

References: P/2018/0741 00707/558/P13
Address: 558 London Road, Isleworth, TW7 4EP
Proposal: Variation of condition 3 (trading hours) of planning permission 00707/558/P2 to allow trading during 09.00 - 05.00 daily and variation of condition 4 (air conditioning hours) of planning permission 00707/558/P11 to allow use during 09.00 -05.00 daily
Drawing numbers: Unnumbered Cover Letter, Noise Assessment 17/0118/R1. Received 30/01/2018
Application received: 30/01/2018

1.0 SITE DESCRIPTION



- 1.1 558 London Road is a mid-terrace three storey building. The ground floor is used as a pizza takeaway with two flats on the upper floors. The adjoining neighbours are of a similar mixed use. The site is within the Spring Grove Conservation Area. 15 and 15a Pembroke Place back onto the applicant site.

Relevant history

- 2.1 **00707/558/P1** Erection of extension to shop
Granted 12/2/53
- 2.2 **00707/558/P2** Use of shop as café
Granted 29/5/84
- 2.3 **00707/558/P3** Use of ground floor as amusement arcade
Refused 5/10/87

- 2.4 **00707/558/P4** Variation of condition (trading hours).
Granted 23/5/95
- 2.5 **00707/558/P5** Change of use from first floor maisonette to two one-bedroom flats
Granted 1/8/95
- 2.6 **00707/558/P6** Erection of shop front
Granted 12/9/96
- 2.7 **00707/558/P7** Installation of duct to premises
Granted 12/9/96
- 2.8 **00707/558/P8** Removal of condition 4 (disabled access)
Refused 6/2/97
- 2.9 **00707/558/P9** Use of first floor extension as offices to warehouse.
Granted 5/9/2002
- 2.10 **00707/558/P10** Erection of first floor extension to create a one bedroom self-contained unit above warehouse.
Granted 4/5/2004
- 2.11 **00707/558/P11** Installation of an air conditioning condenser unit to the rear of the premises
Granted 3/2/2011

2.0 DETAILS

2.1 The proposal seeks to vary condition 3 of permission 00707/558/P2 and condition 4 of permission 00707/558/P11 by changing the opening hours.

2.2 The original wording of condition 3 of 00707/558/P2 is as follows:

'The café and 'takeaway' hereby approved shall not be open for business at any time other than between 9am and 10pm on Mondays to Fridays inclusive and from 9am to 3pm on Saturdays.

Reason: To protect the amenities of nearby residential occupiers'

2.3 Approved application 00707/558/P4 amended the opening hours to between 09.00 and 22:30 Monday to Saturday and 09:00 to 22:00 Sundays and Bank Holidays.

2.4 The original wording of condition 4 of 00707/558/P11 is as follows:

'The air conditioning shall not be in operation between the hours of 11pm-7am.

Reason: In the interests of neighbours' living condition in accordance with Policy ENV-P1.5'

2.5 The proposed opening hours would be:

09.00 – 05.00 Daily

3.0 CONSULTATIONS

3.1 Fifty-three neighbouring residents were notified on 08/05/2018. Four neighbours sent letters of objection and a petition against the scheme was submitted with twelve signatures. The Osterley and Wyke Green Residents Association also objected. The content of objections is summarised below:

| Comment | Response |
|---|-----------------|
| The fans and machinery are extremely noisy and create vibration | See section 5.0 |
| Delivery scooters take up car parking spaces and park on the pavement | See section 5.0 |
| Noisy conversations outside shop at late hours | See section 5.0 |
| The noise from the shop would be intolerable if it were to continue all night | See section 5.0 |
| Residential area which is unsuitable for almost 24 hour opening time | See section 5.0 |
| Delivery activity occurs from the rear of the site creating noise and disturbance to nearby residents | See section 5.0 |

3.2 **Osterley and Wyke Green Residents Association:**

| Comment | Response |
|---|-----------------|
| Local residents are already affected by customers, staff and delivery companies using London Road and Pembroke Place for that branch and extending the hours would mean their peace is disturbed even more with anti-social behaviour and crime in the early hours. | See section 5.0 |

3.3 The application was placed on the Pending Decisions List dated June 2018 (Week 26) for refusal and there was no request for the application to be considered by committee.

4.0 POLICY

Determining applications for full or outline planning permission

- 4.1 The determination must be made in accordance with the development plan unless material considerations indicate otherwise. Local finance considerations must also be assessed.

The National Planning Policy Framework

- 4.2 The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and the revised version was published on 24 July 2018, and from April 2014 National Planning Practice Guidance (NPPG) in the form of an online guidance resource to support the NPPF came into effect. The Local Planning Authority (LPA) considers that, where pertinent, the NPPF and NPPG are material considerations and as such, will be taken into account in decision-making as appropriate.

The Development Plan

- 4.3 The Development Plan for the Borough comprises the Council's Local Plan (adopted by the Council on 15 September 2015), the West London Waste Plan and the London Plan Consolidated with Alterations since 2011.
- 4.4 The Local Plan documents can be viewed on the Planning Policy pages of the Hounslow website.

5.0 PLANNING ISSUES

Is the proposal acceptable?

- 5.1 The applicant has submitted a Noise Report in support of their application for increased opening hours. The document concludes that with mitigation measures including silencers and acoustic enclosures for plant equipment the proposal would accord with the Local Plan. The report also states that the extra deliveries would have a 'negligible impact on the noise climate' in an 'already noisy environment'.
- 5.2 Local Plan Policy EQ5 seeks to reduce the impact of noise generating uses on other surrounding uses such as housing. 558 London Road is in a sensitive location as there are dwellings directly above the ground floor unit subject to this application and others of Pembroke Place backing onto the site.
- 5.3 Policy TC5 is concerned with managing neighbourhood centres and isolated local shops. Part of this policy requires the consideration of the amenity of local residents and makes specific reference to hot-food takeaways. Although the use is established in this case it has not been operational overnight which raises new amenity considerations.
- 5.4 Notwithstanding the findings of Noise Report submitted, the operation as a takeaway fast food outlet with delivery service until 5 am each day would increase activity at the site during the night. The proposal is likely to result in customers being attracted to and talking in and around the site at late hours with residents

directly above the business. The starting of mopeds by delivery drivers so close to dwellings is also likely to cause disturbance. This is not a normal facet of the noise environment in a small neighbourhood centre (even on a busy through route)

5.5 Vibration caused by the operational equipment may affect the flats above. This continuing overnight would be harmful to residents' quality of life.

5.6 In summary it is considered that the extended opening hours as proposed would be excessive for the location and likely to cause disturbance to nearby residents during the late evening and early hours of the morning, harming living conditions.

6.0 EQUALITIES DUTIES IMPLICATIONS

6.1 The Council has to have due regard to its Equalities Duties and in particular with respect to its duties arising pursuant to the Equality Act 2010, section 149. It is considered that there will be no specific implications with regard to the Council's duty in respect of its equalities duties and that if approving or refusing this proposal the Council will be acting in compliance with its duties.

7.0 COMMUNITY INFRASTRUCTURE LEVY

7.1 This proposal would not be liable to pay Community Infrastructure Levy.

1.0 RECOMMENDATION: REFUSE (FPREFUSAL)

Reasons:

The proposed opening hours of the hot food takeaway are likely to result in increased noise and disturbance affecting nearby residents during the night. This would harm living conditions. The application therefore conflicts with Local Plan policies CC2 (Urban design and architecture), TC5 (Managing neighbourhood centres and isolated local shops) and EQ5 (Noise).

Informative:

To assist applicants, the London Borough of Hounslow has produced planning policies and written guidance, which are available on the Council's website. The Council also offers a pre-application advice service. In this case, the scheme does not comply with guidance and no pre application discussions were entered into. The Council is ready to enter into discussions with the applicants to assist in the preparation of a new planning application if necessary. The decision was made in a timely manner and clear reasons for refusal were given to assist in any prospective future development of the site.

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|---------------------------------------|------------|-------------------------------------|--|
| CONSULTATIONS CHECKED | | <input checked="" type="checkbox"/> | |
| CIL LIABLE | YES | <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| DRAFT LIABILITY NOTICE | | <input type="checkbox"/> | LIABILITY NOTICE <input type="checkbox"/> |
| ADVISE ENFORCEMENT OF DECISION | YES | <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| PENDING LIST – WEEK NUMBER | 26 | | |
| LANDFILL | YES | <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| AUTHORITY TO ISSUE (Initials) | | RPC | |