

Report of the Head of Planning & Enforcement Services

Address 106 FIELD END ROAD EASTCOTE PINNER

Development: Change of use from retail (Use Class A1) to restaurant/Cafe (Use Class A3) and installation of flue to side.

LBH Ref Nos: 11104/APP/2011/334

Drawing Nos: 001 (Existing Ground Floor Plan)
006
Design & Access Statement
Location Plan to Scale 1:1250
001DG
002
003
004
005

Date Plans Received: 15/02/2011 **Date(s) of Amendment(s):**
Date Application Valid: 07/03/2011

1. SUMMARY

Planning permission is sought for the retention of a restaurant use and the installation of an extract flue on the roof of the rear extension. The change of use does not result in the proportion of frontage in non-retail use within the secondary area exceeding 50%. However, it would result in a break in the retail frontage which would exceed 12m and could be construed as an over-concentration of non-shop uses, but given that these premises would also operate as a delicatessen, the proposal is considered acceptable in this instance.

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 NONSC Non Standard Condition

The premises shall only be used for the preparation, sale of food and drink and clearing up between the hours of 08:00 and 23:30. 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).

4 NONSC Non Standard Condition

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 7.15 of the London Plan 2011.

5 NONSC Non Standard Condition

The access to building entrances and w.c. facilities to meet the needs of people with disabilities which have been provided shall be permanently retained.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy R16 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 3.1 and 7.2 of the London Plan 2011.

6 NONSC Non Standard Condition

The development shall not begin until a sound insulation scheme for the control of noise transmission to the adjoining dwellings/premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/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 7.15 of the London Plan 2011.

7 NONSC Non Standard Condition

Prior to the commencement of works on site, full details of the provision to be made for the secure and covered storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided on site prior to the premises being brought into use and thereafter maintained.

REASON

To ensure satisfactory provision is made for the storage of waste and recycling, 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).

8 NONSC Non Standard Condition

No development shall take place until details of the height, position, design and materials of a chimney or extraction vent and any air conditioning equipment to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out until the vent/chimney has been installed in accordance with the approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

REASON

In order to safeguard the amenities of adjoining properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 NONSC Non Standard Condition

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

REASON

In order to safeguard the amenities of adjoining properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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.
OE1	Protection of the character and amenities of surrounding properties and the local area
S12	Service uses in Secondary Shopping Areas
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 7.15	(2011) Reducing noise and enhancing soundscapes

LPP 7.2 (2011) An inclusive environment

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 should only be carried out between the hours of 08.00 hours 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 and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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 12 Encroachment

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

6 13 Building Regulations - Demolition and Building Works

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

7 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement

from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

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

8 16 Property Rights/Rights of Light

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

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the west side of Field End Road between the junctions of Deane Croft Road and Abbotsbury Gardens, and comprises a ground floor retail unit with single storey rear extension in use as a delicatessen. It forms part of a terrace of commercial units on the ground floor with two upper floors in residential use, accessed from the rear. To the north lies 104 Field End Road, a betting shop, and to the south lies 108 Field End Road, an accountant's office. The street scene is commercial in character and appearance and the application site lies within the secondary centre of the Eastcote Town centre, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the retention of a restaurant use and the installation of an extract flue on the roof of the rear extension. The flue is located adjacent to the parapet of the rear extension at 108 Field End Road and measures 0.4m by 3.3m.

3.3 Relevant Planning History

Comment on Relevant Planning History

There are no relevant planning decisions.

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:

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.
OE1	Protection of the character and amenities of surrounding properties and the local area
S12	Service uses in Secondary Shopping Areas
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 7.15	(2011) Reducing noise and enhancing soundscapes
LPP 7.2	(2011) An inclusive environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

23 adjoining owner/occupiers and the Eastcote Residents Association have been consulted. No comments have been received.

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 020 8507 4321

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application. With regard to water supply, this comes within the area covered by the Veolia Water Company.

Internal Consultees

Environmental Protection Unit:

No objections subject to conditions including plant and machinery, noise, restriction on the hours for delivering and waste collection, restriction on the hours of operation.

Waste Management:

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

a) The application is for a restaurant and cafe. 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.

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. 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.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 8.24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) defines secondary shopping areas as peripheral to the primary areas in which shopping and service uses are more mixed although class A1 shops should still be the majority use. Paragraph 8.26 states that as a guideline, the Council will normally seek to prevent a separation or an increase in the separation of class A1 units of more than approximately 12m. Class A1 shops should remain the predominant use in secondary areas and the Local Planning Authority will expect at least 50% of the frontage to be in class A1 use.

Policy S12 establishes that a change of use from class A1 to non class A1 uses in secondary frontages, where there remains adequate retail facilities to accord with the character and function of the shopping centre in order to maintain the vitality and viability of the town centre, to be acceptable.

The 2010 shopping survey shows that within the secondary frontage of the Eastcote Town centre class A1 is at 51.9% of the frontage. The loss of the application property would reduce this to 50.6%. Therefore the proposal would not result in a reduction in the retail frontage below 50%.

Adjoining the application site to the north and south are non-retail uses. The change of use would therefore result in a 15m long break in the retail frontage. However, in this particular instance, the unit would still trade as a delicatessen, which would be a retail use, and thus a mixed use, including a restaurant/cafe element is acceptable and is not considered to impact unduly on the vitality and viability of the town centre.

Overall, it is considered that the change of use does not harm the vitality and attractiveness of Eastcote Town Centre and complies with policy S12 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

No alterations are proposed on the front elevation and therefore the proposal does not harm the appearance of the street scene.

The ventilation duct is sensitively sited and is not detrimental to the appearance of the surrounding area. The proposal therefore complies with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, smell and disturbance.

The nearest residential properties lie above, adjacent and opposite to the application unit. It is considered that planning conditions requiring details of the ventilation equipment, the installation of appropriate sound attenuation and insulation between floors and the imposition of limitations on hours of operation and deliveries are sufficient to maintain the residential amenity of the occupiers of adjoining and nearby residential properties, should planning permission be granted.

With regards to the siting of the proposed ventilation duct, this is located at rear on the roof of the extension. It is located a sufficient distance and faces away from the habitable room windows of the first floor flat so as to ensure that smells and fumes are expelled away from residential units.

The EPU has received no complaints since the use commenced in 2010.

The proposal is thus considered to comply with policies OE1 and S6 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and 7.15 of the London Plan 2011.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The restaurant use does not lead to an increase in traffic generation given its use and location within a parade of shops.

The Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) requires 1 space per 25sqm for non-shop uses. This requirement is the same for shop uses. As no additional floorspace is proposed, no additional parking spaces are required. As such, the proposal does not result in a significant increase in on-street parking and complies with policies AM2, AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

The premises already has disabled access to the premises and also contains facilities

such as an accessible W.C. A condition requiring these facilities to be retained is recommended.

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

Not applicable to 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

See Section 7.08.

7.19 Comments on Public Consultations

None received.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

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

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

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

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

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other

opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The change of use does not result in the proportion of frontage in non-retail use within the secondary area exceeding 50%. However, it would result in a break in the retail frontage which would exceed 12m and could be construed as an over-concentration of non-shop uses, but given that these premises would also operate as a delicatessen, the proposal is considered acceptable in this instance. Overall, the change of use would not harm the vitality and attractiveness of Eastcote Town Centre and complies with policy S12 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).
London Plan 2011

Contact Officer: Sonia Bowen

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Notes



Site boundary

For identification purposes only.

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Site Address

**106 Field End Road
Eastcote**

Planning Application Ref:

11104/APP/2011/334

Planning Committee

North

Scale

1:1,250

Date

**October
2011**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

Civic Centre, Uxbridge, Middx. UB8 1UW
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