

## Report of the Head of Planning, Sport and Green Spaces

**Address** 3 NORTHFIELD PARADE STATION ROAD HAYES

**Development:** Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5)

**LBH Ref Nos:** 29523/APP/2017/2455

**Drawing Nos:** Location Plan (1:1250)  
ASB473-01  
ASB473-02  
ASB473-04  
ASB473-03

**Date Plans Received:** 06/07/2017 **Date(s) of Amendment(s):**

**Date Application Valid:** 24/07/2017

### 1. **SUMMARY**

This application is for the change of use of a shop (Use Class A1) to a hot food takeaway (Use Class A5) on an existing shopping frontage at Northfield Parade on Station Road, Hayes.

It is considered that the resulting changes would be fairly minor and the proposal is consistent with policy and therefore recommended for approval.

### 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

#### 1 COM3 **Time Limit**

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 COM4 **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers ASB473-03 and ASB473-04 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

#### 3 COM24 **Hours of use Hot Food Takeaways**

The premises shall not be used for the preparation or sale of food outside the hours of 08.00 to 22.00 Mondays - Saturdays and 1000 to 2000 Sundays, Public or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**4 COM25 Loading/unloading/deliveries**

No delivery of goods or supplies or the loading or unloading of goods/supplies shall be made to or take place to the premises outside the hours of 08:00 and 18:00, Monday to Friday, and between the hours of 08:00 and 13:00 on Saturdays. There shall be no deliveries on Sundays or Bank Holidays. There shall also be no waste collection from the premises outside of the hours stated.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**5 COM20 Air extraction system noise and odour**

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. 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 Local Plan: Part Two Saved UDP Policies (November 2012)

**6 MCD10 Refuse Facilities**

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

**REASON**

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 of the London Plan (2016).

**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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including

The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
BE13	New development must harmonise with the existing street scene.
BE28	Shop fronts - design and materials
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
LPP 4.7	(2016) Retail and town centre development
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 5.17	(2016) Waste capacity

### **3            I47            Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

### **4            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 Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

### **5            I15            Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **6 125 Consent for the Display of Adverts and Illuminated Signs**

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 2007. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

## **7 128 Food Hygiene**

The Council's Commercial Premises Section should be consulted prior to the use of the premises so as to ensure compliance with the Food Safety Registration Regulations 1990, Hygiene (General) Regulations 1970, The Food Act 1984, The Health and Safety at Work Act 1974 and any other relevant legislation. Contact: Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Telephone 01895 250190).

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is located in a prominent location in a small parade of shops on the corner of Station Road and North Hyde Road. The Parade contains a range of independent shops with two hot food takeaways. It is accessed by a short length of service road set back from the main North Hyde Road. The building is currently used as a cake shop.

#### **3.2 Proposed Scheme**

The proposal is for the change of use from retail (Use Class A1) to hot food takeaway (Use Class A5). The proposal includes an external extraction flue.

#### **3.3 Relevant Planning History**

29523/81/0463

3 Northfield Parade Station Road Hayes

Change of use to Retail use 15sq.m.(P)

**Decision:** 19-05-1981 Approved

29523/C/84/3076 3 Northfield Parade Station Road Hayes  
Advertisement (P)

**Decision:** 09-07-1984 Approved

29523/D/99/1797 3 Northfield Parade Station Road Hayes  
Erection of a single storey extension to rear of retail shop (Class A1)

**Decision:** 18-10-1999 Approved

#### **Comment on Relevant Planning History**

The previous applications related to previous uses of the site and are not of direct relevance.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.E5 (2012) Town and Local Centres

Part 2 Policies:

- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- BE13 New development must harmonise with the existing street scene.
- BE28 Shop fronts - design and materials
- 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
- LPP 4.7 (2016) Retail and town centre development
- LPP 4.8 (2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
- LPP 5.17 (2016) Waste capacity

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

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

6 adjoining occupiers consulted and a site notice was posted. No comments were received from neighbouring properties or businesses.

### Internal Consultees

Highways Officer:

This application is for a change of use of an existing sweet shop on Station Road Hayes to a takeaway food shop. The shop is located on Northfield Parade which has a separate service road which is subject to nearby parking restrictions. Station Road Hayes is a classified road on the Council road network. The shop is fairly small and is open 7 days per week closing at 7pm and with only 3 employees. It is estimated that the takeaway facility will not alter traffic generation in the vicinity of the shop significantly. On the basis of the above comments I do not have significant highway concerns over the above application.

Trees/Landscape Officer:

This site is occupied by a mid-terrace property which forms part of a retail parade at the junction of North Hyde Road and Station Road, in the south-east corner. There is a small service road to the front for customers and rear service access to the units for deliveries. There is no external amenity space associated with the site. No trees or other landscape features will be affected by the proposed change of use. In this situation there is no space or opportunity to secure landscape enhancements. No objection and no need for landscape conditions

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

In order to establish the acceptability of the principle of developing this site, it is necessary to take into account currently adopted planning policy and to a lesser extent, emerging policy.

As the application would result in the loss of a shop it has to be assessed against planning policies relating to shopping. The key policies are as follows:

Northfield Parade is classified in the saved policies of the Local Plan Part Two as a shopping parade.

Policy S6 seeks to safeguard the amenities of shopping areas through consideration of impacts on visual amenity, frontage design, compatibility with neighbouring uses and impacts on road safety.

The application does not include any significant changes to the frontage and it is not located within a sensitive area. It is therefore compliant with the policy in relation to visual amenity and frontage design. The proposal does include an extractor flue to the rear of the property and there are residential properties above. However, this is a situation which is a common occurrence throughout the borough and the details of the siting and scale of the proposed extract equipment can be required by the imposition of a pre-commencement

condition. The Highways Officer is satisfied in relation to traffic and road safety.

Policy S7 relates to the change of uses of shops in parades from A1 to other uses. It requires the parade to retain sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and to ensure that the surrounding residential area is not deficient in essential shop uses. There are currently 9 shops in the parade and a large Asda Superstore immediately across the road. Two of the shops are currently used as hot food takeaways. The remaining 6 shops include a newsagents, a chemist, two food and wine shops and a flower shop. This range of shops and the Asda store are considered to provide sufficient choice for the local residents and the loss of this unit is thus considered acceptable.

The Council has adopted the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties.

The proposal would be entirely compatible with the current use of the site and the surrounding area, and therefore is acceptable in principle. The proportion of takeaways is low along this shopping parade with only 2 of the 9 shops being takeaways, so the mix of shops and food takeaways would be acceptable and would not alter the character of the wider shopping parade.

The proposal is consistent with shopping policies S6 and S7.

**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**

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The development would lead to little difference to the street scene as there are no external changes proposed. Whilst it is anticipated that the signage to the frontage would change this would need to be the subject of a separate application.

Therefore, the development would comply with Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and the objectives of the NPPF and Hillingdon Local Plan Policy BE1.

**7.08 Impact on neighbours**

The premises are located on a small shopping frontage with residential accommodation at first and second floor level. Most of the ground floors of the surrounding properties are occupied by shops or businesses, with two other takeaways.

The main impacts on neighbours are likely to arise from noise from the takeaway and odours emitted from an external extractor flue to the rear.

The proposed use would require the installation of extraction mechanisms that have the potential to produce noise and odour emissions. Whilst the application does not include details of the extraction systems and mitigation measures to be used to limit noise and odour emissions, such details could be the subject of a condition requiring the submission of details to show the position of the flue and that the mechanism could be operated without subjecting neighbouring residents, including the occupants of the residential units within the building, from being subjected to unacceptable noise and odour discharged by the extraction system.

In terms of noise and disturbance from the unit itself, it is proposed to limit the hours of operation by condition to ensure that such occurrences are within acceptable hours.

**7.09 Living conditions for future occupiers**

Not applicable to this application.

**7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The number of cars accessing the site would be likely to be the similar to the existing. No concerns have been raised by the Highways Officer.

No specific car parking is provided for the premises, but the Highways Officer is satisfied that this is not a significant issue.

**7.11 Urban design, access and security**

These issues are covered in Sections 7.07 and 7.12.

**7.12 Disabled access**

This was not specifically addressed by the application, but the shop does have a level threshold to allow for access.

**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**

Not applicable to this application.

**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**

The details of the extractor flue will be required to be approved through the addition of a condition.

**7.19 Comments on Public Consultations**

No comments were received.

**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**

### General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be

given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

**9. Observations of the Director of Finance**

Not applicable to this application.

**10. CONCLUSION**

The application is considered to be consistent with adopted policies in relation to shopping parades. Suitable mitigation measures and conditions are recommended to ensure that the proposed use does not detract from the amenities of the occupants of the building and neighbouring sites.

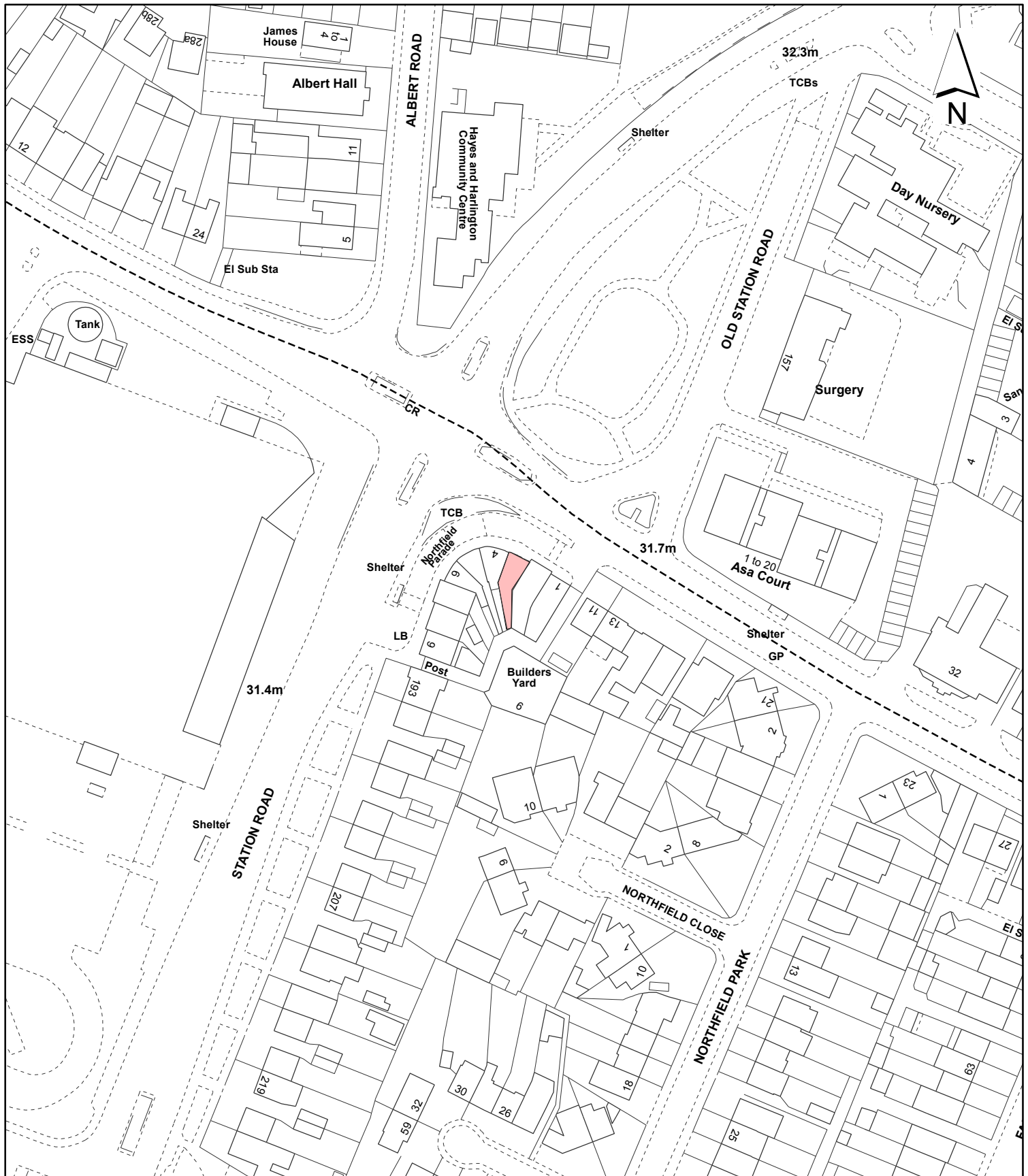
The application is therefore recommended for approval.

**11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan (March 2015)  
National Planning Policy Framework (2012)

**Contact Officer:** Colin Blundel

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**3 Northfield Parade,  
 Station Road**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section

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

Planning Application Ref:

**29523/APP/2017/2455**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**September 2017**



**HILLINGDON**  
 LONDON