

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

**Address** 10 NEW POND PARADE WEST END ROAD RUISLIP

**Development:** Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5 and installation of an extractor fan to the rear of the property).

**LBH Ref Nos:** 5985/APP/2017/4380

**Drawing Nos:** Use Classes Along New Pond Parade  
Design and Access Statement (Nov 2017)  
P102  
P201  
P202  
P101

**Date Plans Received:** 05/12/2017 **Date(s) of Amendment(s):**

**Date Application Valid:** 14/12/2017

### 1. SUMMARY

This application seeks permission for the change of use of an A1 (shops) use class unit to use class A5 (hot food takeaway).

Policies S6 and S7 state that permission will be granted subject to the proposal retaining adequate A1 retail within the shopping area and subject to the proposal not causing an unacceptable impact on neighbour amenity. The proposed development would not result in an area deficient in A1 uses and would not cause harm to local residential amenity. The proposal does not involve any external alterations or signage and thus would not result in a material impact on the appearance of the street scene. Further, the demand for parking and traffic generation from the proposed use would not be significantly different from the previous use.

Accordingly, the proposed development is considered to comply with national, regional and local policies and is recommended for approval, subject to the conditions specified in the report.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 HO1 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 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P101, P102, P201, P202 and the Design and Access Statement (Nov 2017).

## REASON

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

### **3 NONSC Non Standard Condition**

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant equipment will be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with the machinery operating at maximum capacity. A post installation noise assessment shall be carried out where to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to commencement of the use hereby approved and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from the plant installation equipment in accordance with policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **4 NONSC Non Standard Condition**

Prior to use, the extract system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **5 NONSC Non Standard Condition**

The use of the premises shall be permitted during the hours of 09:00 to 23:00 Mondays to Sunday only.

Reason: To ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise from activities or people at or using the site in accordance with policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **6 NONSC Non Standard Condition**

No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 08:00 to 18:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

Reason: To ensure that the amenity of occupiers of surrounding premises are not adversely affected by noise in accordance with policies AM7, OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **7 NONSC Non Standard Condition**

Prior to commencement of the use, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement

equipment and extract system, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour in accordance with policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**8 NONSC Non Standard Condition**

All external doors to the kitchen shall be fitted with self closing devices, which shall be maintained in an operational condition and at no time shall any external door nor windows to the kitchen be fixed in an open position.

Reason: To ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise, smell, steam or other effluent in accordance with policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**9 NONSC Non Standard Condition**

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of a suitable cleaning schedule and/or maintenance contract for the extract system and odour control system. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by smell, steam and other effluent in accordance with policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**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.

- |      |   |
|------|---|
| 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 |
| 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
AM14	New development and car parking standards.
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

### 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.

### 4 125 **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 1992. This also does not authorise any changes to the shop front and planning permission is required.

### 5

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

## 3. **CONSIDERATIONS**

### 3.1 **Site and Locality**

The application site is an A1 use class retail unit located at ground floor level on the east side of a service road which abuts West End Road. This unit forms part of the Ruislip Gardens parade of shops in the Ruislip/Northwood area. The first and second floors of the building are used as residential flats. New Pond Parade has time restricted on-street car parking available that is well used by existing customers. The maximum stay for this parking is two hours. There is no off-street car parking provided for customers but there is a private service lane at the rear of the premises for servicing uses.

Ruislip Gardens Station is located approximately 230 metres south east of the application site, Ruislip High School is located immediately to the rear of the application site and the area to the north is generally residential in nature. The site forms part of a Critical Drainage Area and Flood Zone 2 and has a low PTAL level of 2.

### 3.2 **Proposed Scheme**

This full planning application seeks the proposed change of use from use class A1 (shops)

to A5 (hot food takeaways). Internal changes are proposed including the installation of a new sales counter, relocation of the kitchen and creation of a new storage area. External changes include the installation of a new extraction duct and secure covered cycle storage for three bikes.

### **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:

PT1.BE1 (2012) Built Environment

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

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

AM14 New development and car parking standards.

DAS-SF Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

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

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- **15th January 2018**

## **6. Consultations**

### **External Consultees**

Letters were sent to adjoining properties and the Ruislip Residents Association. A site notice was erected and all consultations expired on the 09/01/2018. No comments were received.

### **Internal Consultees**

Environmental Protection Unit Officer Comments:

There may be issues concerning noise, vibration and odour which can be dealt with via suitable conditioning. A suite of conditions were recommended which are included in the recommendation section to cover these matters.

#### Access Officer Comments:

I have considered the detail of this change of use application which appears to involve no structural or shop front alterations to the existing building. No further comments are therefore provided. However, the following informative should be attached to any grant of planning permission: 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. Conclusion: Acceptable.

(Officer Comment: Informative has been added.)

#### Highways Officer Comments:

This application is for the change of use of an existing shop on New Pond Parade Ruislip to a takeaway food shop. There was a pre-app on a similar proposal previously. The existing shop is located in the service road that abuts West End Road which is a classified road (A4180) on the Council Road Network. The service road has limited on-street car parking available and this is well used by existing customers. There is no off-street car parking provided for customers as part of the existing use but there is a private service lane at the rear of the premises. The proposal is to create a take away food shop with new shop front and internal layout. It is unlikely that the new use would generate significant amounts of additional traffic over the existing use. There is a secure covered cycle storage space provided at the rear of the premises in this application which is supported. On the basis of the above comments I do not have significant highway concerns of the proposals.

## **7. MAIN PLANNING ISSUES**

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

Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that in order to safeguard the amenities of shopping areas, the Local Planning Authority will grant permission for changes of use of class A1 shops if:

- "(i) The proposal will not be detrimental to visual amenity where the premises form part of a statutory or locally listed building or are located within a Conservation Area;
- (ii) A frontage of a design appropriate to the surrounding area is maintained or provided (the Local Planning Authority may impose conditions to ensure retention or installation of an appropriate frontage); and
- (iii) The proposed use is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems;
- (iv) Has no harmful effect on road safety and does not worsen traffic congestion or disrupt bus operations.

The Local Authority may impose conditions covering restrictions on uses, opening hours, sound proofing, ducting, car parking, or other matters necessary to make the development acceptable."

In accordance with Policy S6, no shopfront alterations or new signage information have been proposed as part of this application. Hence, the proposals will result in no impact on visual amenity.

The associated impacts concerning disturbance, noise, smell, fumes, parking or traffic

related problems are addressed later in this report.

Policy S7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the Local Planning Authority will only grant permission to change of use of shops in parades from class A1 if:

"(i) The parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and to its function in the borough shopping hierarchy;  
(ii) The surrounding residential area is not deficient in essential shop uses; and  
(iii) The proposal accords with Policy S6."

A survey was carried out by both the applicant and the planning officer to establish the use classes which exist along South Ruislip Parade. This work established that: 16 A1 class units, three A3 class units, one A4 class unit, three A5 class units, one D2 class unit and one sui generis class unit currently exist. Based on this, it is considered that the replacement of one A1 use class unit would not result in an area deficient in essential shop uses.

Overall, the principle of a change of use from use class A1 to A5 is considered to be acceptable and in accordance with policies S6 and S7, subject to the application conforming with other relevant policies and guidance.

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

Not applicable.

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

Not applicable.

#### **7.04 Airport safeguarding**

Not applicable.

#### **7.05 Impact on the green belt**

Not applicable.

#### **7.06 Environmental Impact**

Not applicable.

#### **7.07 Impact on the character & appearance of the area**

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the Local Planning Authority considers it desirable to retain or enhance.

Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that proposals for alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building.

The only external change proposed relates to the installation of a new duct for the kitchen extraction which is to be fitted to the rear of the property. The proposed extraction duct measures approximately 0.5 metres in height, 0.5 metres in width and would project 5 metres out from the rear building line of the unit. This would be located 3.485 metres above the ground. The rear of the application site comprises of the service yard serving the commercial premises and the rear boundary wall of the Ruislip High School playing fields.

Whilst the proposed extraction duct is of a considerable size, given its location in the rear yard and limited visibility from any vantage viewpoints, it is considered on balance to be

acceptable and accords with policies BE13 and BE15.

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

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that planning permission will not normally be granted for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally, because of:

"(i) The siting or appearance;

(ii) The storage or display of vehicles, goods, equipment or other merchandise;

(iii) Traffic generation and congestion;

(iv) Noise and vibration or the emission of dust, smell or other pollutants, unless sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable."

Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within the acceptable levels by engineering, lay-out or administrative measures.

The hot food takeaway will operate seven days per week. The kitchen extractor duct will utilise a baffle filter (to control the grease produced), a carbon filter (for grease and odour control), a silencer (for noise reduction) and a variable speed control. This thereby limits the impact of noise, vibration and smell for neighbouring residences. It is noted that conditions concerning noise, anti-vibration, odour abatement and deliveries have been specified by the Environmental Protection Officer and will be imposed should permission be granted.

The proposed extraction duct will emit approximately 5 metres away from the closest residential occupiers. Whilst the duct is positioned to emit at 3.485 metres above ground level, given the distance and filtration proposed, it is not considered that the proposals will harm neighbour amenity.

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

Not applicable.

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

Based on the Highways Officer comments, it is considered that it is unlikely that an A5 use class unit would generate significant amounts of additional traffic over the existing use. No significant traffic impacts are therefore noted.

Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that new development will only be permitted where it is in accordance with the Council's adopted car parking standards.

For A5 class units, the Council's adopted car parking standards requires that the unit provides 1 parking space per 50 square metres and 1 cycle space per 25 square metres. Based on the comments provided by the Highways Officer for the pre-application advice, the existing on-street parking is considered to be sufficient for the proposed use of the unit meaning no extra car parking is required. As part of the application, details are provided for securely covered cycle storage for three bikes. This therefore accords with the Council's policy requirements.

#### **7.11 Urban design, access and security**

This is addressed elsewhere in the report.

#### **7.12 Disabled access**



- No structural or shop front alterations are proposed.
- 7.13 Provision of affordable & special needs housing**  
Not applicable.
- 7.14 Trees, Landscaping and Ecology**  
No issues arise.
- 7.15 Sustainable waste management**  
The existing waste and recycling arrangements will be retained and is not considered to be an issue.
- 7.16 Renewable energy / Sustainability**  
No issues arise.
- 7.17 Flooding or Drainage Issues**  
No issues arise.
- 7.18 Noise or Air Quality Issues**  
No issues arise.
- 7.19 Comments on Public Consultations**  
No comments were received from members of the public.
- 7.20 Planning Obligations**  
Not applicable.
- 7.21 Expediency of enforcement action**  
Not applicable.
- 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**

None.

#### **10. CONCLUSION**

This application seeks permission for the change of use of an A1 (shops) use class unit to use class A5 (hot food takeaway).

Policies S6 and S7 state that permission will be granted subject to the proposal retaining adequate A1 retail within the shopping area and subject to the proposal not causing an unacceptable impact on neighbour amenity. The proposed development would not result in an area deficient in A1 uses and would not cause harm to local residential amenity. The proposal does not involve any external alterations or signage and thus would not result in a material impact on the appearance of the street scene. Further, the demand for parking and traffic generation from the proposed use would not be significantly different from the previous use.

Accordingly, the proposed development is considered to comply with national, regional and local policies and is recommended for approval, subject to the conditions specified in the report.

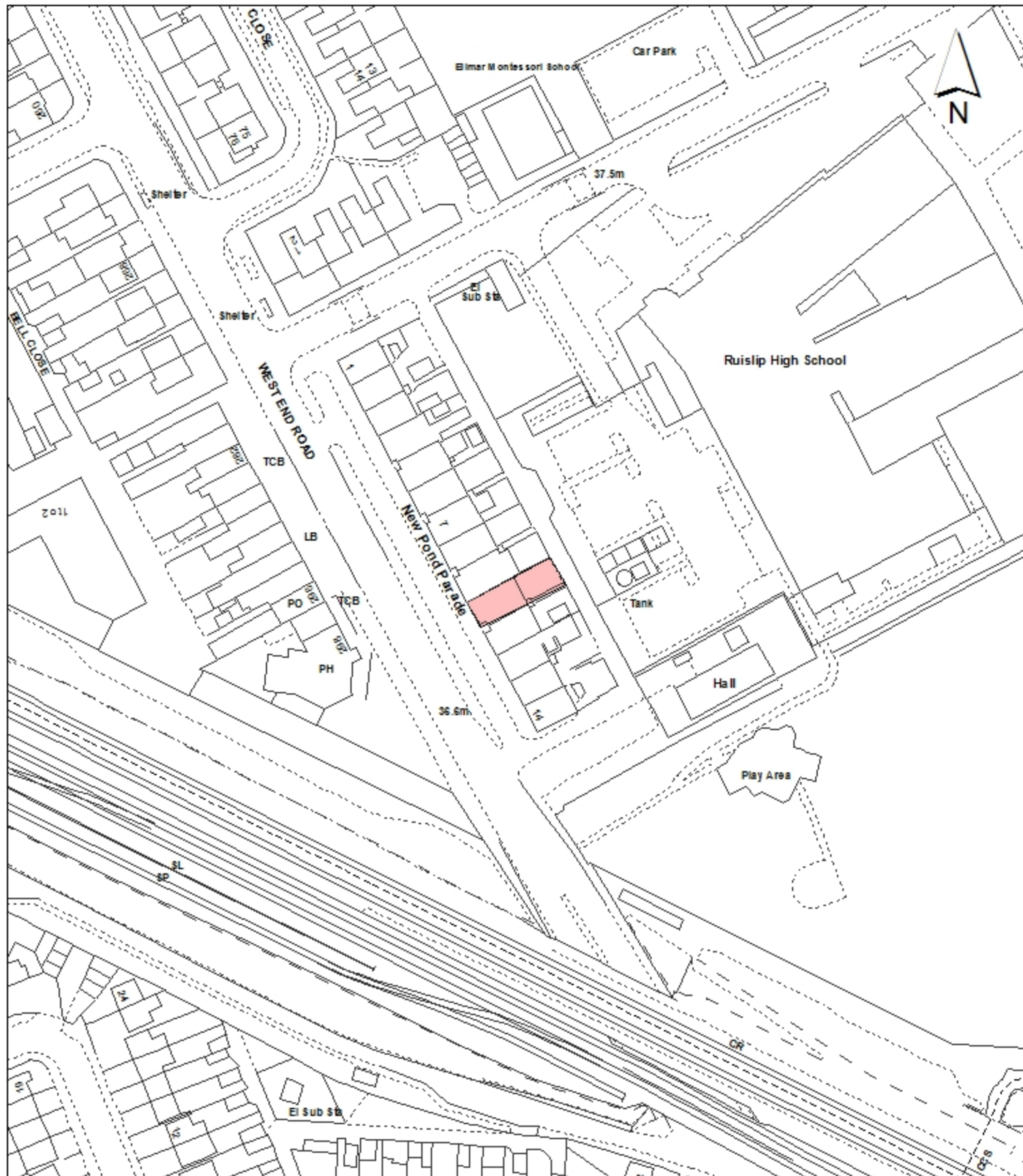
#### **11. Reference Documents**

The proposed development has been assessed against the Development Plan Policies contained within Hillingdon Local Plan: Part 1, Saved Unitary Development Plan policies, the

London Plan (2016), the National Planning Policy Framework (2012) and supplementary planning guidance prepared by both London Borough of Hillingdon and the Greater London Authority.

**Contact Officer:** Michael Briginshaw

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**Notes:**

 Site boundary

For identification purposes only.

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Site Address:

**10 New Pond Parade**

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

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

Planning Application Ref:

**5985/APP/2017/4380**

Scale:

**1:1,250**

Planning Committee:

**North**

Date:

**January 2018**



**HILLINGDON**  
LONDON