

Report of the Head of Planning & Enforcement Services

Address 109 FIELD END ROAD EASTCOTE PINNER

Development: Change of use to from Use Class A1 (Shops) to Use Class A5 (Hot Food Take-away)

LBH Ref Nos: 12666/APP/2011/1044

Drawing Nos: Planning Statement
Block Plan to Scale 1:500
Location Plan to Scale 1:1250

Date Plans Received: 03/05/2011 **Date(s) of Amendment(s):**
Date Application Valid: 24/06/2011

1. SUMMARY

Planning permission is sought for a take away use. The change of use does not result in the proportion of frontage in non-retail use within the secondary area exceeding 50% and it is not considered that the proposal would impact on the amenities of adjoining occupiers to such an extent as to justify refusal. The proposal is therefore considered acceptable in this instance.

2. RECOMMENDATION

APPROVAL subject to the following:

1 HH-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 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 Polices September 2007).

3 NONSC **Non Standard Condition**

The proposed 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, vibration levels, 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 as soon as possible

when no longer required.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity in accordance with Policy OE1 of the Hillingdon UDP.

4 NONSC Non Standard Condition

The development shall not begin until a sound insulation scheme that specifies the provisions to be made for the control of noise transmission to adjoining dwellings, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

REASON - To protect the amenities of the occupiers of residential accommodation in the vicinity in accordance with Policy OE1 of the Hillingdon UDP.

5 MCD10 Refuse Facilities

No development shall take place until details of facilities to be provided for the covered, appropriately sign posted, secure and screened storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

REASON

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

6 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).

7 OM15 General Litter/Waste

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

REASON

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

8 DIS2 Access to Buildings for People with Disabilities

Development shall not commence until details of the full internal layout, including a fully accessible wc, access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development 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 I18 Storage and Collection of Refuse

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans. For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

2 I19 Sewerage Connections, Water Pollution etc.

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE. Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

3 I20 Land Drainage

You are advised that, pursuant to the Land Drainage Act 1976, details of any works affecting the beds, banks and flow of the river, including details of any outfall structures discharging into the watercourse, should be submitted to the Environment Agency, Planning Liaison Officer, Thames Region, Howard House, 10/11 Albert Embankment, London SE1 7TG.

4 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).

5 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.

6 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).

7 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.

S12	Service uses in Secondary Shopping Areas
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
BE19	New development must improve or complement the character of the area.
BE26	Town centres - design, layout and landscaping of new buildings
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 2.16	(2011) Strategic Outer London Development Centres
LPP 3.1	(2011) Ensuring equal life chances for all

8 I25 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning, Environment, Education & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located towards the northern end of Eastcote Town Centre and is on the east side of Field End Road. It comprises an unoccupied shop, No.109, on the ground floor of a three storey, brick built parade of shops. Flats are located on the first and second floors above. There is front access through a set of stairs in the centre of the parade of shops and rear access to other flats where there is some car parking accessed from an un-gated service road and yards. The site lies within the Secondary Shopping Area of the Eastcote Town Centre as identified in the policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007). The surrounding shopping frontage has a mix of A-class uses, including two existing takeaways, with existing advertisements on each unit.

3.2 Proposed Scheme

Planning permission is sought for the change of use from retail (Use Class A1) to use as a takeaway (Use Class A5 for).

3.3 Relevant Planning History

12666/A/88/3128 109 Field End Road Eastcote Pinner
Installation of an internally illuminated fascia sign

Decision: 21-10-1988 Approved

12666/B/88/1998 109 Field End Road Eastcote Pinner
Installation of a new shopfront

Decision: 29-11-1988 Approved

Comment on Relevant Planning History

None relevant

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:

- | | |
|----------|--|
| S12 | Service uses in Secondary Shopping Areas |
| S6 | Change of use of shops - safeguarding the amenities of shopping areas |
| S7 | Change of use of shops in Parades |
| BE19 | New development must improve or complement the character of the area. |
| BE26 | Town centres - design, layout and landscaping of new buildings |
| 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 2.16 | (2011) Strategic Outer London Development Centres |

LPP 3.1 (2011) Ensuring equal life chances for all

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 neighbours were consulted on 27 June 2011, plus The Eastcote Association and Eastcote Residents' Association.

There have been 8 objections which can be summarised as follows:

- 1) Noise and disturbance to nearby dwellings as proposed A5 use directly below residential flats where there are many young families with children;
- 2) increased amounts of rubbish as the stairs and gates leading up to the residential flats above could be used as a seating area harbouring late night users of the takeaway;
- 3) greater potential for antisocial behaviour as already have problems with rubbish and graffiti in the stairwell particularly appearing in the evenings;
- 3) concern over loss of A1 retail unit and impact on viability and vitality of area;
- 4) area has sufficient restaurants and takeaways;
- 5) current takeaways in area cause problems with litter, providing bins doesn't seem to work and litter thrown into gardens of houses;
- 6) discarded food causes health hazards and problems from foxes and rats;
- 7) noise from people congregating outside takeaways;
- 8) exacerbate current parking problems;
- 9) cooking smells;
- 10) problems of late night operation for local residents;
- 11) high rents in parade forcing out A1 uses.

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 01923 898 188. 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:

I do not wish to object to this proposal. Should this proposal be recommended for approval I would recommend conditions relating hours of operation, details of all extract ventilation systems and odour control equipment, sound insulation and deliveries and collections together with the construction site informative.

Highway Engineer:

The proposed site is part of a relatively busy shopping parade in Field End Road corner of Abbotsbury Road which is Borough Secondary Distributor Road.

The proposed A5 use is fronting a lay-by that separates shop fronts from the main road, with existing A1 use that was trading as an ironmongery and door specialist. The entire parade is benefiting from Pay and Display parking area, whereas the applicant indicates that there are three off street vehicle parking spaces available for their use.

Policy AM14 of the UDP refers to the Council's vehicle parking standard contained in the Annex 1. The London Borough of Hillingdon UDP (adopted 1998) saved policies, 27th September 2007, requires two vehicle parking and four cycle parking spaces for similar use. However, considering that currently the shop is vacant, no objection is raised on the highways aspect of the proposals subject to a suitable condition being attached requesting the applicant to provide details of off-site vehicle parking arrangements and covered and secure cycle storage for 4 no. cycles.

Waste Management:

The application is for a food takeaway. 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 51%. Therefore the proposal would not result in a reduction in the retail frontage below 50%. Furthermore the change of use would not result in a break in the retail frontage longer than 12m.

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).

7.06 Environmental Impact

See section below

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 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.

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated.

The proposed development would be set within an existing commercial area. 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.

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.

7.10 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. The site has capacity for the provision of three parking spaces to the rear and thus the proposal 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

No floor plans have been submitted with the application as it is speculative. As a result, the Council cannot at this stage be satisfied that the internal arrangement will be fully accessible. A condition is proposed to address this matter.

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% and it is not considered that the proposal would impact on the amenities of adjoining occupiers to such an extent as to justify refusal. The proposal is therefore considered acceptable in this instance.


11. Reference Documents

Hillingdon Unitary Development Plan (Saved Policies September 2007).

Contact Officer: Clare Wright

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center">109 Field End Road, Eastcote</p>		<p>LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
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	<p>Planning Committee</p> <p align="center">North</p>	<p>Date</p> <p align="center">September 2011</p>	



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