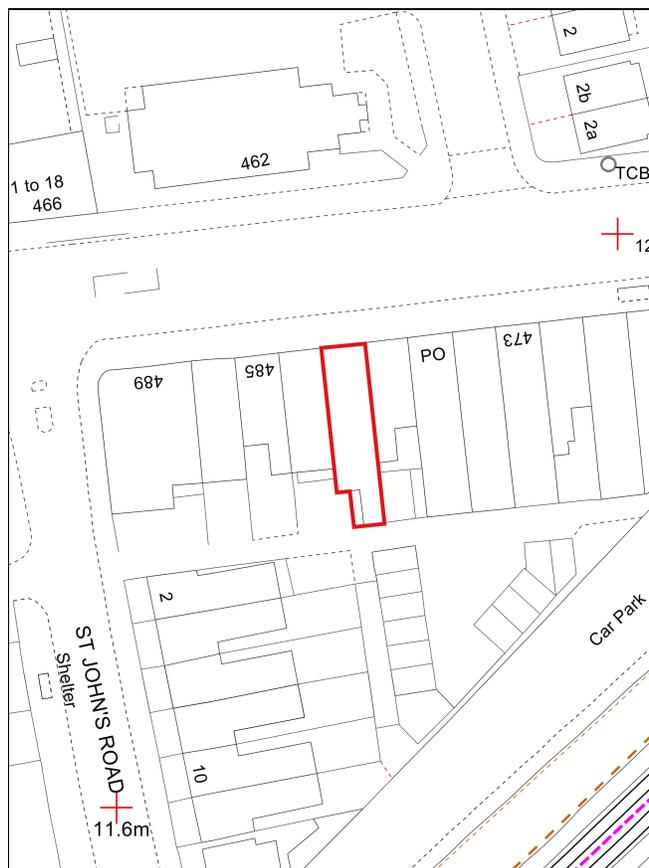

References:	P/2019/1318	00707/481/P11
Address:	481 London Road TW7 4BX	
Proposal:	Change of use from A3 (Restaurant) to A5 (Hot Food takeaway)	
Drawing numbers:	Unnumbered Location Plan and Unnumbered Existing Elevations received 12/04/2019	
Application received:	29/03/2019	

1.0 RELEVANT FACTS - SITE AND CONTEXT



- 1.1 The site is on the south side of London Road in the Spring Grove Conservation Area. It forms part of a shopping parade along London Road, characterised by commercial use at ground floor level and predominately residential use on the upper levels.
- 1.2 The site contains a three storey mid-terrace building with a take-away shop at ground floor level of this application and dwellings.
- 1.3 The neighbouring properties consist of newsagents and cafes at ground floor with residential above. To the rear of the site is a service road, accessed from St Johns Road.

Relevant history

- 00707/481/P3** Change of use from retail (A1) to hot food takeaway (A5)
Approved: 24/12/1998
This use subsequently changed under permitted development to a restaurant. Having done so, given subsequent changes to the General Permitted Development Order, a change to hot food takeaway now requires planning permission.
- 00707/481/P8** Retention of shop front to existing restaurant
Refused: 10/05/2003
- 00707/481/P9** Erection of a single storey rear extension, and new staircase to rear.
Approved: 20/08/2004
- 00707/481/P10** Replacement of existing shopfront to restaurant
Approved: 08/11/2016
- 00707/481/AD2** An externally illuminated fascia sign, an externally illuminated box sign and an internally illuminated menu box
Approved: 31/01/2017
- 00707/481/AD3** An externally illuminated fascia sign
Refused: 24/05/2019

2.0 DETAILS OF PROPOSAL

- 2.1 The application proposes the change of use from restaurant to hot food takeaway.

3.0 CONSULTATIONS

- 3.1 17 neighbours on 15/04/2019. 25 responses received:

Comment	Response
Change of use encourages unhealthy eating	See paragraph 5. 2
Council should promote healthy eating establishments	See paragraph 5.2
There are existing fast food outlets in close proximity	See paragraphs 5.1-5.3
Advert signage is not appropriate in a Conservation Area	Advert consent has been refused under reference: 00707/481/AD3 on 24/05/2019
Increase in litter	Noted. Not a reason for refusal of planning permission, but some measures could be applied to mitigate
No license to trade	Not a planning matter

- 3.2 A site notice placed on 25/04/2019. Press notice on 03/05/2019.
- 3.3 The application was placed on the Pending Decisions List on Week 21 (24th – 31st May 2019) for approval 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) came into force on 27 March 2012, and the revised version was published on 19 February 2019 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 draft New London Plan was published on 29 November 2017, for consultation from 1 December 2017 to 2 March 2018. The policies of the draft Plan are capable of being a material consideration in planning decisions. The draft New London Plan was published on 29 November 2017, for consultation from 1 December 2017 to 2 March 2018 and is now being Examined in Public. The policies of the draft Plan are capable of being a material consideration in planning decisions. The Council consider that as the Mayor progresses the draft New London Plan through the formal statutory process towards adoption, its material weight in relation to assessing planning applications will increase.
- 4.5 The Council is undertaking two Local Plan Reviews; the West of Borough Local Plan review and the Great West Corridor Local Plan review.. The policies of these draft Plans are capable of being a material consideration in planning decisions, but neither is relevant in this case

4.6 Local Plan Policies

- | | |
|-------------|--------------------------------------|
| CC1 | Context and Character |
| CC2 | Urban Design and Architecture |
| CI13 | Health Facilities and Healthy Places |

- 4.7 **London Plan** - Policy 3.2 Improving Health and Addressing Health
- 4.8 **Emerging London Plan** – Policy E9 Retail, Markets and hot food takeaways
- 4.9 **Supplementary Planning Document**
National Planning Policy Framework – Section 8 Promoting Healthy and Safe Communities

5.0 ASSESSMENT

Principle

- 5.1 Paragraph 91 of the National Planning Policy Framework (revised 2019) states planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
 - a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 5.2 London Plan Policy 3.2 (d) states that new developments should be designed constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities. Local Plan policy C113 supports this approach
- 5.3 Emerging London Plan Policy E9 (c) states Development proposals containing A5 hot food takeaway uses should not be permitted where these are within 400 metres walking distance of an existing or proposed primary or secondary school. Boroughs that wish to set a locally-determined boundary from schools must ensure this is sufficiently justified. Boroughs should also consider whether it is appropriate to manage an over-concentration of A5 hot food takeaway uses within Local, District and other town centres through the use of locally-defined thresholds in Development Plans.

- 5.4 Emerging London Policy E9 (6.9.7) states Hot food takeaways generally sell food that is high in calories, fat, salt and sugar, and low in fibre, fruit and vegetables. There is evidence that regular consumption of energy-dense food from hot food takeaways is associated with weight gain, and that takeaway food is appealing to children. It is recognised that the causes of obesity are complex and the result of a number of factors, and that a broad package of measures is required to reduce childhood obesity within London. A wide range of health experts recommend restricting the proliferation of hot food takeaways, particularly around schools, in order to help create a healthier food environment.
- 5.5 It is considered that the proposal conflicts with the aims and objectives of Paragraph 91 of the National Planning Policy Framework, London Plan Policy 3.2, and Emerging London Plan Policy E9 encouraging unhealthy lifestyles, by failing to promote access to healthier food and promoting the increased availability of unhealthy food choices.

How the proposal would affect the appearance of the area and is this acceptable?

- 5.6 Policy CC1 of the adopted Local Plan seeks to ensure that new development responds to the character of the site, enhancing areas of medium quality and transforming areas of low quality while policy CC2 seeks to ensure high quality design in all new developments.
- 5.7 The change of use proposed no external alterations, although an existing advertisement was the subject of a recent refusal of an application (retrospective) for advertisement consent

How the proposal would affect the neighbouring properties

- 5.8 The previous use of the site as a restaurant would have generated a degree of noise and disturbance, particularly through smells and general activity.
- 5.9 However, this proposal which seeks the grant of planning permission for use as an A5, takeaway, noting the proximity to long standing residential uses, raises concerns. The nature of a takeaway use is such that the ‘coming’s and going’s’ are more frequent and tend to be later in the evenings, so likely to harm neighbours’ living conditions and the quiet enjoyment of their homes due to the additional activity generated.
- 5.10 Permitting this use to continue would lead to an unacceptable increased concentration of hot food takeaways on this shopping parade and parades close to the site. The table below details the existing takeaways on London Road and proximity in relation to the application site.

465 London Road	Golden Swan (Chinese Takeaway) – approximate 365ft from 481 London Road and approximately. 1 minute walk
467 London Road	Golden Grill (Kebab Takeaway) – approximate 365ft from London Road and approximately 1 minute walk

532 London Road	Taste of Grill (Pizza, Kebab and Fried Chicken Takeaway)- approximate 0.2 miles from 481 London Road and approximately 5 minutes' walk
536 London Road	Semz Peri Peri (Chicken Takeaway)- approximate 0.2 miles from 481 London Road and approximately 5 minutes' walk
546 London Road	Italiano Pizza Chicken Valley (Pizza and fried chicken Takeaway) – approximate 0.3 miles from 481 London Road and approximately 6 minutes' walk
550 London Road	Roosters Chicken Bar (Fried chicken takeaway) – approximate 0.3 miles from 481 London Road and approximately 6 minutes' walk
558 London Road	Dominoes (Pizza takeaway)- approximate 0.3 miles from 481 London Road and approximately 6 minutes' walk
564 London Road	Beijing House (Chinese Takeaway)- approximate 0.3 miles from 481 London and approximately 6 minutes' walk

- 5.11 As such, the use is considered contrary to London Plan Policy 3.2 , Emerging London Plan policy E9 and Local Plan policy CC1

6.0 EQUALITIES DUTIES IMPLICATIONS

- 6.1 In response to its Equalities Duties and the Equality Act 2010, following a relevance test, available at:

http://www.hounslow.gov.uk/index/council_and_democracy/equality/eias/environment_eias.htm

it is considered that there are no relevant implications that the Council needs to assess further in this case and that, in determining this application, the Council have complied with its duties.

Relevant Section of Relevance Test	Householder developments
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7.0 LOCAL FINANCE CONSIDERATIONS AND THE COMMUNITY INFRASTRUCTURE LEVY

- 7.1 [Section 70\(2\) of the Town and Country Planning Act 1990 \(as amended\)](#) provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration means:

- a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Hounslow CIL are therefore material considerations.

7.3 This proposal would not be liable to pay the CIL because there is no increase in floor area.

8.0 RECOMMENDATION: (REFUSE)

Reasons:

The change of use from A3 (restaurant) to A5 (Takeaway) would, in this case, fail to promote the adoption of healthy lifestyles and give rise to an unacceptable increase in such uses in the immediate vicinity and would give rise to increased and unacceptable disturbance to neighbouring residents contrary to the aims and objectives of Paragraph 91 of the National Planning Policy Framework, London Plan Policy 3.2, Emerging London Plan Policy EC9 and local plan policies CC1 and CI13.

Informative:

4 Permission refused no amendments no pre app

CONSULTATIONS CHECKED		X		
CIL LIABLE	YES	<input type="checkbox"/>	NO	X
DRAFT LIABILITY NOTICE		<input type="checkbox"/>	LIABILITY NOTICE	<input type="checkbox"/>
ADVISE ENFORCEMENT OF DECISION	YES	<input type="checkbox"/>	NO	X
PENDING LIST – WEEK NUMBER	21			
LANDFILL	YES	<input type="checkbox"/>	NO	X
AUTHORITY TO ISSUE (Initials)		RPC		