

Report of the Head of Planning & Enforcement Services

Address 206 FIELD END ROAD EASTCOTE

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

LBH Ref Nos: 14770/APP/2012/50

Drawing Nos: Design & Access Statement
268A/2011
268/2011
268B/2011
OS Map
268C/2011

Date Plans Received: 09/01/2012 **Date(s) of Amendment(s):**
Date Application Valid: 09/01/2012

1. **SUMMARY**

Planning permission is sought for a change of use from Class A1 (retail) to a Class A5 (hot food 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 considered that the proposal would not 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 HH-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 Policies BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC Non Standard Condition

No development shall take place until details of an air, odour and fume extraction system and a for the control of noise, vibration and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the

scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Plans (September 2007).

4 NONSC Non Standard Condition

No customers shall be present on the premises, nor shall the premises be used for the preparation or sale of food, between the hours of 2300 hours and 0800 hours the following day.

Reason: To safeguard the residential amenity of the occupiers of nearby properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Plans (September 2007).

5 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 be fully implemented before the development is occupied/the use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To protect the amenities of the occupiers of residential accommodation in the vicinity in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Plans (September 2007).

6 NONSC Non Standard Condition

Deliveries and collections, including waste collections, shall be restricted to the following hours 0800 hrs to 1800 hrs Monday to Friday, and between the hours of 0800 hrs and 1300 hrs on Saturdays and at no time on Sundays and Bank/Public Holidays.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Plans (September 2007).

7 NONSC Non Standard Condition

Development shall not commence until details of the full internal layout, access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and any 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.

8 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).

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
S12	Service uses in Secondary Shopping Areas
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
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.
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 2.15	(2011) Town Centres
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 7.15	(2011) Reducing noise and enhancing soundscapes

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The application site is located on the south west side of Field End Road, south of its junction with Elm Avenue and forms part of a terrace of 7 commercial units on the ground floor with two upper floors in residential use, accessed from the rear. The application property has a single storey rear extension with a rear yard beyond, providing off-street parking. To the north lies 204 Field End Road, in A1 retail use and to the south lies 208 Field End Road also in A1 retail use. The rear of the terrace backs onto a service road.

The street scene is commercial in character and appearance and the application site lies within the secondary shopping area of the Eastcote Town Centre, as designated in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Comment on Relevant Planning History

The previous applications for this site were submitted by the current applicant and withdrawn due to no further action on invalid applications.

3.3 Relevant Planning History

14770/ADV/2011/87 206 Field End Road Eastcote
ADVERT

Decision: 20-12-2011 NFA

14770/ADV/2012/2 206 Field End Road Eastcote

Installation of 1 x internally illuminated fascia sign and 1 x internally illuminated projecting sign

Decision:

14770/APP/2011/2609 206 Field End Road Eastcote
CHANGE OF USE

Decision: 20-12-2011 NFA

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 |
| S12 | Service uses in Secondary Shopping Areas |
| 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 |
| 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.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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AM14	New development and car parking standards.
LPP 2.15	(2011) Town Centres
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LPP 7.15	(2011) Reducing noise and enhancing soundscapes

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

34 neighbouring properties and the Eastcote Residents Association were consulted on 16 January 2011.

One letter was received raising objection to the scheme, in summary the letter raised the following issues:

- i) food waste would encourage vermin and infections;
- ii) limited space to the rear would mean bins may block the accessway;
- iii) tenants above the shops would also use the bins, which may then overflow;
- iv) the extractor duct would lead to smell/pollution issues;
- v) there are already numerous fast food outlets in the area (area is saturated already);
- vi) fast food is unhealthy and leads to obesity and associated health problems with costs to the NHS;
- vii) the addition of new restaurants will depress trade in existing restaurants.

Internal Consultees

Environmental Protection Unit:

No objections. Recommends conditions relating to details of the flue, hours of operation and sound insulation, which are attached to the recommended conditions.

Access Officer:

No objections subject to a condition to ensure disabled persons can access the premises.

Local Development Framework Team:

The Council policy on Shopping and Town Centres refer to shop frontages and not shop units. As such, the analysis is based on shop frontages. This year's survey was conducted on 19th July 2010.

The average frontage for the period 2006 to 2010 (retail, leisure and vacant shop frontage) is approximately 334.4m and 709.5m in retail use, measured across primary area and secondary area frontages respectively, as identified in the London Borough of Hillingdon UDP Saved Policies,

September 2007. The breakdown of shop frontage is shown in Table 1.

Primary shopping area

The share of A1 use has remained at 67% in the last 4 years. A5 use occupies 2% of the overall frontages for the first in the last 5 years in 2009 and remained so in 2010. The other uses have remained more or less the same during the same period. The percentage of vacant (V) frontages is an average 0.5% in the same period but there has been no vacant frontage recorded in the last 3 years. 2010. The share of the overall frontages for A1 use is slightly below the minimum 70% threshold stipulated in the Saved UDP.

Secondary shopping area

The share of A1 rose by 4% in 2007/2008 to 54% and then fell by 2% in 2009 to 52% which is also its 2010 of the overall frontages. A5 use rose by 2% in 2007/2008 to 3% and by 1% in 2010. With the exception of vacant (V) frontages which dropped by 4% in 2009/2010 there has been no significant changes to the percentage share of the other uses. The percentage of A1 use is above the minimum 50% threshold stipulated in the Saved UDP.

Conclusions

Eastcote has a total frontage of 1043.5m within its boundary made up of 334.4m (50 units) in primary and 709.5m (98 units) in secondary shopping areas. There has been no A4 use frontage in its primary shopping area in the last 5 years and the share of A1 use (67%) in the area has also remained constant during this period. The percentage share of A1 use in the secondary shopping area in the last 5 years has not dipped below the 50% threshold.

There has been no vacant frontage in the primary shopping area in the last 3 years leaving this area of the centre with an average 0.5% vacancy rate of in the last 5 years and an average 2.65% for the entire centre during the same period. Eastcote Town Centre can be described as a vibrant shopping due to its relatively low vacancy rate.

The overall position seems to be that the centre continues to have a very low vacancy rate and relatively healthy A1 retail presence. The proposed change of use would be in a secondary frontage.

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 Council will expect at least 50% of the frontage to be in Class A1 use.

Policy S12 establishes that it is acceptable for 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.

The 2011 shopping survey shows that the overall position seems to be that the centre continues to have a very low vacancy rate and relatively healthy A1 retail presence (67.1% of the frontages in the primary shopping area and 51.8% in the secondary shopping area).

In the primary shopping area the share of A1 use has remained at 67% in the last 4 years. A5 use occupies 2% of the overall frontages. The percentage of vacant frontages has been an average 0.5% over the last 5 years but there has been no vacant frontage recorded in the last 3 years. The share of the overall frontages for A1 use is slightly below the minimum 70% threshold stipulated in the Saved UDP.

In the secondary shopping area, the share of A1 rose by 4% in 2007/2008 to 54% and then fell by 2% in 2009 and in 2010 to 52%. A5 use rose by 2% in 2007/2008 to 3% and by 1% in 2010. With the exception of vacant frontages which dropped (which is a good situation) by 4% in 2009/2010 there has been no significant changes to the percentage share of the other uses. The percentage of A1 use is above the minimum 50% threshold stipulated in the Saved UDP.

The proposed change of use would be in a secondary frontage and would mean there would be 51.7% of the frontages as A1. The scheme would result in a drop in the proportion of frontage in A1 use by 0.1%. There are no other proposals for A5 takeaway use within this frontage that have not been implemented which would alter the balance.

The change of use would not result in a break in the retail frontage above the guidelines of 12m. Overall, it is considered that the change of use would not harm the vitality and attractiveness of Eastcote Town Centre and that it would comply with Policy S12 of the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and Policy 2.15 of the London Plan (2011).

Eastcote Town Centre can be described as a vibrant shopping due to its relatively low vacancy rate.

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.

7.07 Impact on the character & appearance of the area

No alterations are proposed to the front elevation, excluding signage which is considered within another advertising application.

The proposed flue shown on plans would be sited to the rear of the property. It would be aligned vertically, following the rear wall of the main building. It would measure 0.3m in diameter and project 1.3m above the eaves line, stopping 1m below the ridgeline of the roof. The flue would be viewed amongst a backdrop of aerials and other paraphernalia commonly seen in rear service yards. The proposed flue would not be out of place in this robust and functional environment.

The supporting documents accompanying the application that the flue details would be finalised once the applicant knows planning permission is in place. As such, notwithstanding the details shown on plans a condition is recommended to ensure full details of the extraction system are provided and approved before any development commences.

The proposal is therefore considered to not harm the appearance of the street scene or of

the views of the rear service yard. 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, behind 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. This is the approach that was taken other recent approvals within Field End Road.

Subject to conditions, 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

See paragraph 7.08.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Hot Food Takeaway 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 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

See paragraphs 7.08 and 7.10.

7.12 Disabled access

A condition requiring details of shop layout is added in order for the occupier to think ahead and take steps to address barriers that impede disabled people.

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

There is space to the rear where waste and recycling storage facilities could be located without causing problems. A condition is recommended in order to ensure waste is

properly stored and managed.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

No flooding or drainage issues are highlighted by consultees. It is not within a Flood Zone.

7.18 Noise or Air Quality Issues

A condition is recommended seeking details of extract flues, in order to ensure smells and noise nuisance are reduced.

7.19 Comments on Public Consultations

ISSUE i) food waste would encourage vermin and infections

COMMENT: Subject to conditions waste and recycling facilities could be adequately controlled.

ISSUE ii) limited space to the rear would mean bins may block the accessway

COMMENT: The case officer attended the site and has observed sufficient space to accommodate bins

Subject to conditions waste and recycling facilities could be adequately controlled

ISSUE iii) tenants above the shops would also use the bins, which may then overflow

COMMENT: This issue is really one which can be dealt with through adequate waste management and regular removal of waste. Conditions are recommended to deal with this.

ISSUE iv) the extractor duct would lead to smell/pollution issues

COMMENT: Subject to conditions smell/pollution could be adequately controlled.

ISSUE v) there are already numerous fast food outlets in the area (area is saturated already)

COMMENT: Care must be taken in planning to focus on material planning considerations. The impact of the proposal on the town centre has been examined and is considered acceptable.

vi) fast food is unhealthy and leads to obesity and associated health problems with costs to the NHS

COMMENT: Care must be taken in planning to focus on material planning considerations. Evidence has not been provided to substantiate the statement and it would not be reasonable to refuse the application for this reason.

vii) the addition of new restaurants will depress trade in existing restaurants.

COMMENT: Care must be taken in planning to focus on material planning considerations. It would not be reasonable to refuse the scheme due to it increasing competition between businesses.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

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

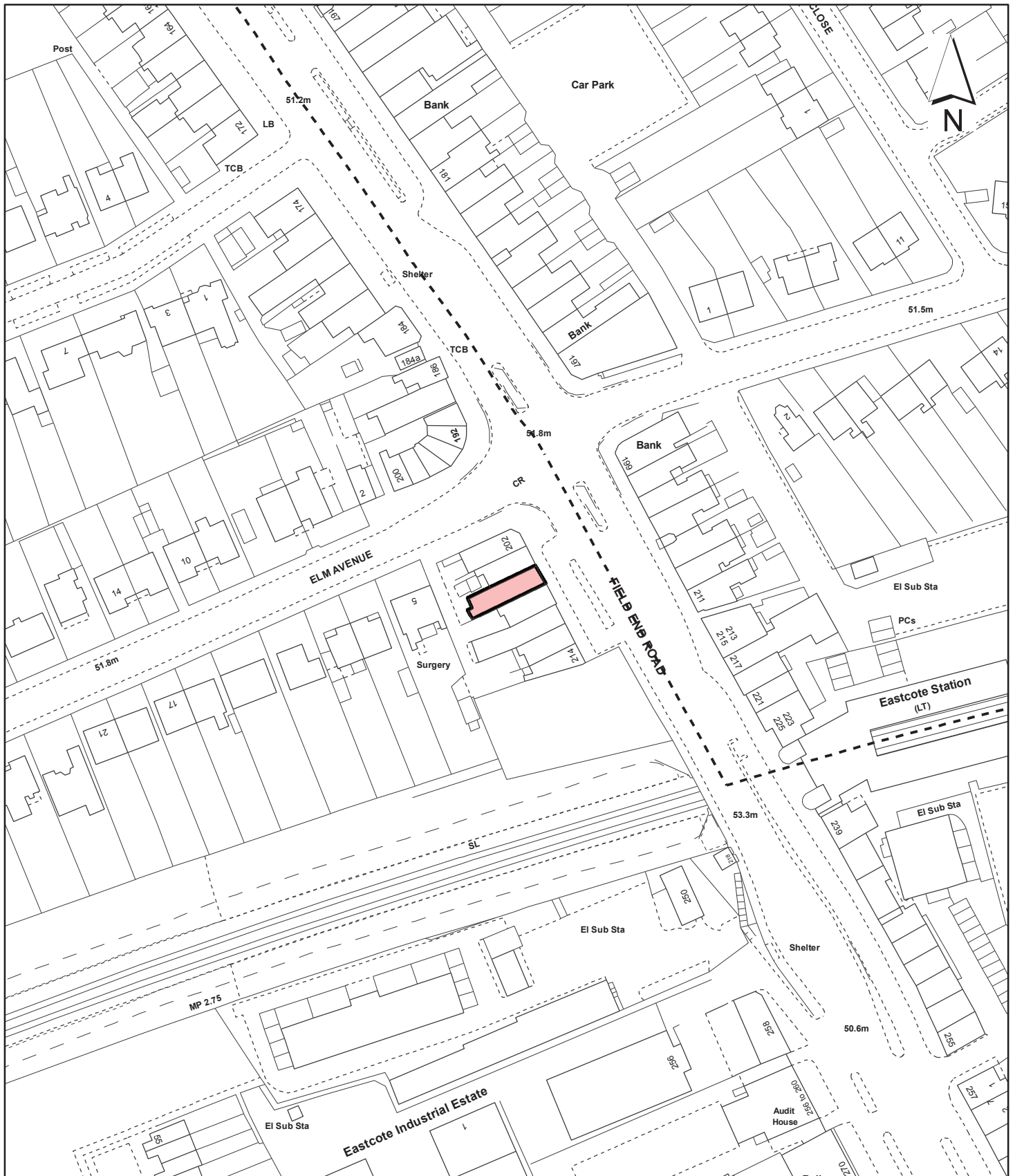
The proposal is considered acceptable in principle. In this case, subject to conditions, impacts to neighbours could be controlled. No objection is raised in terms of parking. The proposal is therefore considered acceptable in this instance.



11. Reference Documents

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

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<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). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2012 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center">206 Field End Road Eastcote</p>		<p align="center">LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services</p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center">14770/APP/2012/50</p>	<p>Scale</p> <p align="center">1:1,250</p>	
	<p>Planning Committee</p> <p align="center">North</p>	<p>Date</p> <p align="center">February 2012</p>	