

Report of the Corporate Director of Planning & Community Services

Address 41 GREEN LANE NORTHWOOD

Development: Change of use of basement and ground floor from Class A1 Retail to Class A3/A4 Restaurants/Cafes and Drinking Establishments, to include new door and ventilation duct to rear .

LBH Ref Nos: 12112/APP/2009/1591

Drawing Nos: Design and Access Statement
0901/1
0901/2
0901/3

Date Plans Received: 21/07/2009 **Date(s) of Amendment(s):**

Date Application Valid: 21/07/2009

1. **SUMMARY**

Planning permission is sought for the change of use of the basement and ground floors from retail (Class A1) to a mixed use of restaurant and drinking establishment (Classes A3/A4). The proposed change of use would result in a concentration of non-A1 retail uses which is considered to harm the vitality and viability of the Green Lane Northwood town centre.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposal would result in a concentration of non-retail uses within this part of the Secondary frontage which would be detrimental to the vitality and viability of Green Lanes Northwood Town Centre as a whole. The proposal is therefore contrary to Policy S12 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The application site is located on the north side of Green Lane, Northwood, and comprises the basement and ground floor, currently in use as a retail unit selling stationary goods, with two upper floors in residential use accessed from the rear. To the east lies 43 Green Lane, a beauty salon, and to the west lies 37-39 Green Lane formally a bank. To the rear lies a service road and the accesses to the residential properties above the commercial units. The street scene is commercial in character and appearance and the application site lies within the secondary shopping area of the Green Lane Northwood Town Centre, as designated in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 **Proposed Scheme**

Planning permission is sought for the change of use of the basement and ground floors

from retail within class A1 to a restaurant/drinking establishment within classes A3 and A4. Alterations comprising the installation of a new emergency exit door in the rear wall at ground floor level and the installation of a ventilation duct which would extend from the roof of the part first floor rear extension, up against the rear wall and project above the edge of the roof, measuring 0.6m by 0.45m and finished in galvanised steel, are proposed. No alterations are proposed to the front of the unit.

3.3 Relevant Planning History

12112/APP/2001/103 41 Green Lane Northwood

CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (WINE BAR) ON THE GROUND FLOOR WITH CLASS D2 (PRIVATE MEMBERS CLUB) IN THE BASEMENT

Decision: 09-05-2001 Refused

Comment on Relevant Planning History

Planning application reference 12112/APP/2001/103 was refused for the following reason:

"The proposal would result in both an unacceptable break in the retail function of the Secondary frontage and reduce the retail function of the frontage to below 50%, which would be detrimental to the vitality and viability of Northwood Town Centre. The proposal is therefore contrary to Policy S12 from the Borough's adopted Unitary Development Plan."

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
OE1	Protection of the character and amenities of surrounding properties and the local area
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

11 adjoining owner/occupiers and the Northwood Residents' Association (2 groups) have been consulted. No comments have been received.

Northwood & Pinner Chamber of Trade: No comments received

Ward Councillor requests that the application is determined by the planning committee.

Internal Consultees

Waste Management: No comments to make in respect of this application.

Projects & Environmental Planning:

Proposals map shows town centre site within a secondary shopping frontage.

The principle for a change of use from A1 to A3/A4 use in a secondary frontage can be established where the separation of class A1 units is no more than 12m and where at least 50% of the remaining frontage is in A1 use in order to maintain the vitality and viability of the town centre.

Policy S12 establishes the criteria where service use would be permitted in secondary frontages. The proposed change of use would not result in a shortfall of A1 uses in the secondary frontage, which is currently 53.7%, including vacant A1 use. The change of this unit would reduce this to 51.5%. However the separation criteria detailed above should be taken into account when considering this application as a change of use at 41 Green Lane would add to a row of non-A1 uses already established from 35-39 Green Lane.

There is no objection in principle to the proposed change of use, however the separation guidelines set out in paragraph 8.26 should be considered.

Environmental Protection Unit:

No noise report has been submitted with the application and as such, conditions relating to the control of noise, hours of operation and air extraction equipment are recommended.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 8.24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) defines secondary shopping areas as peripheral to the primary areas in which shopping and service uses are more mixed although class A1 shops should still be the majority use. Paragraph 8.26 states that as a guideline, the Council will normally seek to prevent a separation or an increase in the separation of class A1 units of more than 12m which is broadly the width of two typical shop fronts. Class A1 shops should remain the predominant use in secondary areas and the Local Planning Authority will expect at least 50% of the frontage to be in class A1 use.

Policy S12 establishes the change of use from class A1 to non class A1 uses in secondary frontages where there remains adequate retail facilities to accord with the character and function of the shopping centre in order to maintain the vitality and viability of the town centre.

The shopping survey shows that the class A1 secondary frontage for the Green Lane Town centre is at 53.7%, including vacant A1 use. The change of this unit would reduce this to 51.5%. The loss of the application property would not therefore result in a reduction in the

retail frontage below 50%.

Adjoining the application site to the west is the former National Westminster Bank which has an A2 frontage of 16.5m. To the east lies La Dolce Vita, a beauty salon with a retail frontage of 6.5m. The proposed change of use to a non shop use would result in a 23m long break in the retail frontage. On this basis, the proposed change of use would result in an unacceptable concentration of non-retail uses and an unacceptable separation of retail (Class A1) units to the detriment of the vitality and viability of the town centre.

The applicant has suggested in a covering letter that they have had difficulty attracting A1 uses to take over the unit (marketing for up to 6 years, but intensively only recently), they acknowledge the frontage issue, but consider that this should not be used to refuse the application given that 50% non A1 uses will not be exceeded. Officers have considered whether the overall function of the centre supports a relaxation of planning policy (re: Given the non-compliance with Council policy concerning the site frontage length in non-A1 use).

The Local Development Framework, Background Technical Report, Town Centres and Retail Study 2006 is helpful with respect to survey work undertaken in 2006. It states that:

'The retail offer is concentrated around Green Lane and the centre contains a Waitrose supermarket. The centre has a few notable vacancies, being only 4% of the outlets. Also, it is dominated by service units at 56%, compared to the GB average of 30%. Overall, this centre is performing reasonably well. However, it is considered that the Local Authority should encourage an increase in comparison provision in the town centre in order to enhance vitality and viability (this would not necessarily require additional comparison floorspace in the town centre).'

The reference to a high proportion of service units is not the usual A1/A2/A3/A4/A5 definition but a broad-brush term which covers cafe's, bars and restaurants (A3/A4/A5) as well as uses which can be A1 (e.g hairdressers) but provide a service. In plain English the number of existing retail units that actually sell retail goods rather than services is low in this centre. Furthermore there is no evidence of a high level of vacancies at this local centre. The relevance of this is that the background knowledge the Council has of Northwood centre does not support a relaxation of Council policy

Overall, it is considered that the proposed change of use will harm the vitality and attractiveness of Green Lane, Northwood town centre as the proposed use will result in a concentration of non-shop uses within this part of the secondary frontage contrary to policy S12 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

7.02 Density of the proposed development

This is not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

This is not applicable to this application.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

This is not applicable to this application.

7.06 Environmental Impact

This is not applicable to this application.

7.07 Impact on the character & appearance of the area

No elevational alterations are proposed on the front and therefore the proposal would not harm the appearance of the street scene. The installation of a new rear door is considered to be minor and would not harm the appearance of the application property or the surrounding area generally.

There are not any ventilation ducts attached to the rear wall of the properties in the terrace. However, the proposed ventilation duct, by reason of its overall size, and siting, is not considered to be detrimental to the appearance of the terrace. The proposal would comply with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, smell and disturbance. The nearest residential properties lie above the application unit and a ventilation duct is proposed on the rear wall of the building. It is considered that planning conditions requiring details of the ventilation equipment, the installation of appropriate sound attenuation and insulation between floors and the imposition of limitations on hours of operation and deliveries would be sufficient to maintain the residential amenity of the occupiers of adjoining and nearby residential properties, should planning permission be granted. The proposal would therefore comply with policies OE1 and S6 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.09 Living conditions for future occupiers

This is not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) requires 1 space per 25sqm for non-shop uses. This requirement is the same for shop uses. As no additional floorspace is proposed, no additional parking spaces are required. As such, the proposal would not result in a significant increase in on-street parking and would comply with policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

7.11 Urban design, access and security

This is addressed at section 07.07

7.12 Disabled access

This is not applicable to this application.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, Landscaping and Ecology

This is not applicable to this application.

7.15 Sustainable waste management

This is not applicable to this application.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

This is not applicable to this application.

7.19 Comments on Public Consultations

There are no third party comments.

7.20 Planning Obligations

This is not applicable to this application.

7.21 Expediency of enforcement action

This is not applicable to this application.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

The proposed change of use would result in a concentration of non-A1 retail uses which is considered to harm the vitality and viability of the Green Lane Northwood town centre and

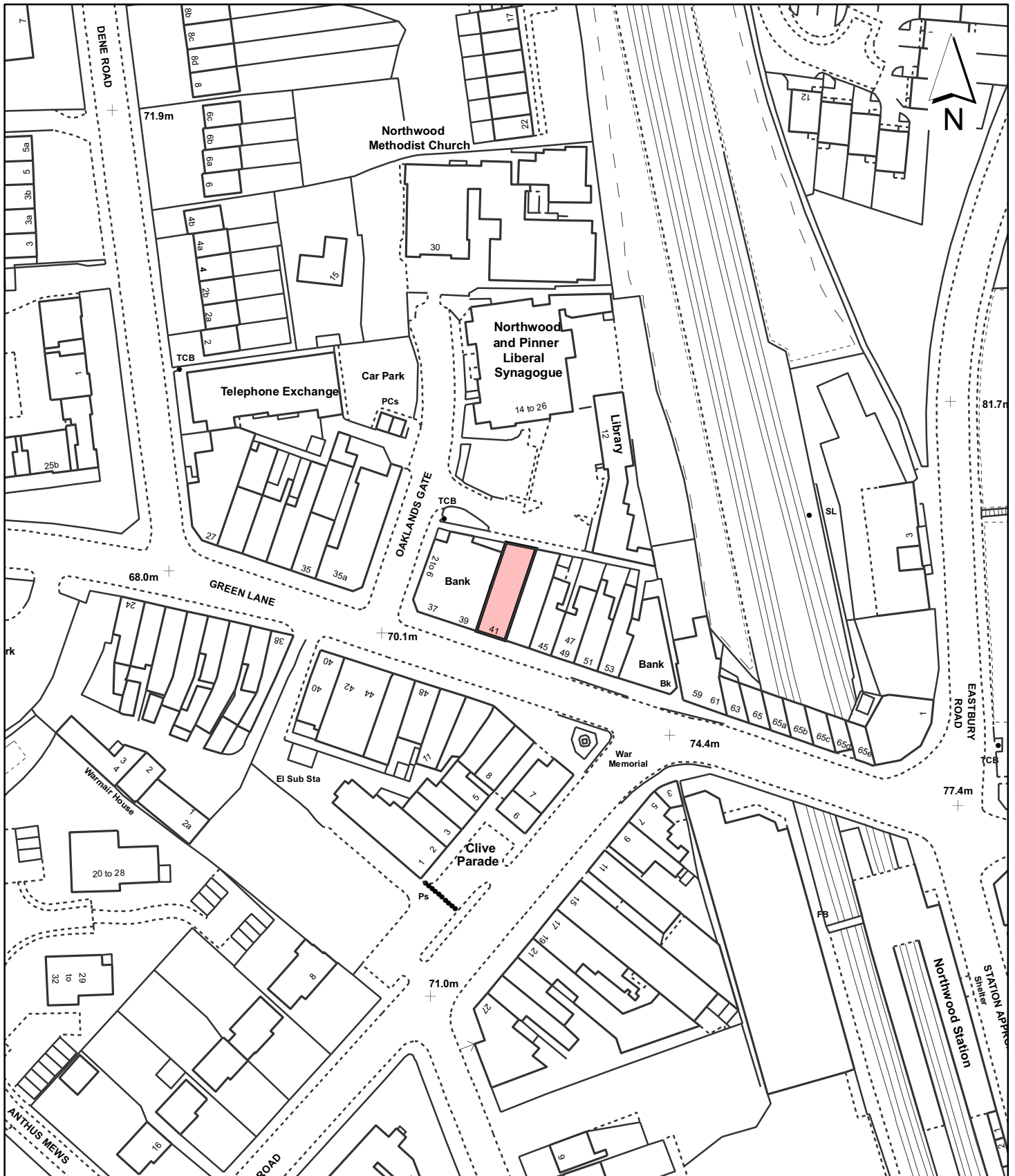
the application is therefore recommended for refusal.

11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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Notes

 Site boundary

For identification purposes only.

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Site Address

**41 Green Lane
Northwood**

Planning Application Ref:
12112/APP/2009/1591

Planning Committee
North

Scale
1:1,250

Date
September 2009

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