

Application reference: 10/3735/FUL
FULWELL, HAMPTON HILL WARD

1245
DV48R

Date application received	Date made valid	Target report date	8 Week date
22.12.2010	22.12.2010	16.02.2011	16.02.2011

Site:

80 High Street, Hampton Hill, TW12 1NY,

Proposal:

Change of use from A4 (public house) to A5 (take away), to include ground floor extension to rear. Reposition of associated plant at roof level. New means of access created to upper flat.

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Edgewest Lambeth Ltd
C/o Agent

AGENT NAME

57 Lansdowne House
Berkeley Square
London W1J 6ER

DC Site Notice: printed on 29.12.2010 and posted on 07.01.2011 and due to expire on 28.01.2011

Consultations:

Internal/External:

Consultee

LBRUT Transport

14D Urban D

LBRUT Environmental Health

Expiry Date

12.01.2011

Neighbours:

70 High Street, Hampton Hill, TW12 1NY, - 29.12.2010
Hampton Hill Library, 68 High Street, Hampton Hill, TW12 1NY, - 29.12.2010
Sainsburys, 72 - 78 High Street, Hampton Hill, TW12 1NY, - 29.12.2010
Flat, 80 High Street, Hampton Hill, TW12 1NY, - 29.12.2010
Flat, 147 High Street, Hampton Hill, TW12 1NJ, - 29.12.2010
Flat 9, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 8, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 6, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 5, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 4, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 3, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 2, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 14, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 13, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 12, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 11, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 10, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
Flat 1, Parkview House, 82 - 84 High Street, Hampton Hill, TW12 1NN, - 29.12.2010
12 Park Gate Court, High Street, Hampton Hill, TW12 1PB, - 29.12.2010
11 Park Gate Court, High Street, Hampton Hill, TW12 1PB, - 29.12.2010
10 Park Gate Court, High Street, Hampton Hill, TW12 1PB, - 29.12.2010
9 Park Gate Court, High Street, Hampton Hill, TW12 1PB, - 29.12.2010
8 Park Gate Court, High Street, Hampton Hill, TW12 1PB, - 29.12.2010
7 Park Gate Court, High Street, Hampton Hill, TW12 1PB, - 29.12.2010
6 Park Gate Court, High Street, Hampton Hill, TW12 1PB, - 29.12.2010
5 Park Gate Court, High Street, Hampton Hill, TW12 1PB, - 29.12.2010
4 Park Gate Court, High Street, Hampton Hill, TW12 1PB, - 29.12.2010

3 Park Gate Court,High Street,Hampton Hill,TW12 1PB, - 29.12.2010
2 Park Gate Court,High Street,Hampton Hill,TW12 1PB, - 29.12.2010
1 Park Gate Court,High Street,Hampton Hill,TW12 1PB, - 29.12.2010
155A High Street,Hampton Hill,TW12 1NL, - 29.12.2010
151 High Street,Hampton Hill,TW12 1NL, - 29.12.2010
153A High Street,Hampton Hill,TW12 1NL, - 29.12.2010
149 High Street,Hampton Hill,TW12 1NJ, - 29.12.2010
147 High Street,Hampton Hill,TW12 1NJ, - 29.12.2010
Royal Parks - 29.12.2010

History: Development Management, Appeals, Building Control, Enforcements:

Development Management Application:03/2508/ADV
Status: REF
Date:20/08/2003 Erection Of Illuminated Projecting Sign

Development Management Application:10/3735/FUL
Status: PCO
Date: Change of use from A4 (public house) to A5 (take away), to include ground floor extension to rear. Reposition of associated plant at roof level. New means of access created to upper flat.

Appeal Development Appeal
Validation Date:
27.08.2003
Reference:
03/2508

Enforcement Enforcement Enquiry
Opened Date:
10.06.2003
Reference:
03/00213/EN

Enforcement Enforcement Enquiry
Opened Date:
16.08.2005
Reference:
05/0398/EN/UBW

Enforcement Enforcement Enquiry
Opened Date:
30.07.2009
Reference:
09/0378/EN/UBW

Constraints:

**10/3735/FUL
80 HIGH STREET
HAMPTON HILL**

**FULWELL AND HAMPTON
HILL WARD
Contact Officer:
S Graham-Smith**

Proposal: Change of use from A4 (public house) to A5 (take away), to include ground floor extension to rear. Repositioning of associated plant at roof level. New means of access created to upper flat.

Applicant: Savills for Edgewest Lambeth Ltd

Application received: 22nd December 2010

Main development plan policies:

UDP – First Review: BLT 2, 4, 11, 16, 30; TRN 2; CCE 15: TC8, 9

LDF Core Strategy: CP7

Emerging DPD: DM DC1, DC5, TC3, TC4, TC5, HD1, HD3, TP1, TP2

Present use: Vacant Public House (The Jenny Lind)

Summary of Application:

The proposal is for a change of use from a public house to a takeaway. Such uses are considered appropriate in a High Street location and it is not considered that there would be an overprovision. There would not be a noticeable increase in traffic and facilities for parking exist nearby. It is not considered that neighbour amenity would be unreasonably prejudiced. The character of the Conservation Area and setting of the Building of Townscape Merit would not be harmed by the proposed physical alterations.

Recommendation: Approve

Site, history and proposal:

The property is a vacant two storey building fronting the High Street and was formerly the Jenny Lind public house. Bushy Park is to the rear. The adjoining property to the north is a fairly recent development containing flats, Park View House, above a shop (Budgens). Immediately to the south is an access road leading to a public car park to the rear and on the other side of it is another recent development containing Sainsburys, Costa Coffee and the new Hampton Hill library. The property is a Building of Townscape Merit and is located in a Conservation Area and a Mixed Use Area.

The application seeks permission for a change of use to a takeaway together with a rear extension and roof top plant.

Public and other representations:

Councillor Cardy has asked for the application to be considered by the Planning Committee.

Royal Parks have no objection

The Hampton Hill Association objects on the grounds of potential litter and noise and disturbance.

The Friends of Bushy and Home Parks objects on the grounds of litter and the impact on wildlife

The Hampton Hill Town Centre Manager objects on grounds similar to those listed below.

Two letters of support and 292 objections have been received from local addresses. The objections cite the following reasons:

- Litter
- Overprovision of such uses
- Out of character
- Increased parking and traffic problems
- Adverse impact on Bushy Park
- Inappropriate use
- Loss of public house
- Anti-social behaviour

The merits of the applicants and potential users of the property are questioned and other non planning matters are also raised.

Amendments:

The proposed extract flue has been altered to improve its appearance and reduce the impact on nearby flats.

Professional comments:

It should be noted that a large proportion of the objections relate to a specific company, KFC (Kentucky Fried Chicken). The application has not been made by this company, nor is it mentioned in the application. Members should consider the application on the basis that it could be this company or another takeaway chain or a new independent company. It should also be noted that any existing takeaway which became available could be taken over by KFC or another franchise without the need for planning permission

The main planning issues to be considered are the impact on neighbour amenity, parking and traffic and the character of the area. The last planning application for a takeaway in Hampton Hill High Street was at No. 61, now a fish and chip shop, in 2006 (Ref 06/1265/COU). Although recommended for refusal on the grounds of potential noise and disturbance the Planning Committee disagreed and allowed the proposal.

Change of use

The property is located in a Mixed Use area where uses which attract visitors are generally encouraged.

The long established use is as a public house (A4 use class). There is a specific policy relating to the loss of such a facility. By virtue of policy CCE15 of the UDP First Review, the Council will resist the loss of any existing private indoor entertainment facilities, and requires the provision of replacement facilities in development proposals. However, if it can be demonstrated that the demand for a particular activity does not exist, and only after a reasonable period of marketing which clearly demonstrates that the building is no longer suitable for a cultural or entertainment use will it be allowed to go out of that use. Only in exceptional circumstance will a site allowed to go out of recreational use.

However, the Development Management Plan is now being used for development control purposes. Policy DM TC 4 states that changes of use from public houses will not be permitted unless

- (a) there is another public house within convenient walking distance or
- (b) The public house use is inappropriate in terms of access or neighbourliness
- (c) The proposed new use would provide a community service or function.

Takeaway

As there are several public houses within walking distance, including one, the Duke of Clarence, diagonally opposite, it is not considered appropriate to object to the loss of the public house in principle. Planning permission would not be required for an A3 (restaurant) use.

Policy TC8 of the Unitary Development Plan: First Review states that in parts of shopping centres not indicated on the proposals map as key or secondary frontages (as is the case here), the Council will generally consider favourably applications for changes of use to any non-shop use compatible with the retail function of the centre, provided that there is no deterioration of highway conditions or a significant loss of residential amenity and policy TC9 echoes this.

Policy DM TC 3 of the Development Management Plan seeks to protect retail uses but also identifies specific areas where there is an over-concentration of a particular use. For takeaways the areas are in Twickenham and East Sheen.

Policy CP9 of the Core Strategy and DM TC5 of the Development Management Plan support the evening economy provided the proposal adds to the diversity of the evening economies of the area and does not have an adverse effect on the amenity of nearby uses and surrounding residential areas.

Policy CP8 of the Core Strategy seeks to ensure that retail and town centre uses are supported provided, allowing proposals which are of an appropriate scale and size for the centre and do not adversely impact on the vitality and viability of the area.

Although it has been argued that other such uses exist in Hampton Hill I do not consider that there could be said to be an overconcentration of such uses. There is a kebab takeaway in Hampton Road, a Chinese takeaway opposite, and a fish and chip shop to the south. Some other restaurants have a takeaway service but these cater mainly for sit-down customers. Cafes and bakeries do not fall within the same use class. Takeaways are commonly found in shopping streets and are considered complimentary to their shopping function. On that basis I do not consider there to be an in principle objection to use as a takeaway.

Transport

Policy CP5 of the Adopted Core Strategy seeks to reduce the need for travel by car by ensuring that employment, shops and services are provided at a local level. Policy TRN2 of the UDP and DM TP8 of the draft Development Management Plan state that changes of use should demonstrate that the transport infrastructure can accommodate it, or be adapted to do so, without creating congestion and hazards on the road network.

There is a public car park to the rear although this is known to be heavily used. However there is another car park within 100m, in Taylor Close and this does not have the same problem. In addition, the site is accessible to many customers who would not need to travel by car. The Senior Transport Planner has stated that there would ordinarily be concerns with the location of a take-away as there are zigzag crossing marks outside the site, however in this instance as there is a parking area adjacent to the site and another within 100m it is not believed that customers would be tempted to park on the street outside. Bearing in mind that the High Street is already a busy classified road, it is not considered that the change of use would cause a significant change to traffic flows.

Residential amenity

Policy BLT 16 of the UDP and DM DC5 of the DPD seek to ensure that proposals do not have an unneighbourly impact.

In approving the takeaway at 61 High Street, which is towards the quieter southern end of the street, the Planning Committee stated that use as a takeaway would not be out of keeping with the area and would not be detrimental to nearby residents with restricted hours of 8am –

11.30pm Sunday – Thursday and 8am – Midnight on Friday and Saturday. As this application is in one of the busier parts of the High Street with a takeaway and pub opposite, supermarkets either side and the property used to be a pub, a certain amount of activity may be expected and subject to limited hours it is not considered that there would be undue noise and disturbance.

The flue which was initially proposed would have discharged at a relatively low level, below the height of windows and terraces of flats towards the rear of the adjoining building, Park View House. This is now proposed to discharge at a higher level using high velocity discharge and has satisfied concerns raised by the Environmental Health Officer.

Litter and Waste

Takeaways can generate large amounts of litter in their immediate vicinity and often, further afield, particularly in areas where customers settle to eat their takeaway food. Unsurprisingly objectors often have concerns at litter dropped by the customers of takeaways as a nuisance. This is of particular concern due to the proximity of Bushy Park. Although proprietors have little control over where customers drop their litter, they can act to significantly reduce the potential of its occurrence. In this case I would recommend a condition requiring the submission of a methodology whereby the end user confirms what steps they intend to take in order to minimise such an impact. There is ample space in the enclosed rear yard for refuse storage.

Anti social behaviour

Although concerns have been raised, comparisons have been drawn with an establishment in Twickenham. I do not consider this to be comparable because Twickenham is a larger busier centre and in close proximity to a number of educational establishments whose students use takeaways. The proposed takeaway here is not near similar establishments and in addition, no seating area is proposed. Bearing in mind the previous use as a public house it would be difficult to provide convincing evidence that the change of use would, in itself, result in anti social behaviour.

Other physical changes

A minor side extension enclosing a passageway and a pitched roof over the rear part of the building are proposed and these would not affect neighbouring properties or have an adverse impact on the character of the building or the Conservation Area. The amended flue will be almost wholly within the fabric of the building with only the nozzle end projecting out of the roof towards the rear part of the main building. This will be painted black and would not be visible from the front of the building. Being relatively small it would not be noticeable from Bushy Park.

The upstairs living accommodation previously attached to the pub becomes an independent dwelling unit and I see no obvious objection to this.

Other matters

The application has attracted a very high number of objections and some of these mention the intention of the government to introduce legislation for communities to be able to shape the development of their neighbourhoods through the new process of 'neighbourhood planning'. At this time the legislation has not been introduced and the planning decision needs to be made on the basis of policy.

Conclusion:

The proposal is for a change of use from a public house to a takeaway. Such uses are considered appropriate in a High Street location and it is not considered that there would be an overprovision. There would not be a noticeable increase in traffic and facilities for parking exist

nearby. It is not considered that neighbour amenity would be unreasonably prejudiced. The character of the Conservation Area and setting of the Building of Townscape Merit would not be harmed by the proposed physical alterations.

I therefore recommend **PERMISSION** subject to the following conditions and informatives.

Standard conditions:

AT01 - Development begun within 3 years

BD07 – Materials to match existing and be approved

IL45 – Approved Drawings - Site plan and 3028-01, 02, 03, 3063-01, SME/2009/Hampton-P-1A, 2B and Elevs received on 22nd December 2010 and 30189F showing details of extract system received on 2nd March 2011.

Non-standard conditions:

NS01 - There shall be no preparation or delivery of food for consumption off the premises during the following times:

A. Sunday to Thursday inclusive - before 8am and after 11.30pm;

B. Friday to Saturday - before 8am and after midnight.

A notice to this effect shall be displayed at all times on the premises so as to be visible from outside.

REASON: To ensure that the proposed development does not prejudice the amenities of nearby occupiers, or the area generally.

NS02 – Details of measures to be taken to reduce the possibility of litter connected to the premises affecting the surrounding area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved use.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality.

NS03 – In relation to the proposed extract flue and equipment an updated noise assessment to demonstrate compliance with the noise control requirements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved use.

REASON: To ensure that the proposed development does not prejudice the amenities of nearby occupiers.

Standard informatives:

IE05A – Noise control

IH06B – Damage to highway

IL10A – Building Regulations

IL16HA - Relevant policies and proposals;

UDP – First Review: BLT 2, 4, 11, 16, 30; TRN 2; CCE 15: TC8, 9

LDF Core Strategy: CP7

Emerging DPD: DM DC1, DC5, TC3, TC4, TC5, HD1, HD3, TP1, TP2

IL19 - Summary reasons for granting planning permission: See conclusion

Background papers:

Application forms and drawings

Letters from interested parties

Previous application (Ref 06/1265/COU)

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

Case Officer (Initials):

Dated:

I agree the recommendation:

Team Leader/Development Control Manager

Dated:

This application has been subject to representations that are contrary to the officer recommendation. The Development Control Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Development Control Manager:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

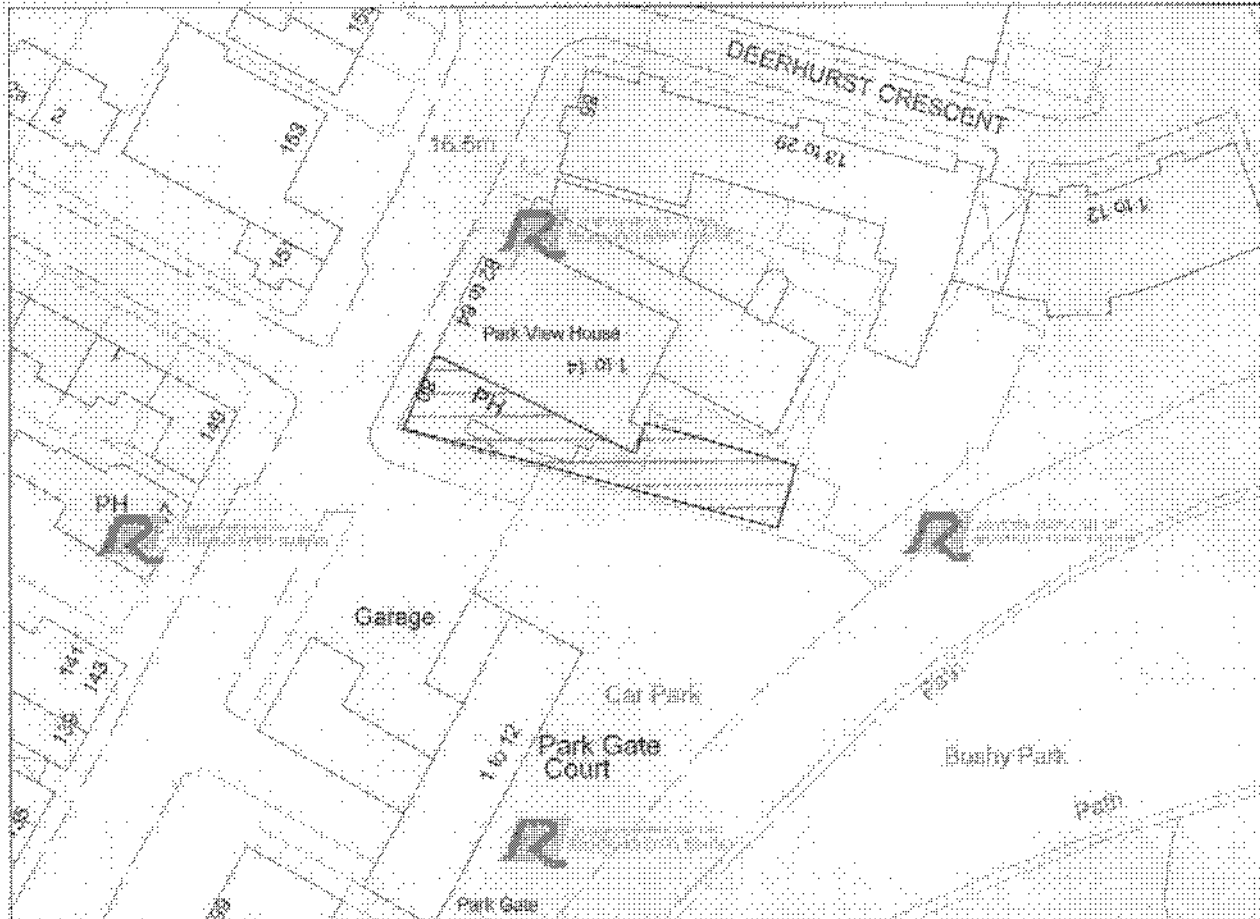
SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS:	
INFORMATIVES:	

ADDITIONAL NOTES CONTINUED FROM ABOVE:

10/3735/FUL
80 HIGH STREET
HAMPTON HILL

FULWELL AND HAMPTON HILL WARD
Contact Officer:
S Graham-Smith



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Proposal: Change of use from A4 (public house) to A5 (take away), to include ground floor extension to rear. Repositioning of associated plant at roof level. New means of access created to upper flat.

Applicant: Savills for Edgewest Lambeth Ltd

Application received: 22nd December 2010

Main development plan policies:

UDP - First Review: BLT 2, 4, 11, 16, 30, TRN 2; CCE 15; TC8, 9

LDF Core Strategy: CP7

Emerging DPD: DM DC1, DC5, TC3, TC4, TC5, HD1, HD3, TP1, TP2

Present use: Vacant Public House (The Jenny Lind)

SUMMARY OF APPLICATION:

The proposal is for a change of use from a public house to a takeaway. Such uses are considered appropriate in a High Street location and it is not considered that there would be

an overprovision. There would not be a noticeable increase in traffic and facilities for parking exist nearby. It is not considered that neighbour amenity would be unreasonably prejudiced. The character of the Conservation Area and setting of the Building of Townscape Merit would not be harmed by the proposed physical alterations.

RECOMMENDATION: APPROVE

Site, history and proposal:

1. The property is a vacant two storey building fronting the High Street and was formerly the Jenny Lind public house. Bushy Park is to the rear. The adjoining property to the north is a fairly recent development containing flats, Park View House, above a shop (Buddens). Immediately to the south is an access road leading to a public car park to the rear and on the other side of it is another recent development containing Sainsburys, Costa Coffee and the new Hampton Hill library. The property is a Building of Townscape Merit and is located in a Conservation Area and a Mixed Use Area.
2. The application seeks permission for a change of use to a takeaway together with a rear extension and roof top plant.

Public and other representations:

3. Councillor Cardy has asked for the application to be considered by the Planning Committee.
4. Royal Parks have no objection.
5. The Hampton Hill Association objects on the grounds of potential litter and noise and disturbance.
6. The Friends of Bushy and Home Parks objects on the grounds of litter and the impact on wildlife.
7. The Hampton Hill Town Centre Manager objects on grounds similar to those listed below.
8. Two letters of support and 292 objections have been received from local addresses. The objections cite the following reasons:
 - Litter
 - Overprovision of such uses
 - Out of character
 - Increased parking and traffic problems
 - Adverse impact on Bushy Park
 - Inappropriate use
 - Loss of public house
 - Anti-social behaviour
 - The merits of the applicants and potential users of the property are questioned and other non planning matters are also raised.

Amendments:

9. The proposed extract flue has been altered to improve its appearance and reduce the impact on nearby flats.

Professional comments:

10. It should be noted that a large proportion of the objections relate to a specific company, KFC (Kentucky Fried Chicken). The application has not been made by this company, nor is it mentioned in the application. Members should consider the application on the basis that it could be this company or another takeaway chain or a new independent company. It should also be noted that any existing takeaway which became available could be taken over by KFC or another franchise without the need for planning permission.

The main planning issues to be considered are the impact on neighbour amenity, parking and traffic and the character of the area. The last planning application for a takeaway in Hampton Hill High Street was at No. 61, now a fish and chip shop, in 2006 (Ref 06/1265/COU). Although recommended for refusal on the grounds of potential noise and disturbance the Planning Committee felt there were not sufficient grounds to refuse the application.

Change of use

11. The property is located in a Mixed Use area where uses which attract visitors are generally encouraged.
12. The long established use is as a public house (A4 use class). There is a specific policy relating to the loss of such a facility. By virtue of policy CCE15 of the UDP First Review, the Council will resist the loss of any existing private indoor entertainment facilities, and requires the provision of replacement facilities in development proposals. However, if it can be demonstrated that the demand for a particular activity does not exist, and only after a reasonable period of marketing which clearly demonstrates that the building is no longer suitable for a cultural or entertainment use will it be allowed to go out of that use. Only in exceptional circumstance will a site allowed to go out of recreational use.
13. However, the Development Management Plan is now being used for development control purposes. Policy DM TC 4 states that changes of use from public houses will not be permitted unless
 - a. there is another public house within convenient walking distance or
 - b. The public house use is inappropriate in terms of access or neighbourliness
 - c. The proposed new use would provide a community service or function.
14. As there are several public houses within walking distance, including one, the Duke of Clarence, diagonally opposite, it is not considered appropriate to object to the loss of the public house in principle. Planning permission would not be required for an A3 (restaurant) use.
15. Policy TC8 of the Unitary Development Plan: First Review states that in parts of shopping centres not indicated on the proposals map as key or secondary frontages (as is the case here), the Council will generally consider favourably applications for changes of use to any non-shop use compatible with the retail function of the centre, provided that there is no deterioration of highway conditions or a significant loss of residential amenity and policy TC9 echoes this.
16. Policy DM TC 3 of the Development Management Plan seeks to protect retail uses but also identifies specific areas where there is an over-concentration of a particular use. For takeaways the areas are in Twickenham and East Sheen.
17. Policy CP9 of the Core Strategy and DM TC5 of the Development Management Plan support the evening economy provided the proposal adds to the diversity of the evening economies of the area and does not have an adverse effect on the amenity of nearby uses and surrounding residential areas.
18. Policy CP8 of the Core Strategy seeks to ensure that retail and town centre uses are supported provided, allowing proposals which are of an appropriate scale and size for the centre and do not adversely impact on the vitality and viability of the area.
19. Although it has been argued that other such uses exist in Hampton Hill I do not consider that there could be said to be an overconcentration of such uses. There is a kebab takeaway in Hampton Road, a Chinese takeaway opposite, and a fish and chip shop to the south. Some other restaurants have a takeaway service but these cater mainly for sit-down customers. Cafes and bakeries do not fall within the same use class. Takeaways are commonly found in shopping streets and are considered complimentary to their shopping function. On that basis I do not

consider there to be an in principle objection to use as a takeaway.

Transport

20. Policy CP5 of the Adopted Core Strategy seeks to reduce the need for travel by car by ensuring that employment, shops and services are provided at a local level. Policy TRN2 of the UDP and DM TP8 of the draft Development Management Plan state that changes of use should demonstrate that the transport infrastructure can accommodate it, or be adapted to do so, without creating congestion and hazards on the road network.
21. There is a public car park to the rear although this is known to be heavily used. However there is another car park within 100m, in Taylor Close and this does not have the same problem. In addition, the site is accessible to many customers who would not need to travel by car. The Senior Transport Planner has stated that there would ordinarily be concerns with the location of a take-away as there are zigzag crossing marks outside the site, however in this instance as there is a parking area adjacent to the site and another within 100m it is not believed that customers would be tempted to park on the street outside. Bearing in mind that the High Street is already a busy classified road, it is not considered that the change of use would cause a significant change to traffic flows.

Residential amenity

22. Policy BLT 16 of the UDP and DM DC5 of the DPD seek to ensure that proposals do not have an unneighbourly impact.
23. In approving the takeaway at 61 High Street, which is towards the quieter southern end of the street, the Planning Committee stated that use as a takeaway would not be out of keeping with the area and would not be detrimental to nearby residents with restricted hours of 8am – 11.30pm Sunday – Thursday and 8am – Midnight on Friday and Saturday. As this application is in one of the busier parts of the High Street with a takeaway and pub opposite, supermarkets either side and the property used to be a pub, a certain amount of activity may be expected and subject to limited hours it is not considered that there would be undue noise and disturbance.
24. The flue which was initially proposed would have discharged at a relatively low level, below the height of windows and terraces of flats towards the rear of the adjoining building, Park View House. This is now proposed to discharge at a higher level using high velocity discharge and has satisfied concerns raised by the Environmental Health Officer.

Litter and Waste

25. Takeaways can generate large amounts of litter in their immediate vicinity and often, further afield, particularly in areas where customers settle to eat their takeaway food. Unsurprisingly objectors often have concerns at litter dropped by the customers of takeaways as a nuisance. This is of particular concern due to the proximity of Bushy Park. Although proprietors have little control over where customers drop their litter, they can act to significantly reduce the potential of its occurrence. In this case I would recommend a condition requiring the submission of a methodology whereby the end user confirms what steps they intend to take in order to minimise such an impact. There is ample space in the enclosed rear yard for refuse storage.

Anti social behaviour

26. Although concerns have been raised, comparisons have been drawn with an establishment in Twickenham. I do not consider this to be comparable because Twickenham is a larger busier centre and in close proximity to a number of educational establishments whose students use takeaways. The proposed takeaway here is not near similar establishments and in addition, no seating area is proposed. Bearing in mind the previous use as a public house it would be difficult to provide convincing evidence that the change of use would, in itself, result in anti social behaviour.

Other physical changes

27. A minor side extension enclosing a passageway and a pitched roof over the rear part of the building are proposed and these would not affect neighbouring properties or have an adverse impact on the character of the building or the Conservation Area. The amended flue will be almost wholly within the fabric of the building with only the nozzle end projecting out of the roof towards the rear part of the main building. This will be painted black and would not be visible from the front of the building. Being relatively small it would not be noticeable from Bushy Park.
28. The upstairs living accommodation previously attached to the pub becomes an independent dwelling unit and I see no obvious objection to this.

Other matters

29. The application has attracted a very high number of objections and some of these mention the intention of the government to introduce legislation for communities to be able to shape the development of their neighbourhoods through the new process of 'neighbourhood planning'. At this time the legislation has not been introduced and the planning decision needs to be made on the basis of policy.

Conclusion:

30. The proposal is for a change of use from a public house to a takeaway. Such uses are considered appropriate in a High Street location and it is not considered that there would be an overprovision. There would not be a noticeable increase in traffic and facilities for parking exist nearby. It is not considered that neighbour amenity would be unreasonably prejudiced. The character of the Conservation Area and setting of the Building of Townscape Merit would not be harmed by the proposed physical alterations.

I therefore recommend **PERMISSION** subject to the following conditions and informatives.

Standard conditions:

- AT01 - Development begun within 3 years
BD07 - Materials to match existing and be approved
DV48 - Approved Drawings - Site plan and 3028-01, 02, 03, 3063-01, SME/2009/Hampton P-1A, 2B and Elevs received on 22nd December 2010 and 30189F showing details of extract system received on 2nd March 2011.

Non-standard conditions:

- NS01 - There shall be no preparation or delivery of food for consumption off the premises during the following times:
A. Sunday to Thursday inclusive - before 8am and after 11.30pm;
B. Friday to Saturday - before 8am and after midnight.
A notice to this effect shall be displayed at all times on the premises so as to be visible from outside. REASON: To ensure that the proposed development does not prejudice the amenities of nearby occupiers, or the area generally.
- NS02 - Details of measures to be taken to reduce the possibility of litter connected to the premises affecting the surrounding area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved use.
REASON: To ensure that the proposed development does not prejudice the appearance of the locality.
- NS03 - In relation to the proposed extract flue and equipment an updated noise assessment to demonstrate compliance with the noise control requirements shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved use. REASON: To ensure that the proposed development does not prejudice the amenities of nearby occupiers.

Standard informatives:

- IE05A - Noise control
- IH06B - Damage to highway
- IL10A - Building Regulations
- IL16HA - Relevant policies and proposals
- UDP - First Review: BL T 2, 4, 11, 16, 30; TRN 2; CCE 15; TC8, 9
LDF Core Strategy CP7
Emerging DPD: DM DC1, DC5, TC3, TC4, TC5, HD1, HD3, TP1, TP2
- IL19 - Summary reasons for granting planning permission. See conclusion

Background papers:

- Application forms and drawings
- Letters from interested parties
- Previous application (Ref 06/1265/COU)