

Report of the Head of Planning & Enforcement Services

Address 130 PINNER ROAD NORTHWOOD

Development: Change of use from retail (Use Class A1) to Hot Food Take-away(Use Class A5) involving the installation of extractor duct to side and refuse store to rear

LBH Ref Nos: 6149/APP/2011/1742

Drawing Nos: Planning Statement
Note on Traffic/Transport Issues
Photograph
5119/01
5119/31A
5119/02 (Photographs)
5119/03 (Photographs)
5119/05
5119/20
5119/30
5119/32
5119/40
Design and Access Statement

Date Plans Received: 19/07/2011 **Date(s) of Amendment(s):**

Date Application Valid: 26/07/2011

1. SUMMARY

The application is for the change of use of the premises from a vacant A1 (retail) use to an A5 Take-away use. The proposal also includes the installation of extract ducting and the provision of a bin store to the rear of the premises.

Whilst the loss of an A1 retail use in itself could be acceptable at this location, it is considered that the siting of the bin store is inappropriate and detrimental to the amenities of the residential accommodation immediately adjacent to the proposed store. The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed bin store would be poorly located and would be un-neighbourly, by virtue of its size, siting and general impact on residential amenity. It would therefore be detrimental to the amenities of the occupiers of the adjoining residential properties. As such, the proposal is contrary to Policies OE1, BE19 and BE21 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

INFORMATIVES

1 152 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

| | |
|---------|---|
| BE19 | New development must improve or complement the character of the area. |
| BE21 | Siting, bulk and proximity of new buildings/extensions. |
| OE1 | Protection of the character and amenities of surrounding properties and the local area |
| OE3 | Buildings or uses likely to cause noise annoyance - mitigation measures |
| S6 | Change of use of shops - safeguarding the amenities of shopping areas |
| S7 | Change of use of shops in Parades |
| S10 | Change of use of shops in Local Centres - criteria for permitting changes of use outside core areas |
| AM7 | Consideration of traffic generated by proposed developments. |
| AM9 | Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities |
| AM14 | New development and car parking standards. |
| LPP 4.8 | (2011) Supporting a Successful and Diverse Retail Sector |
| LPP 4.9 | (2011) Small Shops |
| LPP 5.3 | (2011) Sustainable design and construction |

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the northern side of Pinner Road, close to its junction with High Street and opposite its junction with Chestnut Avenue. Both the High Street and Pinner Road are classified "A" roads.

The property is a semi-detached, 3 storey building, comprising commercial premises on the ground floor with residential above.

The application premises is currently vacant on the ground floor, as is the ground floor of the adjoining property at No.132. Prior to its vacation in January 2009 the ground floor was used as a bathroom shop and the ground floor of No.132 as a betting shop.

To the rear of the premises are further residential flats, accessed via a gated pedestrian alley to the eastern side of the premises, as well as some office accommodation with commercial premises beyond.

The shop premises is within the recognised Pinner Road Parade, and the property is also sited within the Old Northwood Area of Special Local Character.

There is little scope for parking immediately to the front of the premises with parking control in the form of yellow lines. Given the relative fast flow of traffic and the nearness to several road junctions there is limited scope for vehicles to park on-street.

3.2 Proposed Scheme

The proposal is for a change of use of the ground floor of the premises from Class A1 (retail) to Class A5 (Hot Food Takeaway).

The application also proposes the installation of an extract duct to the eastern flank elevation of the building. This would be enclosed in brick to match the existing building and would protrude just below the ridge line of the rear roof slope and behind the existing rear chimney stack.

A bin store is also proposed. This would be sited to the rear/side of the premises close to the rear flats, and would comprise a 2.4m by 1.25m slatted timber construction to accommodate one eurobin and one wheeled bin.

The application is also supported by a Transport Statement that suggests that a Unilateral Undertaking may be submitted to provide a financial contribution towards the provision of double yellow lines in the vicinity of the site.

3.3 Relevant Planning History

6149/APP/2006/2258 130a Pinner Road Northwood
EXTENSION TO REAR OF GROUND FLOOR TO ENLARGE EXISTING FLAT NO.130A
(RETROSPECTIVE APPLICATION).

Decision: 15-10-2008 Not Determined **Appeal:** 15-10-2008 Allowed

6149/L/80/1759 130 Pinner Road Northwood
Change of use to Retail use 150sq.m.(P)

Decision: 18-12-1980 Approved

Comment on Relevant Planning History

None

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- BE19 New development must improve or complement the character of the area.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- S6 Change of use of shops - safeguarding the amenities of shopping areas
- S7 Change of use of shops in Parades
- S10 Change of use of shops in Local Centres - criteria for permitting changes of use outside core areas
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM14 New development and car parking standards.
- LPP 4.8 (2011) Supporting a Successful and Diverse Retail Sector
- LPP 4.9 (2011) Small Shops
- LPP 5.3 (2011) Sustainable design and construction

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

21 adjoining and nearby properties have been notified of the application, 9 responses have been received objecting to the proposal on the following grounds:

- a) An inappropriate use in an established and essentially residential area;
- b) Adverse impact on nearby residential properties from noise, disturbance, litter and cooking odours;
- c) There is no parking availability for servicing vehicles, staff or customers;
- d) Increase in accidents given the speed of traffic and nearby busy road junction;
- d) customers will park in nearby residential streets to the detriment of residents;
- d) Likely increase in night time activities will result in more crime and vandalism;
- e) Increase in litter and vermin;
- f) It would set a precedent for similar uses in nearby properties.

A petition signed by 146 signatories has also been received, objecting to the application on the grounds of parking, litter, rats and other vermin, foxes, noise disturbance and late night disorder.

The Northwood Hills Residents Association and Northwood Residents Association have also been consulted on the application. The Northwood Hills Residents Association object to the application as follows:

Parking.

There is no available off street car parking for this shop. The Traffic Officer [LBH] put forward many objections to this scheme, which do not appear to have been addressed in the accompanying document from TTP.

The suggestion is that customers should park in Chestnut Avenue, thus avoiding causing congestion on the Pinner Road. This cannot be enforced.

The residents of Chestnut Avenue, will not want the noise of vehicles arriving and leaving late at night, this is a residential road.

Refuse Collection and Deliveries.

It is stated that refuse will be taken to the front of the premises once a week for collection. Take Away and other cafe/restaurants usually require more than one refuse collection a week. It must be noted that the opening hours of this Take Away have not been put forward.

The refuse and recycling bins are to be left on the pavement outside the shop, this will cause congestion on the footpath.

No arrangements have been made for deliveries to the shop. These would occur on a daily basis, thus causing congestion to the traffic on Pinner Road.

General.

Should the LPA be minded to approve this application the following points should be taken into account:

The applicant should be asked to supply LBH standard litter bins to be installed near the shop, and a reasonable distances away, to avoid the discarding of wrappings and waste food on the nearby streets.

Opening hours must be strictly controlled.

Refuse collections and deliveries must also be regulated. Especially on Sundays and Bank holidays.

Parking must be monitored to avoid nuisance being caused to nearby residents, and causing congestion on Pinner Road. With appropriate actions being taken in the future to address any nuisance caused.

This site is not suitable for a Take Away we ask that the application be refused.

THAMES WATER

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, "Best Management Practices for Catering Establishments" which can be requested by telephoning 01923 898 188.

Internal Consultees

ACCESS OFFICER:

As the proposed takeaway does not involve significant building work and alteration to the existing shop front and internal structure, no accessibility comments or stipulations are offered. However, the Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a protected characteristic, which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

The Act states that service providers should think ahead to take steps to address barriers that impede disabled people. The applicant should be advised accordingly should the council be minded to approve the application.

HIGHWAYS OFFICER:

The site is located on the north side of Pinner Road within a parade of shops that is between High Street and Hilliard Road with 2.5m wide footway and 13m wide carriageway. Pinner Road is part of a Strategic Road Network whilst High Street is classified as a Borough Main Distributor road.

Pinner Road is a heavily trafficked road particularly during the rush hour, with the site being located approximately 30m from a pedestrian zebra crossing facility with its associated zig zag road marking and single yellow line parking restriction between 8.00 -18.30 Mon- Sat.

Application and submitted plans for a change of use from existing A1 to A5 hot food take away shows provision of two cycle parking stands at the rear of existing footway on a privately owned 2.0 m strip of land outside the shop, but fails to provide sufficient information regarding number of employees, proposed opening hours loading/unloading issues associated with the take away use, or vehicle parking area within the site for cars/ motorcycles which could be involved in deliveries.

Policy AM14 of the UDP refers to the Council's vehicle parking standard contained in the Annex 1. The London Borough of Hillingdon UDP (adopted 1998) saved policies, 27th September 2007, requires one vehicle parking and two cycle parking spaces for similar use.

Considering that the busiest trading time for a take away shop is evening, it is anticipated that prospective customers of the take away shop will be those wishing to order/collect food after parking restriction hours, by parking outside the shop on their way back home for a short period of time to collect food, whereas nearby customers are likely to walk or cycle to the proposed take away shop. In view of existing carriageway width within the vicinity of the applicant site, parking outside the restricted hours is not considered to prejudice the free flow of traffic and general highway safety. A condition should be attached restricting any delivery service from the shop.

ENVIRONMENTAL HEALTH

Should planning permission be approved I would recommend conditions relating to hours of use, the kitchen extract system, air extraction system, sound insulation, hours of deliveries and collections and litter. Also recommend the construction site informative.

URBAN DESIGN

This is a very attractive pair of semis within the Old Northwood Area of Special Local Character. Whilst there are no objections to the change of use from a conservation point of view, the metal gate proposed to the side should be reduced in height to 1.5m or less.

To the side, the proposed extractor would be hidden under the brick chimney and would not have a negative impact on the character and appearance of the area.

WASTE STRATEGY

a) The application is for a restaurant and cafe. I would recommend 1 x 1,100 litre type of bulk bin to safely and hygienically contain the waste arising from this type of business. This is included in the plan. An additional bin for recycling waste is shown. Again this is good practice. The roof of the bin store should be high enough to allow for the bin lids to open fully. I would recommend there is at least 150mm clearance between the bins and the walls of the enclosure to allow the bins to be moved freely.

b) The wheeled bins should be sited on an area of hard-standing, with a smooth surface, so that it can be washed down with water and disinfectant. The surface should be cambered so the run off follows towards a proper drain.

c) The collectors should not have to cart a bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard). The collection crew would therefore need to access the rear of the shop. Alternatively the owners would have to present the wheeled bins at an agreed collection point on the allocated day. Again the gates to Pinner Road should allow 150mm clearance for the bulk bin.

d) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the path is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

e) Please note the Council commercial waste service does not currently include the 240 or 360 litre wheeled bins. The service would have to be provided by a private waste collection company.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There are 14 commercial premises within the High Street Pinner Parade and these comprise a mix of primarily retail uses that appear to be generally thriving. Whilst they do not necessarily provide everyday goods or services they do perform a valuable function in providing goods and services for the local and wider community.

There are 2 non A1 uses in the parade comprising an orthodontists and a vacant bookmakers adjacent to the application property. At the time of writing this report the bookmakers was undergoing refurbishment, although the proposed use is unknown.

Policies S6 and S7 of the UDP are of particular relevance in this case.

Policy S6 requires changes of use to not be detrimental to visual amenity, for the frontage to be appropriate to the surrounding area, for the use to be compatible with neighbouring uses and not cause loss of amenity to nearby residential properties, and for the use not to have a harmful effect on road safety or worsen traffic congestion.

Policy S7 requires changes of use to maintain sufficient essential shops appropriate to the size of the parade and its function, and to not result in the loss of essential shops where there might be a deficiency.

Given the location of the site, and the nature of the surrounding uses and the previous use as a bathroom shop it is considered that there would be no harm in the loss of a retail

unit on this site. Such a loss would not undermine the retail function of the parade to any significant degree, and as such it is considered that there would be no conflict with Policy S7.

However, whilst the principle of a change of use might be acceptable, Policy S6 requires the new use to be acceptable in respect of all other material planning considerations. These are examined below.

7.02 Density of the proposed development

Not applicable.

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

The change of use would not impact on the Old Northwood Area of Special Character, and it is considered that the extract ducting, which is mainly contained within a brick housing would be acceptable.

The bin store would be located to the rear of the premises and would not be particularly visible in the streetscene.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

As detailed elsewhere in this report.

7.07 Impact on the character & appearance of the area

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building.

The proposed change of use would not adversely impact on the character and the appearance of the area, although any change to the shopfront and advertising would be subject to further planning applications and consideration as appropriate.

The bin store and ducting would not adversely impact on the character and the appearance of the area.

7.08 Impact on neighbours

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated.

Whilst the Environmental protection officer has commented on this application and has stated no objection would be raised subject to conditions being applied, it is considered that the siting of the bin store is of considerable concern. It is immediately adjacent to the entrance to residential properties and is located immediately adjacent to a habitable room window in the residential property. The bin store is not only likely to give rise to odours and disturbance to the occupiers of those flats, especially if the use were to be allowed in the evenings, but is visually intrusive, given its size, position and scale. It is poorly sited in relation to the access area to these flats, and there does not appear to be any alternative suitable location.

Whilst conditions could be imposed to protect the amenities of the adjoining occupier in terms of the proposed use (hours of use, sound insulation etc) a condition could not overcome the concern relating to the siting of the bin store. Due to the constraints of the site there is no alternative location for this bin store that would be acceptable for the proposed use.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Highways Team have made comment on the application as follows:

"Pinner Road is a heavily trafficked road particularly during the rush hour, with the site being located approximately 30m from a pedestrian zebra crossing facility with its associated zig zag road marking and single yellow line parking restriction between 8.00 - 18.30 Mon- Sat.

Application and submitted plans for a change of use from existing A1 to A5 hot food take away shows provision of two cycle parking stands at the rear of existing footway on a privately owned 2.0 m strip of land outside the shop, but fails to provide sufficient information regarding number of employees, proposed opening hours loading/unloading issues associated with the take away use, or vehicle parking area within the site for cars/motorcycles which could be involved in deliveries.

Policy AM14 of the UDP refers to the Council's vehicle parking standard contained in the Annex 1. The London Borough of Hillingdon UDP (adopted 1998) saved policies, 27th September 2007, requires one vehicle parking and two cycle parking spaces for similar use.

Considering that the busiest trading time for a take away shop is evening, it is anticipated that prospective customers of the take away shop will be those wishing to order/collect food after parking restriction hours, by parking outside the shop on their way back home for a short period of time to collect food, whereas nearby customers are likely to walk or cycle to the proposed take away shop. In view of existing carriageway width within the vicinity of the applicant site, parking outside the restricted hours is not considered to prejudice the free flow of traffic and general highway safety. A condition should be attached restricting any delivery service from the shop."

In the light of this, it is considered that a refusal cannot be sustained on highways grounds.

7.11 Urban design, access and security

As detailed elsewhere in this report.

7.12 Disabled access

Level access could be achieved to the entrance, although this would be subject to any application for changes to the shopfront.

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

See details of Waste Management Officer above.

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

As detailed by the Environmental Health Officer, appropriate conditions could be imposed to protect the amenities of adjoining occupiers in relation to the proposed use, and to address odours arising from the premises.

7.19 Comments on Public Consultations

The comments made have been addressed in this report where they are material planning considerations.

7.20 Planning Obligations

The applicant has suggested the provision of a financial contribution towards the installation of double yellow line restrictions should it be considered necessary. However, it is considered that this would not necessarily prevent ad hoc illegal stopping of vehicles, and that it would only encourage customers to park or stop briefly in nearby residential streets to the detriment of residents in those areas.

7.21 Expediency of enforcement action

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

10. CONCLUSION

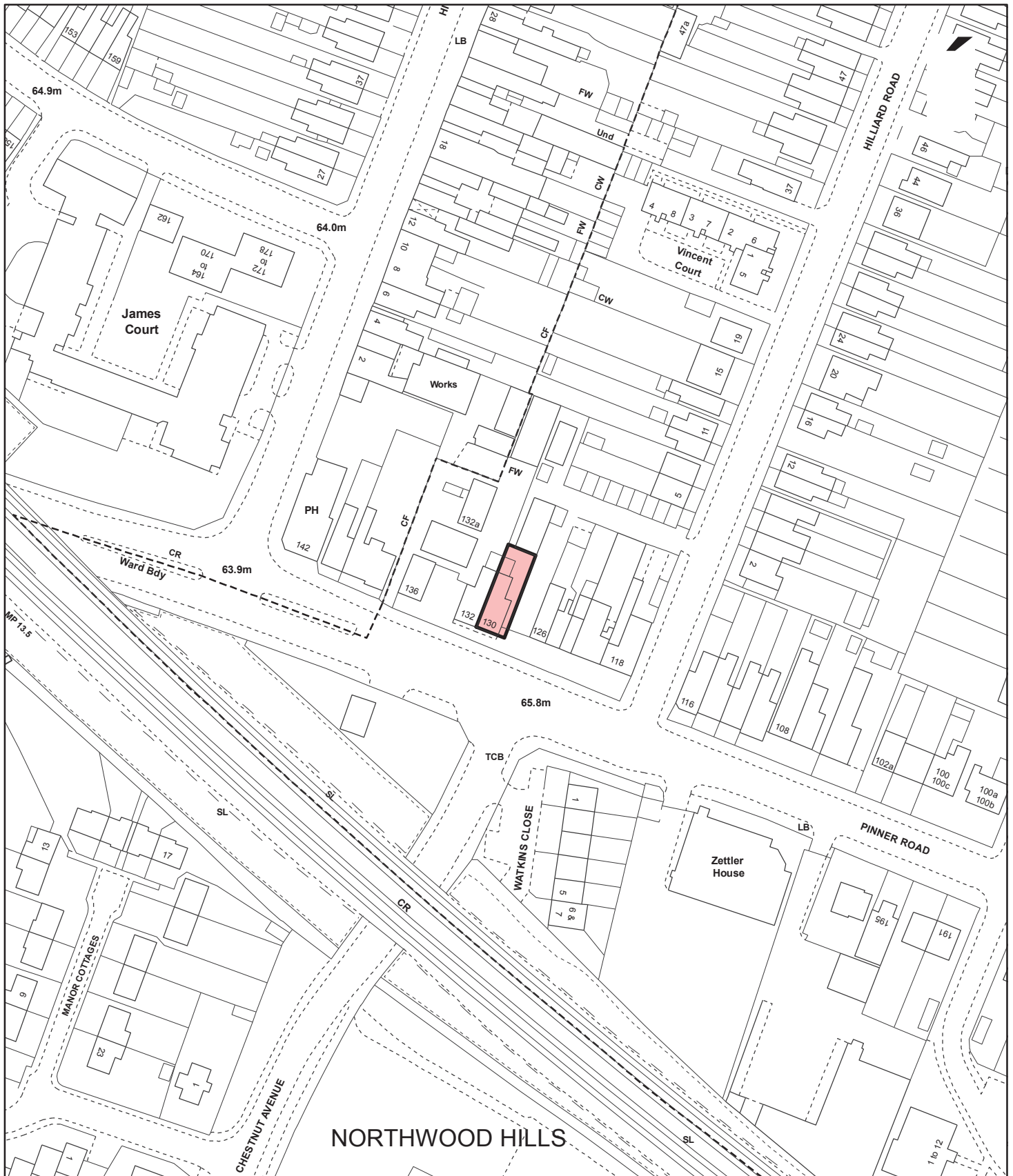
The loss of an A1 retail use in itself could be acceptable at this location, however the siting of the bin store is considered inappropriate and detrimental to the amenities of the residential accommodation immediately adjacent to the proposed store. The application is therefore recommended for refusal.

11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).
London Plan (February 2011).
HDAS: 'Residential Layouts', 'Accessible Hillingdon' and 'Shopfronts'.
Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan, Saved Policies, September 2007).
Consultation responses.

Contact Officer: Warren Pierson

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Notes



Site boundary

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Site Address

**130 Pinner Road,
Northwood**

Planning Application Ref:

6149/APP/2011/1742

Planning Committee

North

Scale

1:1,250

Date

**September
2011**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

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