

Report of the Head of Planning, Sport and Green Spaces

Address 280 HIGH STREET UXBRIDGE

Development: Installation of new shop front

LBH Ref Nos: 59263/APP/2015/3372

Drawing Nos: 1019 -3-SEC-01 Rev. A
1019-3-EL-01 Rev. C
1019-3-OS-01 Rev. A
1019-3-OS-02 Rev. A

Date Plans Received: 07/09/2015

Date(s) of Amendment(s): 15/10/2015

Date Application Valid: 07/09/2015

04/09/2015

1. **SUMMARY**

Planning permission is sought for the removal of the existing modern shopfront and its replacement with a traditional shopfront. The existing shopfront is the subject of a recent enforcement notice requiring its removal.

The proposed shopfront would maintain traditional shopfront features resulting in a development that would not be out of character with surrounding frontages, enhancing the street scene and the character and appearance of the Conservation Area in general.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 HO1 **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 HO2 **Accordance with approved**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1019-3-EL-01 Rev. C and 1019-3-SEC-01 Rev A.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically 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).

2 153 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE27	Advertisements requiring express consent - size, design and location
BE28	Shop fronts - design and materials
BE29	Advertisement displays on business premises
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 7.4	(2015) Local character

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 147 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

6 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
carry out work to an existing party wall;
build on the boundary with a neighbouring property;
in some circumstances, carry out groundworks within 6 metres of an adjoining building.
Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 16 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south side of the High Street. It forms part of a terraced block of buildings, arranged over two storeys. The property is currently in use as a fast food outlet.

It is noted that in general the adjacent units have shop fronts retaining traditional features.

This part of the High Street is restricted to through traffic and semi-pedestrianised.

The site is located within the Primary Shopping Area of Uxbridge Town Centre and is within the Old Uxbridge/Windsor Street Conservation Area and the building is also a Locally Listed Building.

3.2 Proposed Scheme

The application seeks planning permission for the installation of a new shop front. The submitted plans have been amended throughout the course of the application to address the comments of the Conservation Officer.

3.3 Relevant Planning History

59263/APP/2014/1780 280 High Street Uxbridge
Alterations to shop front

Decision: 17-07-2014 Approved

Comment on Relevant Planning History

ENF/291/13/ - At the meeting of Central South Planning Committee on 14 October 2015,

Members agreed to the serving of an enforcement notice in relation to the installation of a 'modern' shopfront comprising full height aluminium glazed bi-folding doors and full height access door in similar materials and finishes.

The Enforcement Notice(s) requires the following steps to be undertaken within two (2) calendar months of the date the Notice takes effect;

(i) Demolish and remove the 'modern' shopfront comprising full height aluminium glazed bi-folding doors and full height access door in similar materials and finishes as shown in the approximate position shown in blue on the attached plan.

(ii) Immediately following compliance with requirement (i) above reinstate a shop front that maintains traditional shop front elements, such as; transoms, mullions, stall riser, pilasters and a recessed entrance OR implement the permission approved under planning application reference number 59263/APP/2014/1780.

(iii) Remove from the land all debris, building materials, plant and machinery resulting from compliance with points (i) and (ii) above.

That the reasons for issuing the Enforcement Notice(s) are as follows;

a) The 'modern' shopfront is considered inappropriate due to its size, poor design and the materials used for its construction, which detract from the overall appearance of the locally listed building and local character contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

b) The full height aluminium glazed bi-folding doors including access door fails to harmonise with the existing street scene, and preserve or enhance the visual qualities of the Old Uxbridge/Windsor Street Conservation Area, which is contrary to Policies BE4, BE13 and BE28 of the Hillingdon Local Plan: Part Two (November 2012).

c) In summary, it is considered that the works which have taken place at 280 High Street, Uxbridge, Middlesex, UB8 1LQ have had a negative impact on the architectural and historic significance of the locally listed building.

d) The Council does not consider that planning consent should be given because planning conditions could not overcome these objections.

59263/APP/2014/1780 - Alterations to shop front. Approved 17.7.15.

Application 59263/APP/2012/3068 for 'Installation of new shop front (Retrospective)' for refused on 07/03/2014 for the following reason:

The shopfront by reason of its design and appearance fails to preserve or enhance the character and appearance of the Old Uxbridge/Windsor Street Conservation Area, and is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE4 and BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Shopfronts.

The application was dismissed at Appeal on 10/01/2014.

The retrospective application for changes to the existing unauthorised fascia signage under reference 59263/ADV/2012/101 was approved.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

Part 2 Policies:

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

BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
Part 1 Policies:	
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE27	Advertisements requiring express consent - size, design and location
BE28	Shop fronts - design and materials
BE29	Advertisement displays on business premises
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 7.4	(2015) Local character

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **14th October 2015**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

10 neighbouring properties were consulted by letter dated 10.9.15 and a site notice was displayed which expired on 14.10.15. No response received.

Internal Consultees

Conservation Officer:

The fixed glass panel would not reflect the historic traditional character of the original building. Therefore the glass panel would need to include slim timber mullions, in line with the proposed three moulded panel stall riser.

The fan light above the entrance door to the shop would need to be of the same height (size) as the fanlight above entrance door to the first floor flat.

The two proposed illuminated menu boards would be considered incongruous additions. It is recommended that one menu board is omitted from the proposal. The one menu board would need to be subtly illuminated using external illumination.

The pilasters and timber moulded panels to the central section framing the window opening would need to be simpler in design. They would need to be revised to one, singular timber moulded panel, for the shop front's entire height (up to fascia level). The menu board would need to be fixed on top of the pilaster.

It is recommended that a detailed section of the timber panels/stall riser is submitted to ensure the moulding is appropriate for the shop front. The RAL colour of the proposed shop front would need to be submitted prior to final approval. This could be conditioned.

Officer comment: Amended plans have been submitted to address the Conservation Officer Comments.

7. MAIN PLANNING ISSUES

7.02 Density of the proposed development

Not applicable to this application.

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

The site lies within the Old Uxbridge/Windsor Street Conservation Area and the building is also a Locally Listed Building. The advice within policy BE4 of the Hillingdon Local Plan requires development to preserve or enhance the special character of the Heritage Asset.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Similarly Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that development will not be permitted if the appearance fails to harmonise with the existing street scene or other features of the area. Policy BE28 states that new shopfronts will only be permitted where their design and materials harmonise with the architectural composition of individual buildings or improve the character of the area. In some circumstances badly designed or obtrusive shopfronts can thus damage the appearance and character of individual buildings and erode the character of whole areas and conservation areas are particularly sensitive in this regard. With regard to the design and appearance of the existing shop front, Section 5.6 of the SPD: Shopfronts and Signage, states the Council will look for the use of traditional design features, such as; stall risers; several smaller panes of glass, instead of one large sheet of glass and more traditional types of window; vertical subdivisions at ground floor level below the fascia area, which would appropriately relate to the street and to the building above.

The proposed shopfront as amended would respect and be in keeping with the traditional shop frontages on the High Street and that which was original to the application property. The proposal also proposes to replace the existing door to the upper flat. The external timber and aluminium finish would be in a dark grey/black colour as specified on the drawings, which is considered acceptable. It is therefore considered that the proposed shopfront would comply with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE4 and BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), preserving the character and appearance of the Old Uxbridge Conservation Area.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

see section 7.03.

7.08 Impact on neighbours

There are residential properties located in the vicinity of the application site. However, given the nature of the proposal, it is considered that no significant odour, noise and other nuisance would result. Similarly the shopfront would not adversely affect the amenities of

adjoining residential properties through loss of light, outlook or visual intrusion. The proposal is therefore considered to comply with Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The shopfront would not have any adverse impact on Traffic and/or Pedestrian Safety.

7.11 Urban design, access and security

No issues raised.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

No comments received.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

The enforcement history is detailed above.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also

the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

Planning permission is sought for the removal of the existing modern shopfront and its replacement with a traditional shopfront. The existing shopfront is the subject of a recent enforcement notice requiring its removal.

The proposed shopfront would maintain traditional shopfront features resulting in a development that would not be out of character with surrounding frontages, enhancing the street scene and the character and appearance of the Conservation Area in general.

11. Reference Documents

NPPF

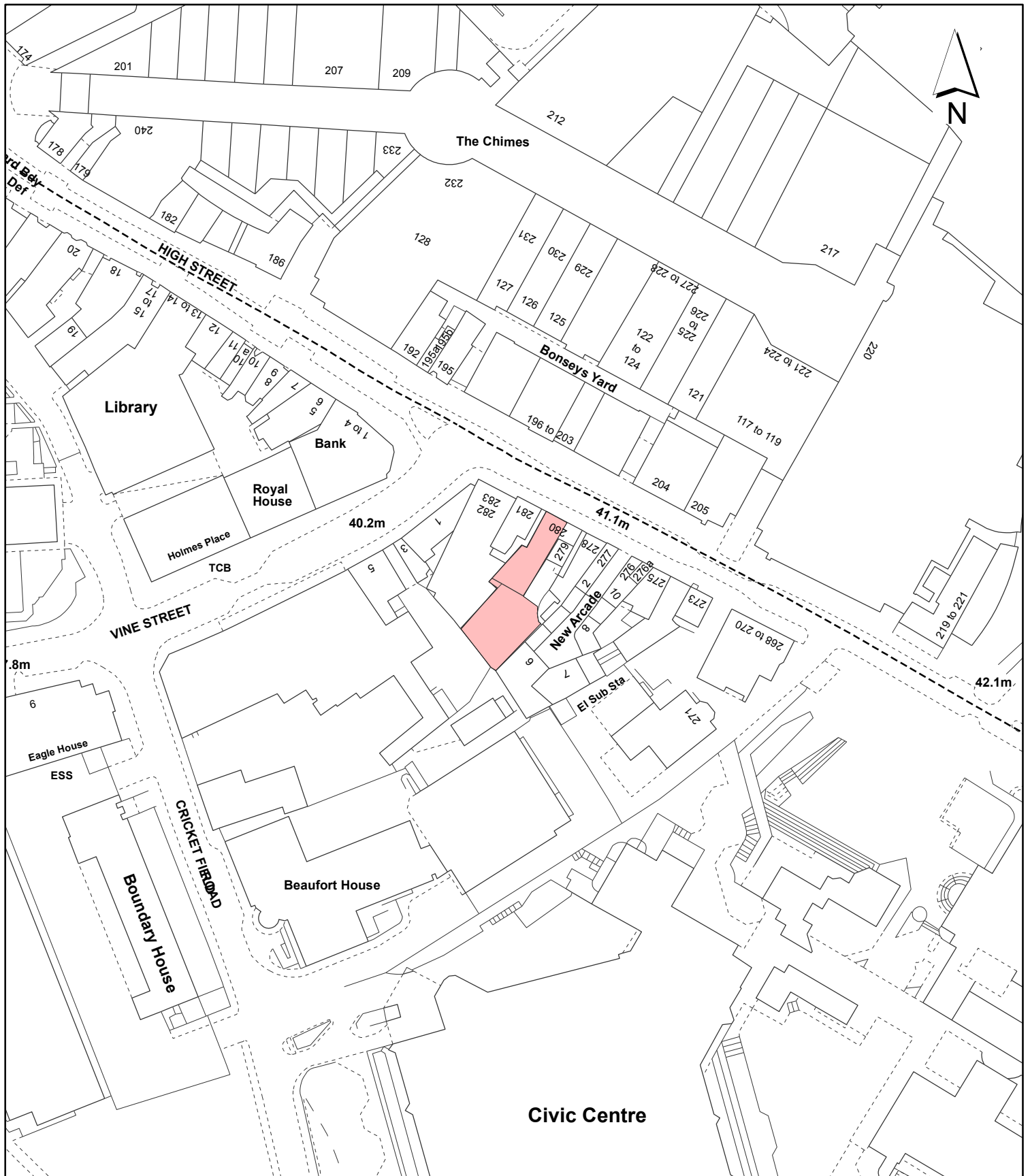
Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

London Plan (2015).

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**280 High Street
 Uxbridge**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:

59263/APP/2015/3372

Scale:

1:1,250

Planning Committee:

C&S

Date:

November 2015



HILLINGDON
 LONDON