

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

- | | |
|--|--------------------------|
| 1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received | ☐ |
| 2. Application complies with all relevant planning policies and is acceptable on planning grounds | ☐ |
| 3. There is no Committee resolution for the enforcement action | ☐ |
| 4. There is no effect on listed buildings or their settings | ☐ |
| 5. The site is not in the Green Belt (but see 11 below) | ☐ |

REFUSAL RECOMMENDED: GENERAL

- | | |
|--|--------------------------|
| 6. Application is contrary to relevant planning policies/standards | ☐ |
| 7. No petition of 20 or more signatures has been received | ☐ |
| 8. Application has not been supported independently by a person/s | ☐ |
| 9. The site is not in Green Belt (but see 11 below) | ☐ |

RESIDENTIAL DEVELOPMENT

- | | |
|--|--------------------------|
| 10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | ☐ |
| 11. Householder application in the Green Belt | ☐ |

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

- | | |
|--|--------------------------|
| 12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses | ☐ |
| 13. Refusal of change of use from retail class A1 to any other use | ☐ |
| 14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 15. Certificate of Lawfulness (for proposed use or Development) | ☐ |
| 16. Certificate of Lawfulness (for existing use or Development) | ☐ |
| 17. Certificate of Appropriate Alternative Development | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 18. ADVERTISEMENT CONSENT (excluding Hoardings) | ☐ |
| 19. PRIOR APPROVAL APPLICATION | ☐ |
| 20. OUT-OF-BOROUGH OBSERVATIONS | ☐ |
| 21. CIRCULAR 18/84 APPLICATION | ☐ |
| 22. CORPSEWOOD COVENANT APPLICATION | ☐ |
| 23. APPROVAL OF DETAILS | ☐ |
| 24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 21 STATION ROAD WEST DRAYTON

Development: Change of use from retail (Use Class A1) to a mix use comprising restaurant and hot food takeaway (Use Classes A3/A5)

LBH Ref Nos: **57432/APP/2020/588**

Drawing Nos: 21SR 1-4
 21SR (2)
 Shop Front Photographs x 2
 21SR (3)
 21SR (4)

Date Plans received : 05/03/2020

Date(s) of Amendment(s):

Date Application Valid: 05/03/2020

1. **SUMMARY**

The application seeks planning permission for the change of use from A1 (Retail) to A3/A5 (Restaurant and Take Away) and removal of existing advertisement sign.

The proposed development involves the loss of a retail unit in the primary shopping area of a district town centre. Policy DMTC2 of the Hillingdon Local Plan: Part Two (2020) states that in primary shopping areas, the Council will support the ground floor use of premises for retail, financial and professional activities and restaurants, cafes, pubs and bars provided that:

1. A minimum of 70% of the frontage is retained in Use Class A1;
2. Use Class A5 hot food takeaways are limited to a maximum of 15% of the frontage;
3. The proposed use will not result in a separation of more than 12 metres between A1 retail uses; and
4. The proposed use does not result in a concentration of non retail uses which could be considered to cause harm to the vitality and viability of the town centre.

The most up-to-date frontage survey of Yiewsley and West Drayton District Centre shows that only 48.8% of the frontage in the primary shopping area is in A1 use. For this reason the first requirement of Part A of Policy DMTC2 for primary shopping areas cannot be met. At least 70% of the primary frontage would have to be in A1 use after the proposal was implemented for the proposal to be acceptable. A change of use to a non-A1 use would not be supported by policy.

The site is located within the primary shopping centre of Yiewsley and West Drayton District Town Centre. The proposal would involve the loss of a retail use and thus would impact on viability or vitality of the centre and would contradict with Policy DMTC 1,2 & 3

2. **RECOMMENDATION**

REFUSAL for the following reasons:

- 1 NON2 Non Standard reason for refusal

The proposal, by reason of the loss of a retail unit within the primary shopping area of the Yiewsley and West Drayton Town Centre and the use proposed, would erode the retail

function of the area, harming the vitality and viability of the centre. The proposal is therefore contrary to Policy DMTC 2 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies 2.15 and 4.9 of the London Plan (2016).

2 NON2 Non Standard reason for refusal

The proposal by reason of the lack of detail in relation to the provision and location of a suitable extract flue, has failed to demonstrate that the change of use would not result in an unacceptable loss of residential amenity to adjoining resident in terms of in terms of noise, disturbance and odour contrary to Policy DMTC 4 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) 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.

DMTC 1	Town Centre Development
DMTC 2	Primary and Secondary Shopping Areas
DMTC 3	Maintaining the Viability of Local Centres and Local Parades
DMTC 4	Amenity and Town Centre Uses
LPP 2.15	(2016) Town Centres
LPP 4.7	(2016) Retail and town centre development
LPP 4.9	(2016) Small Shops
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres

3

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. The Council's supports pre-application discussions.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site relates to a ground floor space within a two storey semi-detached

building, located on the east side of Station West Drayton. The application site is within the primary shopping area of Yiewsley and West Drayton District Town Centre.

3.2 Proposed Scheme

The proposed development involves the change of use of a retail (A1) unit to a restaurant/hot food take-away (A3/A5) in the primary shopping area of Yiewsley and West Drayton District Town Centre.

3.3 Relevant Planning History

57432/APP/2002/1490 21 Station Road West Drayton

ERECTION OF A SINGLE STOREY EXTENSION TO PROVIDE ANCILLARY STORAGE FOR CLASS A1 SHOP (WORKS INVOLVE THE REMOVAL OF EXISTING TEMPORARY STRUCTURES/BUILDINGS).

Decision: 15-11-2002 Approved

57432/APP/2003/674 21 Station Road West Drayton

ERECTION OF A SINGLE STOREY REAR EXTENSION FOR USE AS A STORE

Decision: 30-05-2003 Approved

Comment on Planning History

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

10 neighbouring properties were consulted via letters on 10-03-20. Two representations were received against the proposal. However, one of the representations was withdrew, leaving only one objection against the application on the ground that a further restaurant and takeaway is not needed in the locality.

Environmental Protection Unit: No comment

Planning Policy Team: raised objection on the ground that the first requirement of Part A of Policy DMTC2 for primary shopping areas cannot be met. At least 70% of the primary frontage would have to be in A1 use after the proposal was implemented for the proposal to be acceptable. A change of use to a non-A1 use would not be supported by policy.

Contaminated Land Officer: No objection

6. Local Plan Designation and London Plan

The following Local Plan 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:

DMTC 1	Town Centre Development
DMTC 2	Primary and Secondary Shopping Areas
DMTC 3	Maintaining the Viability of Local Centres and Local Parades
DMTC 4	Amenity and Town Centre Uses
LPP 2.15	(2016) Town Centres
LPP 4.7	(2016) Retail and town centre development
LPP 4.9	(2016) Small Shops
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres

In addition:

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policy DMTC 4 states that Proposals for restaurants and hot food takeaways, drinking establishments, betting shops, night clubs, casinos, amusement centres, minicab offices and other similar uses will only be supported provided that they: i) would not result in adverse cumulative impacts due to an unacceptable concentration of such uses in one area; ii) would not cause unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion;

The proposal would not involve any external alteration/extension and in terms of scale would not impact on the amenity of the occupiers above and adjacent properties.

Paragraphs 3.23 Unlike shops and many other services, restaurants and takeaways have limited opening hours and they can create problems of noise, odours, litter and on street parking. Saturating an area with these uses can impact on local amenity as well as on the broader vitality of a shopping frontage.

Paragraphs 3.26 states that proposals for Use Classes A3/A5 requiring ventilation or ducting equipment should include the details of this as part of the planning application to ensure that the Council can assess the acceptability of the proposals. As a guide, exterior ducting should be placed so as not to impact on the streetscape or amenity of the area and consideration is required as to the impacts on any adjoining residential uses.

In terms of noise and odour, the applicant has not provide any information in that regards. Also, no extractor fan or flue is indicated on the plan drawings submitted, as this is usually an important element for a commercial kitchen. There are no details provided for the extractor. The opening hours will be as follows;

Monday - Friday, 12 pm - 10pm

Saturday between 11am - 11pm

Sunday and Bank holidays: 12pm - 3pm

It is therefore considered that insufficient information has been provided to establish if the proposal would cause an adverse impact on the neighbours' residential amenity in terms of noise, odour, emissions.

As such, the application proposal would fail to comply with Policy DMTC 4 of the Adopted Local Plan

7.2 Impact on Street Scene

The application site relates to a ground floor space within a two storey semi-detached

building, located on the east side of Station West Drayton. The application site is within the primary shopping area of Yiewsley and West Drayton District Town Centre.

The building comprises a mix of commercial unit to the ground floor with residential accommodation above and is accessed via the front door which is set back from the adjacent main road.

There are no changes to the application building externally, apart from the removal of existing advertisement sign. Given the nature of the proposed development, it is not considered to harm the character, appearance of the host building, the local area; the settings and significance of the local shopping parade would not be significantly harm.

The proposal is not considered to impact on the character of the building within the local shopping parade.

7.3 Traffic Impact/Pedestrian Safety

The application site is located within primary shopping area of Yiewsley and West Drayton District Town Centre which has PTAL index of 4 which is classified as fair. The proposed internal floor space will be approximately 117 sqm. The Council's Parking Standards requires that; A parking space for up to 550sqm within PTAL 4 and 1 cycle parking for + 1 per 20 customers.

In this case, the applicant has not provide any information regarding the provision of car and cycle parking as required. However the officer concludes that the site is relatively sustainable on transport grounds therefore reducing the dependency on travelling to the location by private motor car. Private car usage is also deterred by the extensive waiting restrictions in the locality whereby 'uncharged for' parking is unavailable with local customer patronage being forced to utilise the abundant pay & display facilities in the area if they choose to travel by private motor car.

A proportion of patrons to the address are therefore expected to be reliant on other sustainable modes of travel such as walking, cycling and the convenient and efficient public transport services that serve the town centre reflected by the abundance of bus services and neighbouring LU train station.

Hence, the only parking requirement in this case is related to providing up to three secure and accessible cycle space for both staff and visitors which has not been demonstrated as part of the submission and should therefore be secured by condition if the application is minded to be

7.4 Carparking & Layout

Same as above

7.5 Urban Design, Access and Security Considerations

Policy E5: Town and Local Centres (Local Plan Part 1) states that local parades will be protected, enhanced and managed to ensure they meet the needs of the local community and enhance the quality of life for local residents, particularly those without access to a car. Parades are a smaller entity than neighbourhood centres but perform an important function in terms of meeting the daily needs of local communities.

Paragraph 3.16 of the Hillingdon Local Plan Part 2 states that the Council will, in assessing proposals, ensure that parades and local centres retain as many essential shops as possible with no less than three in smaller parades. The Council will also ensure that at least 70% of a primary shopping parade is retained as Use Class A1 shops.

The proposed development involves the loss of a retail unit in the primary shopping area of a district town centre. Policy DMTC2 of the Hillingdon Local Plan: Part Two (2020) states that in primary shopping areas, the Council will support the ground floor use of premises for retail, financial and professional activities and restaurants, cafes, pubs and bars provided that:

1. A minimum of 70% of the frontage is retained in Use Class A1;
2. Use Class A5 hot food takeaways are limited to a maximum of 15% of the frontage;
3. The proposed use will not result in a separation of more than 12 metres between A1 retail uses; and
4. The proposed use does not result in a concentration of non retail uses which could be considered to cause harm to the vitality and viability of the town centre.

The most up-to-date frontage survey of Yiewsley and West Drayton District Centre (October 2019) shows that only 48.8% of the frontage in the primary shopping area is in A1 use. For this reason the first requirement of Part A of Policy DMTC2 for primary shopping areas cannot be met. At least 70% of the primary frontage would have to be in A1 use after the proposal was implemented for the proposal to be acceptable. Thus, the proposal, by reason of the loss of a retail unit within the primary shopping area of the Yiewsley and West Drayton Town Centre and the use proposed, would erode the retail function of the area, harming the vitality and viability of the centre. The proposal is therefore contrary to Policy DMTC 2 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies 2.15 and 4.9 of the London Plan (2016).

7.6 Other Issues

Paragraph 5.42 The sustainable management of waste is integral to any development and needs to be factored into its design at the outset.

The submitted drawing indicates a general waste and food waste bin would be located within the rear yard. The service yard has an access off the street to the rear, which provides adequate access for bin collection. This is considered acceptable.

8. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
The London Plan (2016)
National Planning Policy Framework

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