

Report of the Corporate Director of Planning & Community Services

Address 257 FIELD END ROAD RUISLIP

Development: Change of use from retail (Class A1) to hot food take away (Class A5) and installation of ventilation grille to side.

LBH Ref Nos: 22074/APP/2009/1847

Drawing Nos: Design and Access Statement
L722/1/ Rev C
Manufacturers details of Odour Neutraliser and Electrostatic Precipitator

Date Plans Received: 20/08/2009 **Date(s) of Amendment(s):**

Date Application Valid: 02/09/2009

1. SUMMARY

The application relates to the change of use of an existing vacant retail unit (Use Class A1) to hot food takeaway use (Use Class A5). The site is within Eastcote Town Centre but situated outside the primary and secondary shopping areas. There is no specific protection for A1 uses outside the designated shopping areas within town centres, and the site is in an area where there is a noticeable supply of vacant retail units in the near vicinity. There would be no exterior alterations to the proposed building, save the installation of an extraction vent to the side. This would not impact unduly on the visual amenities of the area and is considered acceptable.

It is considered that an adequate choice of facilities on this frontage would remain and subject to appropriate conditions relating to hours of operation, litter control and 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 Policies BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 OM15 General Litter/Waste

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).

4 NONSC Control of extract and ventilation systems

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. Any external ducting shall be removed as soon as possible when no longer required.

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 Delivery and collection times

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

REASON

To safeguard the amenity of surrounding areas, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

6 N13 Sound insulation of commercial/entertainment premises

The development shall not begin until a sound insulation scheme for the control of noise transmission to the adjoining dwellings/premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

7 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).

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 3A.13, 3A.17 and 4B.5.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
S6	Change of use of shops - safeguarding the amenities of 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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings

requires the written consent of the Local Planning Authority.

4 I2 Encroachment

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

5 I3 Building Regulations - Demolition and Building Works

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

6 I5 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

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

7 I6 Property Rights/Rights of Light

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

8

Pursuant to the Control of Pollution Act 1974, the Clean Air Act 1993, the Environmental Protection Act 1990 and any other relevant legislation, you are advised as follows:

- 1) Demolition and construction works which are audible at the site boundary should only be carried out between the hours of; 0800 and 1800 on Monday to Friday, 0800 and 1300 on Saturday. No such work must be carried out on Sundays and Bank Holidays. All noise generated during such works must be controlled in compliance with British Standard 5228;
- 2) Measures must be taken to eliminate the release of dust caused by the works that may create a statutory nuisance (a useful reference is the Best Practice Guidance - The control of dust and emissions from construction and demolition, Greater London

Authority, November 2006);

3) No bonfires on the site shall be allowed to take place at any time.

9

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the east side of Field End Road, to the south of the station and comprises a ground floor end terrace unit in a parade with residential maisonettes above. The site has a footway and an access/service road to the front providing street side parking and is within Eastcote Town Centre 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) and the installation of an extraction vent to the side.

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:

- | | |
|------|--|
| BE13 | New development must harmonise with the existing street scene. |
| BE15 | Alterations and extensions to existing buildings |
| S6 | Change of use of shops - safeguarding the amenities of 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 |
| AM7 | Consideration of traffic generated by proposed developments. |
| AM14 | New development and car parking standards. |

LPP 3D.1 London Plan Policy 3D.1 - Supporting Town Centres.

LPP 3D.3 London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

24 neighbours were consulted and 5 responses were received, which made the following comments:

1. There is no public car parking off Sunningdale Avenue;
2. Our main issue is late night noise and nuisance in the form of fumes wafting across our garden;
3. The premises back onto residential properties and any fumes will affect the enjoyment of our garden;
4. Due to the nature of the proposal, this would involve frequent customers comings and goings up to 11pm and therefore also involve slamming of car doors;
5. The possibility of rubbish being dumped in our front gardens and people gathering near to the vicinity, especially if they have exited a drinking establishment;
6. There are already 5 Indian takeaways in the near vicinity all of which have takeaway facilities;
7. It is accepted that there are several empty units in the area but this could rapidly change if the economic climate improves;
8. If another unit is turned over to a 'food and drink' use there will be nothing left to attract visitors to our local shops;
9. Eastcote is literally littered with takeaways and food establishments, and this cannot be in the interest of good estate management or healthy competition of business;
10. We do not need another food establishment, we do not want to smell the food, or encourage youths to come up the stairs of Telcote Way causing problems;
11. In the past 4 years we have lost many A1 uses, all opening in the day time, another food shop which opens in the evening does not help local businesses. There are already other Indian takeaways in the near vicinity;
12. There are only 5 spaces at the front of the shop, Sunningdale is at least 7min walking distance away and the car park mentioned on that road is a private carpark, so parking is always a problem;
13. The extract duct seems to be directed towards Telcote Way, which is not ideal.

Eastcote Village Association - No comments received

Eastcote Residents Association - No comments received

Thames Water

Recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321

Internal Consultees

EPU

No objections subject to conditions relating to hours of operation, hours of collection and deliveries, details of extraction system and sound insulation.

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

There are no specific policies for the protection of retail uses outside the primary and secondary shopping areas of the Town Centre. However the London Plan (2008), Policy 3D.1, states boroughs should enhance access to goods and services, and strengthen the wider role of town centres, and policies should encourage retail, leisure and other related uses in town centres. In addition to this, policies should support a wide role for town centres as locations for leisure and cultural activities, as well as business and housing, and require the location of appropriate health, education and other public and community services in town centres

Policy 3D.2 comments that, UDP policies should relate the scale of retail, commercial and leisure development to the size and role of a centre and its catchment and encourage appropriate development on sites in town centres, and Policy 3D.3 states Boroughs should work with retailers and others to prevent the loss of retail facilities that provide essential convenience and specialist shopping and encourage mixed use development

Policy S6 states changes of use applications 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 the use would have no harmful effect on road safety or worsen traffic congestion.

The application site comprises a ground floor commercial unit with residential above. The site is the end unit in a terrace of 6, 4 of which would still remain in retail use should this application receive consent. On the north side of the site is a vehicular access point which gives access to a builders merchants, then there is a further terrace of 9 commercial units, 8 of which remain in retail use, although 4 are vacant. It is therefore considered should the proposal receive consent, there would still be an appropriate choice of shops on this frontage.

7.02 Density of the proposed development

Not applicable to this application

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

Not applicable to this application

7.04 Airport safeguarding

Not applicable to this application

7.05 Impact on the green belt

Not applicable to this application

7.06 Environmental Impact

Not applicable to this application

7.07 Impact on the character & appearance of the area

There are no external alterations proposed to the front of the building and the proposed vent to the side is a minor alteration which does not impact visually on its surroundings. Therefore the proposal would comply with policies BE13, BE15 and S6 of the Hillingdon UDP (Saved Policies, September 2007).

7.08 Impact on neighbours

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 Environmental protection officer has commented on this application and has suggested a number of conditions relating to control of hours of operation; extract ventilation systems and odour control; noise and deliveries, to safeguard the amenity of residents and the surrounding area. Therefore subject to the appropriate conditions being applied the proposal is considered to accord with policies OE1 and OE3 of the UDP (Saved Polices 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 Field End Road and is located within a terrace of commercial units which fronts a dedicated service road. It is not considered that the traffic generation between retail and take away use is so significantly different as to justify a refusal of permission. 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 Design and Access Statement submitted with the application states that the shop front has a level access and doors wide enough to accommodate a wheel chair and internal alterations are to be undertaken at the rear to provide a fully accessible WC.

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 did not have any specific comments regarding this application and therefore the proposal would be considered acceptable in relation to these matters. However, it is recommended that should members wish to approve the application conditions are attached relating to the waste storage and control of litter.

7.16 Renewable energy / Sustainability

Not applicable to this application

7.17 Flooding or Drainage Issues

Not applicable to this application

7.18 Noise or Air Quality Issues

See section 7.08

7.19 Comments on Public Consultations

The comments received have been addressed in the main body of the report.

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

This is not applicable to this application.

10. CONCLUSION

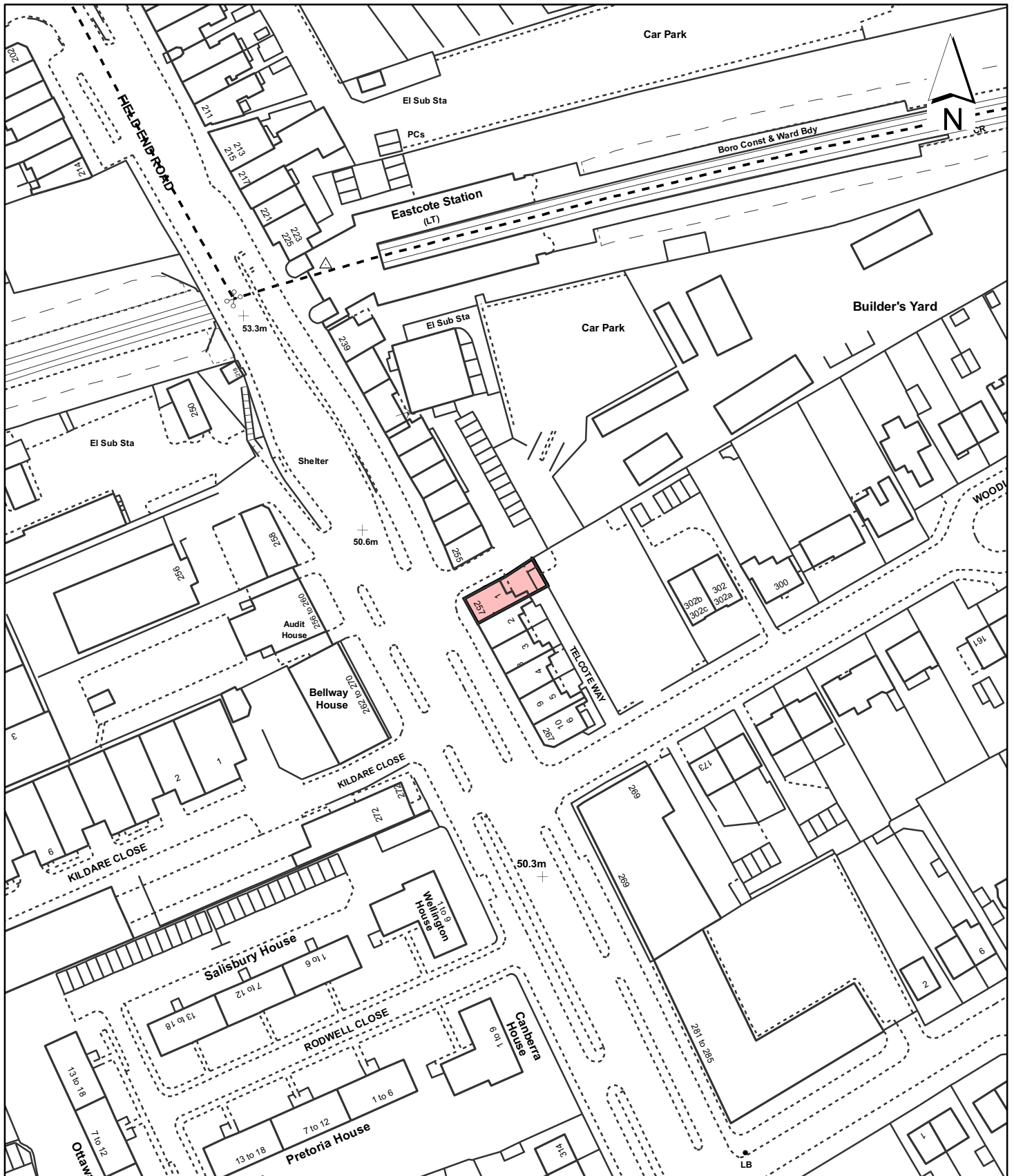
The application relates to a change of use of a unit which is outside the primary and secondary areas of the Town Centre, comprises a vacant unit and does not involve any exterior alterations to the building save the installation of a vent to the side elevation and as such the existing frontage would be maintained. Subject to appropriate safeguarding conditions the proposal is considered compatible with neighbouring uses and is not considered to result in any adverse impact in relation to highway safety or on the adjoining occupiers. The application is therefore recommended for approval.

11. Reference Documents


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

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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.

© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009

Site Address	
257 Field End Road Ruislip	
Planning Application Ref:	Scale
22074/APP/2009/1847	1:1,250
Planning Committee	Date
North	December 2009

LONDON BOROUGH OF HILLINGDON

Planning & Community Services

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



HILLINGDON
LONDON