

LONDON BOROUGH OF HARROW

Meeting:	Development Control Committee
Date:	10 September 2003
Subject:	353 Uxbridge Road, Hatch End - Continued Use as Café/Sandwich Bar (Class A3) on Ground Floor
Key Decision:	No
Responsible Chief Officer:	Chief Planning Officer
Relevant Portfolio Holder:	Planning, Development and Housing
Status:	Part 1
Ward:	Hatch End
Enclosures:	Appendix 1 – Development Control Report - 353 Uxbridge Road, Hatch End Appendix 2 - Addendum Information

1. Summary / Reason for Urgency (if applicable)

- 1.1 At the last meeting of the Development Control Committee on 30th July, Members resolved to grant permission for the continued use of this property as a café/sandwich bar (Class A3).
- 1.2 A copy of the report to Committee is attached as an appendix.
- 1.3 This permission was to be subject to a number of conditions, one of which would have restricted hours of use by way of Committee's standard condition, (Condition 2). This states that:-

"The use hereby permitted shall not be open to customers outside the following times:-

- a) 10.30 hours to 23.00 hours Monday to Saturday inclusive;
- b) 10.30 hours to 22.30 hours on Sundays.

REASON: To safeguard the amenity of neighbouring residents."

- 2.0 Following the meeting however, the applicant contacted officers and pointed out that a significant amount of his trade occurs earlier in the morning from 07.30 hours

onwards, serving people on their way to work. He has requested that the terms of this condition be varied accordingly.

- 3.0 Conditions restricting the hours of use of A3 establishments are imposed to safeguard residential amenity but the main concern is with the impact late in the evenings. In shopping locations it is not unusual for premises to open early in the morning where activity arising as a result has little impact on residential amenity. The premises, the subject of this application lie in a commercial parade where early opening hours would be unlikely to pose a problem for residents living on the 1st floor properties. In these circumstances, and given the nature of the business, it would seem reasonable to vary the terms of the hours of use condition in the manner requested.

4. Recommendation (for decision by the Development Control Committee)

Amend Condition 2 to read:-

“The use hereby permitted shall not be open to customers outside the following times:-

- a) 07.30 hours to 23.00 hours Monday to Saturday inclusive;
- b) 10.00 hours to 22.30 hours on Sundays.

REASON: To safeguard the amenity of neighbouring residents.”

FOR DECISION

5. Consultation with Ward Councillors

5.1 None

6. Policy Context (including Relevant Previous Decisions)

6.1 None

7. Relevance to Corporate Priorities

7.1 This report addresses the Council’s stated priority of enhancing the environment of the borough.

8. Background Information and Options Considered

8.1 P/975/03/CFU.

9. Consultation

9.1 None.

10. Finance Observations

10.1 None.

11. Legal Observations

11.1 None.

12. Conclusion

12.1 See recommendation.

13. Background Papers

13.1 P/975/03/CFU – 353 Uxbridge Road, Hatch End

14. Author

14.1 Richard Dermott, Ext 2445

353 UXBRIDGE ROAD, HATCH END

2/10

P/975/03/CFU/SS1

Ward: HATCH END

CONTINUED USE AS
CAFE/SANDWICH BAR (CLASS A3)
ON GROUND FLOOR

MR S ELGIN for MR SAHIN ELGIN

RECOMMENDATION

Plan Nos: Ordnance Survey; SE/01

GRANT permission in accordance with the development described in the application and submitted plans, subject to the following condition(s):

- 1 Noise and Odour/Fume from Plant and Machinery
- 2 Restrict Hours on A3 Uses
- 3 Noise from Music and Amplified Sound

INFORMATIVES:

- 1 The applicant is advised that the illuminated fascia sign requires advertisement consent.
 - 2 Standard Informative 41 - UDP & Deposit Draft UDP Policies & Proposals (S5, T13, E51), (SEM2, T13, EP25)
-

MAIN CONSIDERATIONS

- 1) Character and Retail Policy
 - 2) Residential Amenity
 - 3) Parking/Highway Safety
 - 4) Consultation Responses
-

INFORMATION

a) Summary

UDP Key Policies:	S5, T13, E51
Deposit UDP Key Policies:	SEM2, T13, EP25
Town Centre	Hatch End
Car Parking	Standard: 9 (2)
	Justified: 6 (0)
	Provided: 0
CCA	58m ²
Council Interest	None

b) Site Description

- two storey pitched roof terraced property on southern side of Uxbridge Road, approximately 30m west of the junction with Anselm Road and approximately 270m west of the train station

continued/

Item 2/10 - P/975/03/CFU continued.....

- parade of shops nos. 339/41-373 Uxbridge Road, two and three storey properties, ground floor commercial units, upper floors mainly residential
- service road to front
- uses in this parade: sport shop (A1), plumbing/bathroom shop (A1), car parts (A1), estate agents (A2), application premises was launderette (sui generis), hairdresser (A1), textile shop (A1), charity shop (A1), newsagent (A1), furniture shop (A1), take-away (A3), public house (A3): 8 x A1, 2 x A3, 1 x A2, 1 x sui generis
- application property flanked by estate agent (A2), and hairdresser (A1)

c) Proposal Details

- continued use of ground floor as café/sandwich bar
- maximum number of staff at the premises at any one time: 5

d) Relevant History

None

e) Notifications

Sent
49

Replies
3

Expiry
14-JUL-03

Response: Undesirable precedent of unauthorised works/development being given planning consent, too many restaurants/cafes in the area already, increased pressure for parking and traffic problems, noise and odour, loss of retail.

APPRAISAL

1) Character and Retail Policy

The premises were not previously in retail (A1) use. No. 353 was a launderette, which is classified as sui generis. The change of use has not therefore resulted in a loss of a retail unit.

An A3 use is usually considered to be an appropriate use in a designated centre, and it is considered that the change of use of the premises from a launderette to a café/restaurant has had a neutral impact on the vitality and viability of the shopping centre as a whole.

2) Residential Amenity

A3 uses in parades of shops below residential units on upper floors is not uncommon. Noise and odour emissions can be controlled through conditions, as suggested above.

3) Parking/Highway Safety

There is no on-site parking provision. However, in view of the location of the application site within a designated centre and the presence of a service road to the front of the parade of shops, there is no objection to the scheme on grounds of lack of on-site parking provision or highway safety.

4) Consultation Responses

All relevant planning issues are addressed in report.

AGENDA ITEM 11 – APPENDIX 2 - ADDENDUM INFORMATION

NOTIFICATIONS

2 additional letters of objection.

Hatch End Association: Over-concentration of A3 uses in the Centre; detrimental to the viability and vitality of the retail trade; contrary to UDP policy; increase in traffic; parking problems.

1 petition from residents of Anselm Road signed by 8 people.

RESPONSE: Shop-front inappropriate/out of character; granting of permission would be inconsistent with other decisions; already used as a late night restaurant; could be used as a take-away which would lead to problems in respect of nuisance and litter; potential noise/odour nuisance; this part of Uxbridge Road requires more variety.

If granted, conditions should require:

- 6.00pm closing each night
- Day time café use only
- No use as restaurant or take away
- No live/loud music
- No odour nuisance

Add to Consultation Response:-

Shop front appropriate in Local Centre