

## Report of the Corporate Director of Planning & Community Services

**Address** 1 BLACK HORSE PARADE HIGH ROAD EASTCOTE  
**Development:** Change of use from Class A1 retail to Class A5 restaurant.  
**LBH Ref Nos:** 2074/APP/2009/1045  
**Drawing Nos:** 01A  
1:1250 Location Plan

**Date Plans Received:** 18/05/2009      **Date(s) of Amendment(s):**  
**Date Application Valid:** 12/06/2009

### 1. SUMMARY

The application relates to the change of use of an existing vacant retail unit (Use Class A1) to restaurant use (Use Class A5). The application seeks to establish the principle of the use and no exterior alterations are proposed. Any future alterations such as a new shopfront, extractor ducts etc. would require further planning permission.

The parade comprises 6 units and, should this application receive consent, 50% of the frontage would remain in retail use. It is therefore considered an adequate choice of facilities would remain and subject to appropriate conditions relating to hours of operation, litter control, odour and extraction control, the proposal would not conflict with any other of the relevant Adopted policies within the Hillingdon Unitary Development Plan (Saved Policies September 2007).

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 T8 Time Limit - full planning application 3 years

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

#### REASON

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

#### 2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

#### REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### 3 NONSC Hours of operation

The premises shall only be used for the preparation or sale of food, between the hours of

0800 hours and 2300 hours Monday to Saturday, 0800 hours and 2200 hours Sunday and at no time on bank/public holidays.

Reason

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

#### **4 NONSC Details of ventilation and odour control**

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

Reason

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

#### **5 NONSC Hours of deliveries and collections**

Deliveries and collections, including waste collections, shall be restricted to 0800 hrs to 2300 hrs Monday to Saturdays and not at all on Sundays and Bank/Public Holidays.

Reason

To safeguard the amenity of surrounding areas in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Polices September 2007).

#### **6 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).

#### **7 OM16 Notice advertising customer responsibilities**

A notice shall be displayed permanently and prominently within the premises requesting that customers dispose of their litter responsibly.

Reason:

To ensure the satisfactory disposal of litter 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 (February 2008) and national guidance

BE4	New development within or on the fringes of conservation areas
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is on the south side of the High Road and comprises a ground floor end terrace unit in a parade of six units, with residential above. The site has a footway and an access/service road to the front providing on-street parking. There is a further access road to the rear providing vehicular access to the commercial uses and residential units above. The general locality is sloped with the ground rising up to the rear and the site is within Eastcote Village Conservation Area as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

### **3.2 Proposed Scheme**

The proposal involves the change of use of the ground floor from a retail unit (A1) to Restaurant (A5). No external alterations are proposed.

### **3.3 Relevant Planning History**

## **Comment on Relevant Planning History**

None

## **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:

BE4	New development within or on the fringes of conservation areas
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
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
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AM14	New development and car parking standards.

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **12th August 2009**

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

33 neighbours consulted and 2 responses were received, which made the following comments -

1. The existing two restaurants/take-aways have full extract systems from the kitchen to the roof level. In the same place at No.1 Black Horse Parade there is a brick chimney stack left over from the launderette. This is probably not suitable for a kitchen extract and would have to be taken down to a suitable level before a new system is installed;
2. Depending on the type of takeaway, there are concerns re: litter clogging up the street and our front gardens, also from noise from groups gathering outside. Most litter from the existing outlets goes home with meals.

In addition a petition with 20 signatures has been received objecting to the proposal on the following grounds:

1. It is not needed, as there are already two units in the Parade offering food;
2. Lack of parking;
3. Mess and uncleanliness that comes with take aways; and
4. Certain groups would go to Eastcote House Gardens to eat their take aways and this would add to the current problems in the gardens.

Eastcote Village Conservation Panel:

Do not object in principle to the change although disappointed to lose yet another retail outlet.

Concerned at the lack of detail in the drawings. Any changes to the frontage must be in keeping with the conservation area.

There is also scant information as to the type of takeaway, placement of extractor fans, waste containers etc. The residents of the maisonettes must be considered in the placement of these fans and containers, as must the effect on the conservation area.

Eastcote Residents Association - No comments received.

### **Internal Consultees**

Conservation Officer:

This property forms part of a modern parade of shops within Eastcote Village CA. Whilst there would be no objection in principle to the change of use, we would expect to see further related applications for new signage, flues and other works associated with the new use which will need to be given careful consideration

EPU

I have spoken to the agent for the applicant and am advised that no additional information is currently available in respect of any proposed kitchen extract system. However, I understand that the installation of such a system at this location would require a separate application for planning permission.

Should this proposal be recommended for approval I would recommend conditions relating to hours of operation, submission of details relating to extract ventilation systems and odour control equipment including details of any noise levels and external ducting, hours of use, hours of deliveries and collections and provision of litter bins together with the construction Site informative.

Waste and Recycling Officer - The waste division does not have any specific comments regarding this application.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The Local Planning Authority seeks to protect vulnerable parades which are particularly important to the community and to provide opportunities for the establishment of new essential shop uses in existing premises.

Policy S6 states that applications for change of use will be granted where, a frontage of design appropriate to the surrounding area is maintained or provided, the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties and would have no harmful effect on road safety or worsen traffic congestion.

Policy S7 states changes of uses in parades will only be permitted if the parade retains sufficient essential shops to provide a choice appropriate to the size of the parade, the surrounding area is not deficient in essential shop uses, and the proposal accords with policy S6 (above).

Policy 3D.3 of the London Plan (2008), states Boroughs should work with retailers and

other to prevent the loss of retail facilities within these areas.

Black Horse Parade comprises a parade of 6 commercial units at ground floor with residential above. Currently the parade comprises the application site, a vacant retail unit, a convenience store occupying 2 units, 2 restaurant/takeaway outlets and a hairdresser. As such, the proposal would result in 50% of the frontage still remaining in retail use. It is considered should the proposal receive consent, there would still be an appropriate choice of shops within the parade, and furthermore, it would bring an existing vacant unit back into commercial use.

It should also be noted that whilst the previous use of the premises was retail, the use prior to this was as a laundrette (Use Class 'Sui Generis') which is a non-retail use.

#### **7.02 Density of the proposed development**

Not applicable to this application

#### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The proposal is within the Eastcote Village Conservation Area and the Conservation Officer considers the principle of the change of use to be acceptable, subject to the receipt of further related applications for new signage, flues and other works associated with the new use. As the proposal does not currently include any external changes it is considered to comply with Policy BE4 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### **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**

See Paragraph 7.03.

#### **7.08 Impact on neighbours**

Policy OE1 states permission will not be granted for uses which are likely to be detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise nuisance will only be permitted if the impact can be mitigated. The Environmental protection officer has suggested a number of conditions should be applied relating to control of hours of operation, extract ventilation systems and odour control, deliveries and litter, to safeguard the amenity of residents and the surrounding area. These conditions are attached and the proposal is considered to accord with policies OE1 and OE3 of the UDP (Saved Policies September 2007).

#### **7.09 Living conditions for future occupiers**

Not applicable to this application

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

The site is situated on High Road, and is located within a small retail parade which fronts a dedicated service road. It is not considered the traffic generation or parking between retail and take away use would be significantly different such as to warrant a refusal of the application. The proposal would therefore comply with policies AM7 and AM14 of the UDP

(Saved Polices September 2007).

**7.11 Urban design, access and security**

Not applicable to this application

**7.12 Disabled access**

The application is for change of use only and does not involve any alterations to the building. Should an application for a new shop front be received then this would be a consideration at this point.

**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**

The waste division does not object to the proposal and therefore the proposal would be considered acceptable in relation to these matters.

**7.16 Renewable energy / Sustainability**

Not applicable to this application

**7.17 Flooding or Drainage Issues**

The site is not within a flood zone and no further drainage issues have been raised.

**7.18 Noise or Air Quality Issues**

Not applicable to this application

**7.19 Comments on Public Consultations**

Any further external alterations, including the provision of an extract flue would require a further application and should the application be approved appropriate conditions could be applied relating to the provision of litter bins and hours of operation.

**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**

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

#### **10. CONCLUSION**

The application is for change of use only and does not involve any exterior alterations to the building and as such the existing frontage would be maintained. Subject to appropriate conditions the proposal would be considered compatible with neighbouring uses and is not considered to result in an adverse impact on highway safety. Should the application receive consent, the parade would still maintain 50% of its frontage in retail use and as such an appropriate level and choice of shops would be maintained, and therefore is considered to comply with Policies S6 and S7 of the UDP (Saved Policies September 2007).

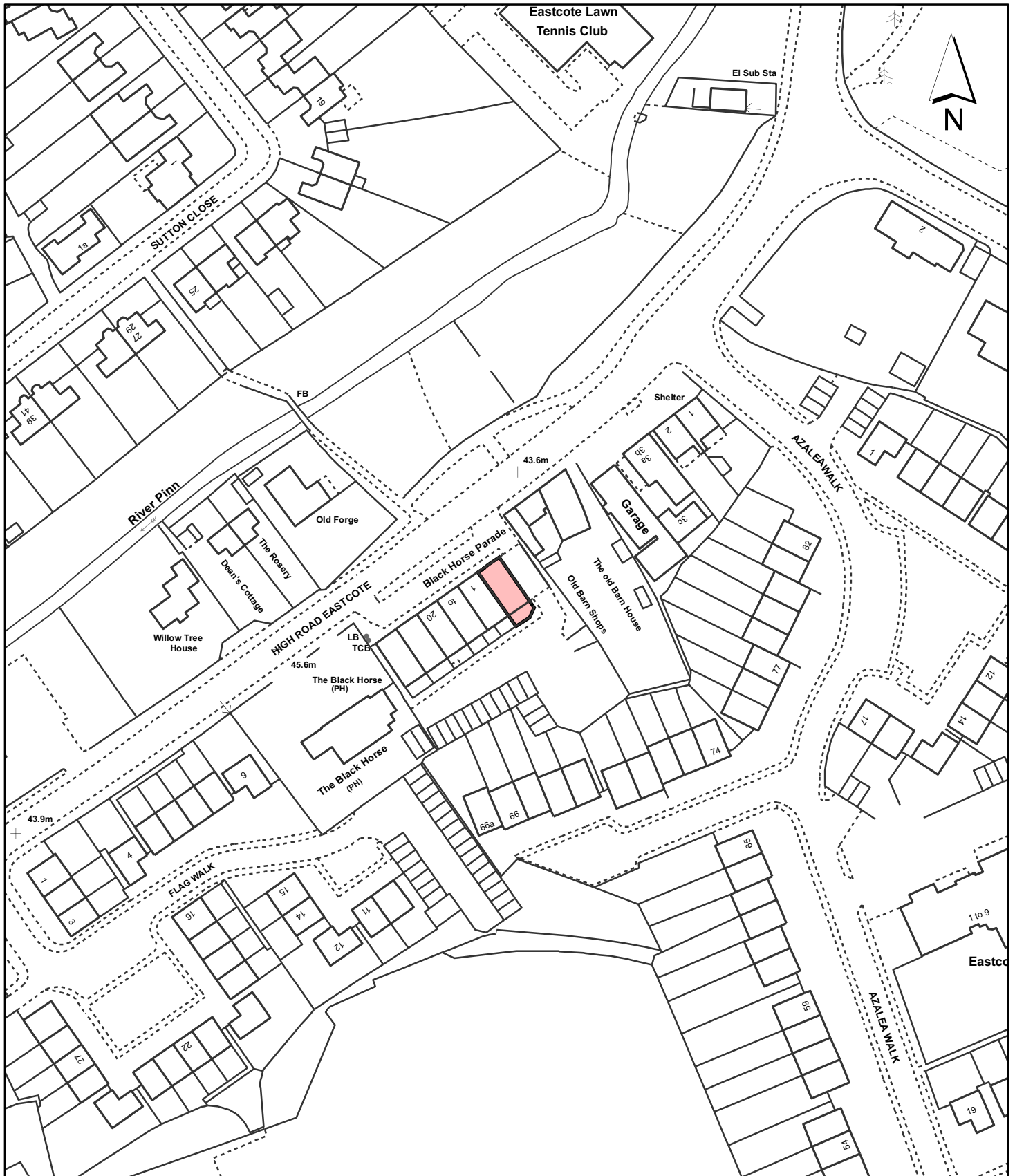
#### **11. Reference Documents**



Unitary Development Plan (Saved Policies September 2007)  
London Plan Policies (2008)

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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. All rights reserved. London Borough of Hillingdon 100019283 2008</p>	<p>Site Address</p> <p><b>1 Black Horse Parade High Road Eastcote</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Planning &amp; Community Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p><b>2074/APP/2009/1045</b></p>	<p>Scale</p> <p><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p><b>North</b></p>	<p>Date</p> <p><b>August 2009</b></p>	
		 <p><b>HILLINGDON</b> LONDON</p>	