

## 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  
Location Plan to Scale 1:1250  
268C/2011

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

**Date Application Valid:** 09/01/2012

### DEFERRED ON 13th March 2012 FOR FURTHER INFORMATION .

This application was withdrawn from the North Planning Committee agenda of the 13th March for officers to ascertain up to date information relating to the percentage of non-retail uses within the secondary parade, including the implementation of any permissions since the shopping survey was undertaken in July 2011. Your officers have checked the planning histories for all the properties in the Secondary shopping frontage and whilst permission was granted in December 2010 for the change of use of 176 Field End Road from retail to financial and professional services (A2) this permission was already implemented by the time the survey was undertaken in July 2011. There are no other proposals for non-retail uses within the secondary frontage that have not been implemented which would alter the balance. The current position is therefore as set out in Section 7.01.

#### 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 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 and also details of the control of noise, vibration and odour emanating from the site have been submitted to and approved in writing by the Local Planning Authority. The use shall not commence 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).

**4 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).

**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**

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).

OM15

~~No development shall commence until details of access to building entrances and w.c. facilities (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.~~  
**General Litter/Waste**  
No development shall commence until details 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 NONSC Non Standard Condition**

Development shall not commence until details of access to building entrances and w.c. facilities (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 adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3.1 and 7.2.

#### **9 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).

### **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 3.1	(2011) Ensuring equal life chances for all
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
LPP 7.2	(2011) An inclusive environment

### 3

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from 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 reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

## 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 retail use and to the south lies 208 Field End Road also in 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

None

### 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:** 05-03-2012    Approved

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
AM7	Consideration of traffic generated by proposed developments.
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LPP 2.15	(2011) Town Centres
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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**

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

One letter was received raising objection to the scheme on the following grounds:

- 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:

As the application appears to be for a straightforward change of use with no material alterations proposed, no accessibility improvements could reasonably be required within the remit of planning.

Conclusion: acceptable and informative recommended to be attached to any grant of planning permission.

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. The latest survey was conducted on 18th July 2011.

The average frontage for the period 2006 to 2011 (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.

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 2011. 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. 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 the case in 2011, 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.

The overall position seems to be that the centre continues to have a very low vacancy rate and relatively healthy A1 retail presence.

## **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 is that the centre continues to have a very low vacancy rate and relatively healthy A1 retail presence (66.1% of the frontages in the primary shopping area and 50.5% in the secondary shopping area). In the primary shopping area the share of A1 use has remained at 67-66% in the last 4 years. A5 use occupies 1.8% of the overall frontages. 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%. It is currently at 53.1%. A5 use rose by 2% in 2007/2008 to 3% and by 1% in 2009/2010. 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 currently 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 52.3% of the frontages as A1. The scheme would result in a drop in the proportion of frontage in A1 use by 0.8%. 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).

**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 environment.

The supporting documents accompanying the application state 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**

Not applicable to this application.

**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 is recommended to ensure that access and facilities for disabled people are provided.

**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**

Not applicable to this application.

**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**

i) food waste would encourage vermin and infections

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

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

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

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

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

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

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

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

COMMENT: The impact of the proposal on the town centre is considered in the main report.

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

COMMENT: This is not a planning issue.

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

COMMENT: 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**

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**

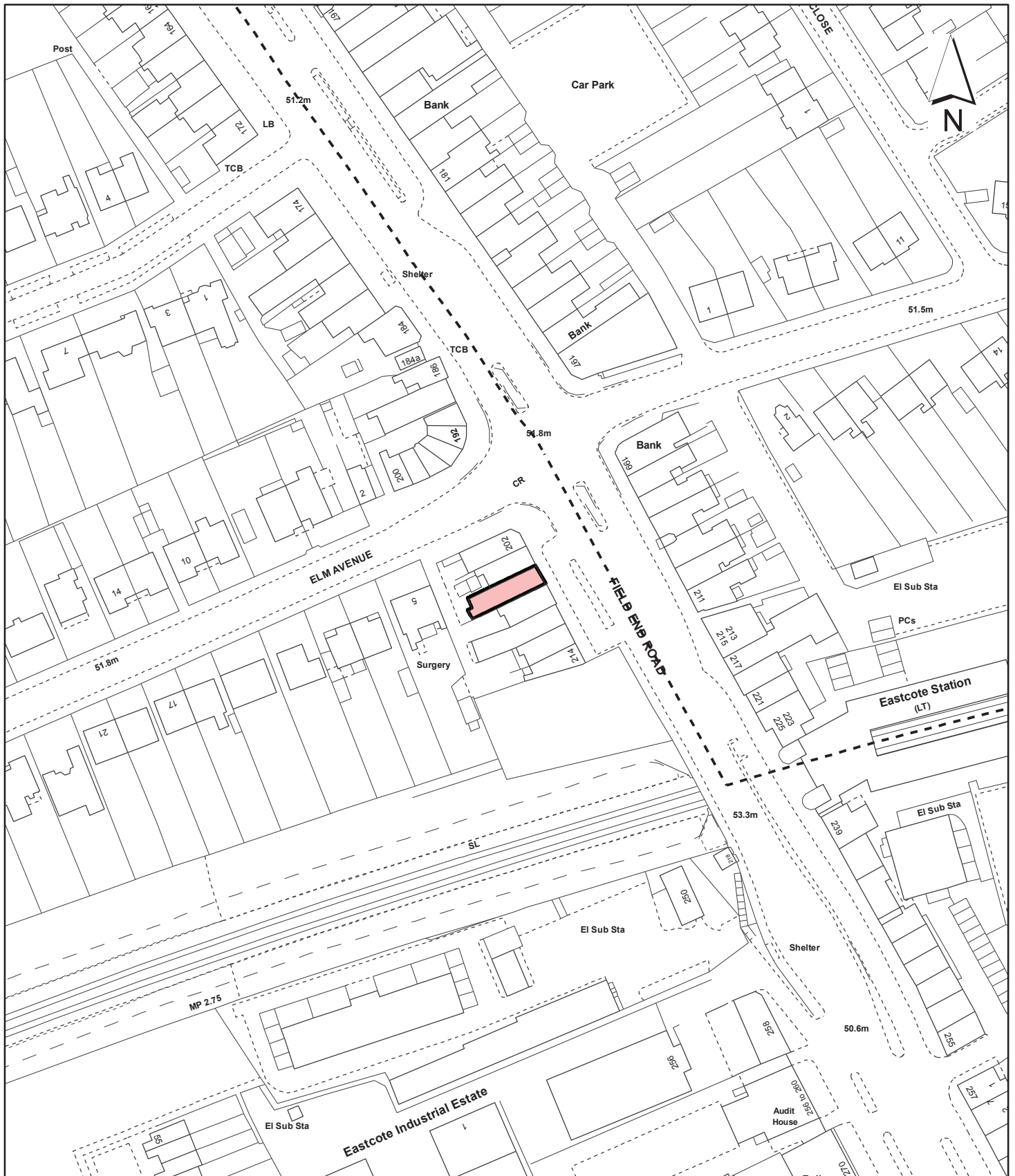
The proposal is considered acceptable in principle. In this case, subject to conditions, impacts to neighbours could be controlled. No objection is raised in terms of parking. The proposal is therefore considered acceptable in this instance.



**11. Reference Documents**

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

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<p><b>Notes</b></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"><b>206 Field End Road Eastcote</b></p>		<p align="center"><b>LONDON BOROUGH OF HILLINGDON</b> Planning, Environment, Education &amp; Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p> <p align="center">   <b>HILLINGDON</b>          LONDON       </p>
	<p>Planning Application Ref:</p> <p align="center"><b>14770/APP/2012/50</b></p>	<p>Scale</p> <p align="center"><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p align="center"><b>North</b></p>	<p>Date</p> <p align="center"><b>February 2012</b></p>	