates to an existing building and the premises fronts an part internal courtyard. It would not therefore harm the openness or have any other material impact on the Green Belt.

7.07 Impact on the character & appearance of the area

The proposed change of use would not impact on the character or appearance of the area.

7.08 Impact on neighbours

There are no residential properties in the immediate vicinity of the site, and the proposed use would not result in any adverse harm to the amenities of the surrounding commercial uses.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposal would not result in any material change or have any material impact on traffic or pedestrian movement within and around the site.

7.11 Urban design, access and security

There are no urban design issues arising from this change of use application.

7.12 Disabled access

There are no disabled access issues arising from this change of use application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

There are no trees, landscaping or ecology issues arising from this change of use application.

7.15 Sustainable waste management

There are no waste management issues arising from this change of use application. The existing waste management facilities used in connection with the retail use will not change as a result of this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

The proposed use would not generate any noise or air quality issues that would affect the amenities of the adjoining occupiers. No extract duting is proposed for this coffee shop use.

7.19 Comments on Public Consultations

As detailed elsewhere in this report, the objections are primarily in relation to the loss of the hairdressers (which has now vacated the premises) and concerns relating to the need for another coffee shop and the competition that may arise between existing users. These are not material planning considerations to this application and are different from the vitality and viability issues that would normally be considered in respect of "normal" shopping parades that serve local residents. This is not the case in this instance.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

9. Observations of the Director of Finance

10. CONCLUSION

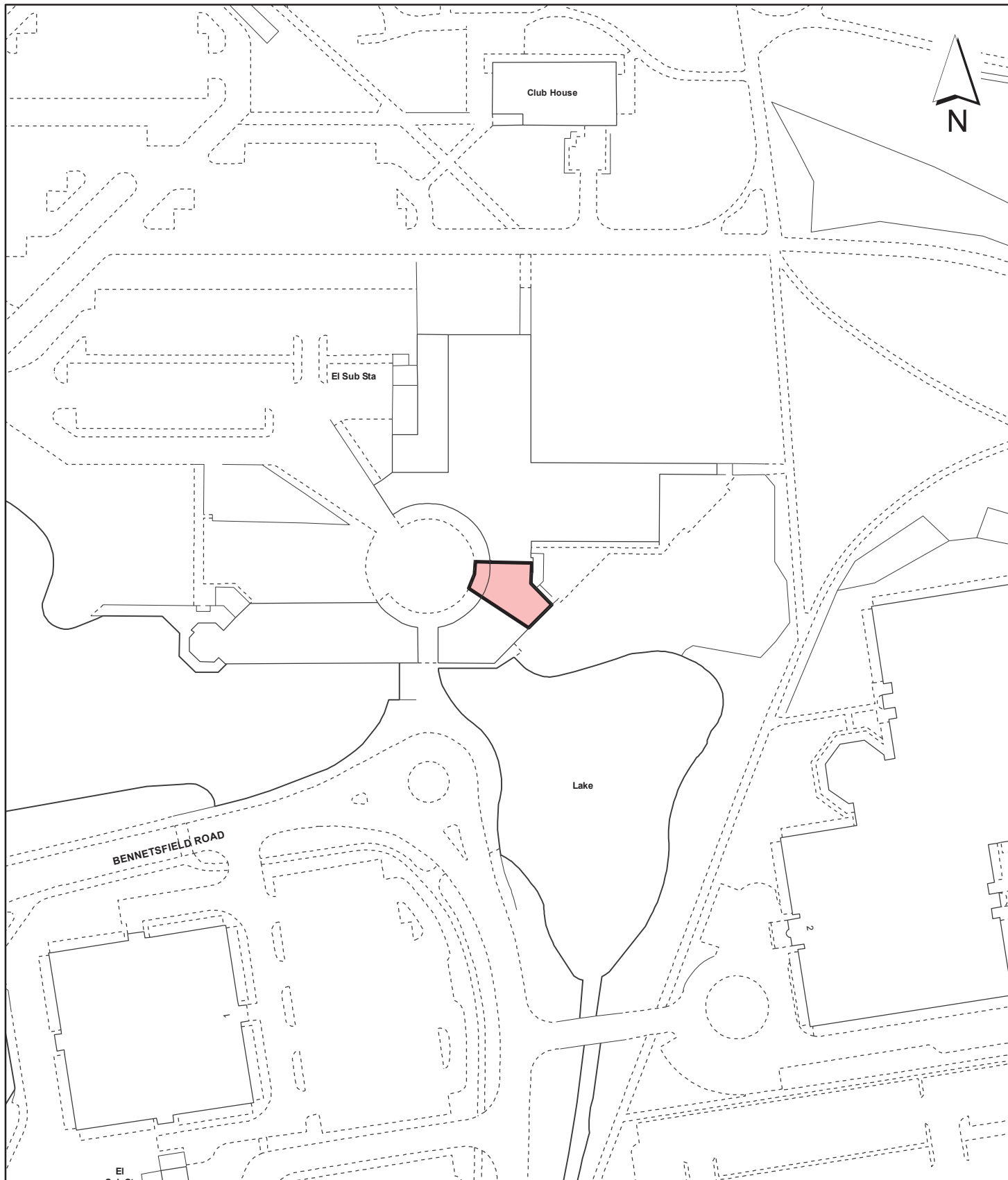
The proposed use is acceptable in this unique location and there would be no material harm arising from such a use. The objectors concerns relating to competition from other similar uses in The Arena are not material planning considerations, and the application is therefore recommended for approval.

11. Reference Documents

London Plan 2011.
Hillingdon Unitary Development Plan (Saved Policies September 2007).
Hillingdon Design and Accessibility Statement: Accessibly Hillingdon.
PPS4: Economic Growth

Contact Officer: Warren Pierson

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Notes



Site boundary

For identification purposes only.

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Site Address

**Unit 5, The Arena
Stockley Park, Stockley Road
West Drayton**

Planning Application Ref:

68015/APP/2011/2074

Planning Committee

Central and South

Scale

1:1,250

Date

**November
2011**

**LONDON BOROUGH
OF HILLINGDON**
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