

Report of the Head of Planning & Enforcement Services

Address 41 JOEL STREET NORTHWOOD

Development: Change of use of ground floor unit from Class A2 (Financial and Professional Services) to a mixed use of Class A1 (Shops) and 'Sui Generis', for use for Hypnotherapy, Dietician, IPL Laser, Beauty Therapy and Hairdressing.

LBH Ref Nos: 22761/APP/2011/2735

Drawing Nos: RPA/41/JS/101
Location Plan to Scale 1:1250

Date Plans Received: 07/11/2011 **Date(s) of Amendment(s):**
Date Application Valid: 07/12/2011

1. SUMMARY

The application is for the change of use of an existing retail unit from Class A2 (Financial and Professional Services) to a mixed use of Class A1 (Shops) and Sui Generis, for use for hypnotherapy, dieticians, IPL laser and beauty therapy.

It is considered that the use is appropriate to the shopping parade and that it would contribute to its vitality and viability. Subject to appropriate conditions it would not give rise to any adverse impact on the amenities of adjoining occupiers, nor would there be any impact on the parking/traffic generation in this town centre location.

The application is therefore recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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 N13 Sound insulation of commercial/entertainment premises

The development shall not begin until a sound insulation scheme which specifies the provisions to be made for the control of noise transmission to adjoining premises has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

and London Plan (July 2011) Policy 7.15

3 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the development is satisfactory and complies with Policy S11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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 I53 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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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
S11	Service uses in Primary Shopping Areas
S12	Service uses in Secondary Shopping Areas
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 4.9	(2011) Small Shops

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

5 13 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

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The applicant should note that some of the proposed uses may require a special licence to operate and details of this and the procedure involved are available on the Council's website under "Special Treatment Licences" or for further information the applicant is advised to contact the Environmental Health & Safety Team on environmentalhealthcp@hillingdon.co.uk

3. CONSIDERATIONS

3.1 Site and Locality

The application property comprises a ground floor retail unit on the eastern side of Joel Street, with two floors of residential accommodation above, similar to the other properties in this stretch of the road slightly to the north of Northwood Hill Underground Station. It is within a designated Secondary Shopping Area within Northwood Hills Town Centre.

The ground floor retail unit is currently vacant having been previously occupied as a solicitors office, which ceased on 1st November 2011. No.39a to the north is a vacant pet shop, and No.43 to the south is a hairdressers.

Given the town centre location there is controlled on-street parking to the front of the premises. The only access to the ground floor retail unit is from the front. Access to the residential flats above the premises are to the rear.

3.2 Proposed Scheme

The application is to enable the use of the premises for a mixed use of Class A1 (Shops) and Sui Generis, for use for hypnotherapy, dieticians, IPL laser treatment and beauty therapy.

It is proposed that 3 full time employees would occupy the premises and that hours of opening would be 09.30am to 7.30pm Monday to Friday, 9.30am to 6.30pm on Saturdays, and 10am to 2pm on Sundays.

The plans indicate that the front part of the building would be open with an area for hairdressing, which is within the retail (A1) use class, and a reception, whilst to the rear of the building 4 treatment rooms would be provided, along with a small kitchen and WC.

3.3 Relevant Planning History

22761/APP/2005/2416 41 Joel Street Northwood

CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A2 (FINANCIAL AND PROFESSIONAL) FOR USE AS SOLICITORS OFFICE AND INSTALLATION OF NEW SHOPFRONT

Decision: 18-10-2005 Approved

Comment on Relevant Planning History

Planning permission was granted in 2005 for the use of the premises as a solicitors office.

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.

BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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
S11	Service uses in Primary Shopping Areas
S12	Service uses in Secondary Shopping Areas
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 4.9	(2011) Small Shops

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

52 adjoining and nearby properties have been notified of the application by means of a letter dated 9th December 2011. A petition has been received objecting to the application and requesting that the premises be retained in A2 use and not returned to an A1 use.

The Northwood Hills Residents Association have been consulted on the application although no comments have been received

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

I do not wish to object to this proposal. Should this application be recommended for approval I would recommend conditions relating to sound insulation and hours of use.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S12 refers to Secondary Shopping Frontages, which this site is within. This policy states that the Council will grant planning permission for certain service uses where the remaining retail facilities accord with the character and function of the shopping centre and provide for the needs of modern retailing, and where the proposed use will not result in a separation of Class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre.

Appropriate uses are considered as being A2 (financial and professional services), A3 (food and drink uses), launderettes, doctors surgeries and amusement centres. In respect of all these uses the Council must be satisfied that the facilities are available to visiting members of the public and that the use is appropriate to the role and function of the shopping centre and its attractiveness.

The proposal is for a mixed use comprising retail (hairdresser) to the front and hypnotherapy, dieticians, IPL laser and beauty therapy behind. Whilst the non-retail elements of the scheme are not specifically referred to in the list of acceptable uses, it is clear that the proposed mix of uses would complement and contribute to the vitality and viability of the shopping parade and the town centre. Moreover it does not actually result in the loss of an existing A1 (Shop) use as it is already in A2 (financial and professional services) use. The concentration of non A1 (Shop) uses is not therefore affected by the proposals. Furthermore, it should be noted that permission would not be required if the use was solely as a hairdresser, which is the main element and occupies the largest area within the unit.

The principle of the proposed use is therefore acceptable.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

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

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.

The Council's Environmental Protection Officer has not raised an objection to the application subject to appropriate conditions regarding sound insulation and hours of use. Whilst a condition relating to sound insulation is considered appropriate, a condition restricting the hours of use is not as the use is a quasi retail use, which would not result in excessive noise generation or disturbance, no matter the time of use. Therefore subject to a condition relating to sound insulation, the proposal is considered to accord with Policies OE1 and OE3 of the UDP (Saved Policies September 2007).

7.07 Impact on the character & appearance of the area

The proposed change of use would not have any adverse impact on the streetscene or the character of the shopping parade.

7.08 Impact on neighbours

Policy S6 states changes of use applications will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion.

The proposal would not have any adverse impact in respect of any of these matters, given

its town centre location. No physical changes are proposed to the external appearance of the building as part of this application.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

It is considered that the proposal would not give rise to any harm in terms of traffic impact or pedestrian safety in this town centre location. The proposed use would not generate any additional traffic over and above that of the previous use or a similar retail use that would be equally acceptable in this location.

There is no off-street car parking immediately associated with this unit, but there is sufficient short term, on street, controlled parking provision outside the premises.

In this respect, it is therefore considered that there would be no conflict with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

7.11 Urban design, access and security

The proposed change of use does not give rise to any urban design or access/security issues.

7.12 Disabled access

The proposal does not seek to alter the internal or external arrangements to the property.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

There is no impact on trees, landscaping or ecology relating to this change of use application.

7.15 Sustainable waste management

The existing waste collection facilities would be retained for this premises, in line with the rest of the retail units in the parade.

7.16 Renewable energy / Sustainability

Not applicable to this change of use application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

As detailed in Section 7.06, subject to appropriate conditions the proposed use would not give rise to any undue concerns regarding noise and disturbance to the amenities of the adjoining occupiers.

7.19 Comments on Public Consultations

The petition seeks to retain the premises as an A2 use. However, it is considered that the proposed use would be equally acceptable in this town centre location as clarified elsewhere in this report.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

IPL laser treatments require a special licence, which is dealt with through a separate procedure from the planning process and is administered by the Council's Food, Health and Safety Team. An informative is recommended advising the applicants of the need to

obtain the special licence.

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

Not applicable to this application.

10. CONCLUSION

The proposal complies with Policy S12 and other shopping policies in that the proposal would provide an appropriate use within a town centre location suitable for this secondary shopping parade. The proposed use would contribute to the vitality and viability of the centre and would not result in the loss of an A1 (Shop) unit as it is already in A2 (Financial and Professional Services) use. Issues relating to competition between uses within shopping areas is not a material planning consideration.

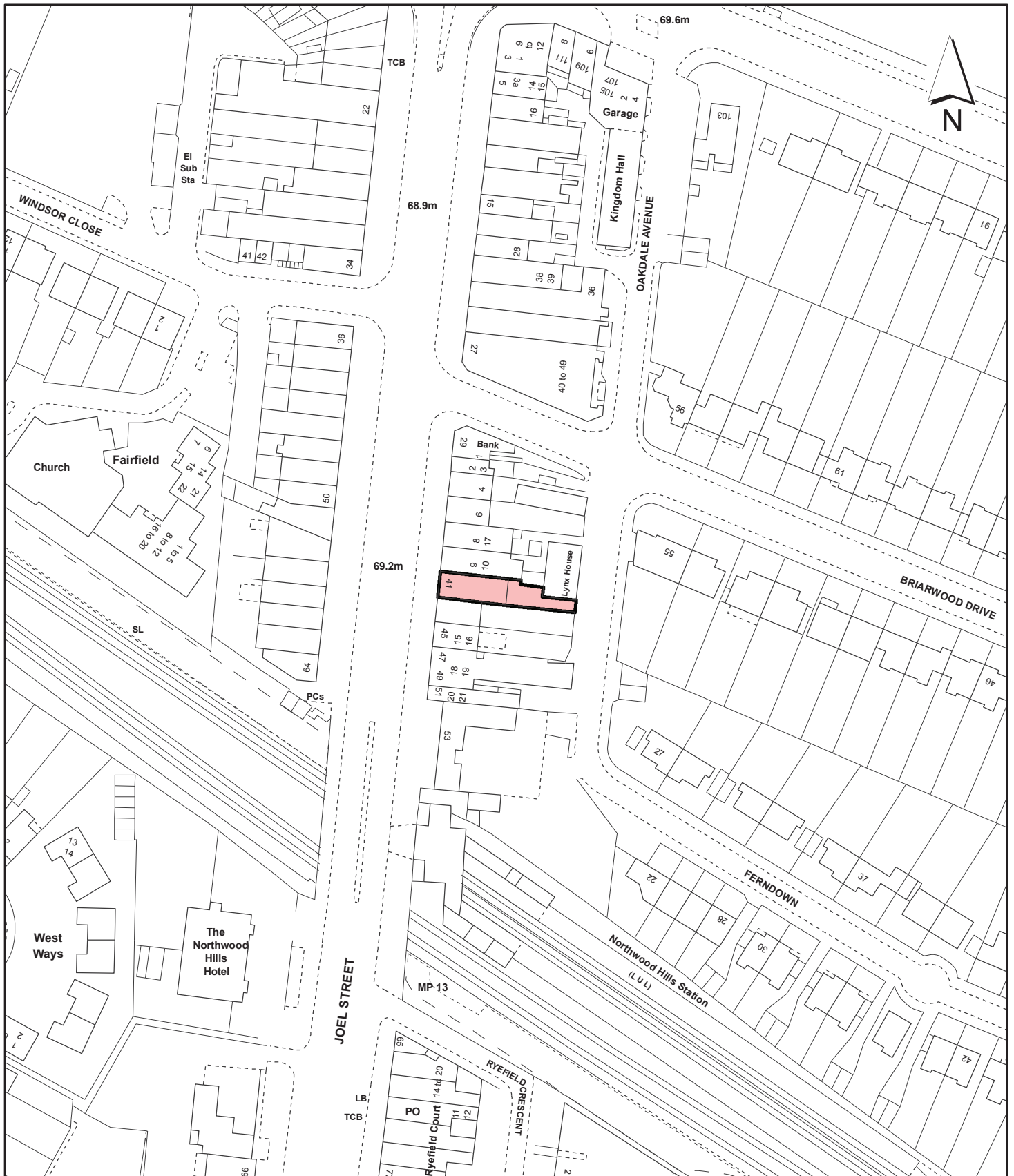
There would be no adverse harm arising from the proposed use, and the application is therefore recommended for approval.

11. Reference Documents


Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)
London Plan (July 2011)
Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan, Saved Policies, September 2007)
Consultation responses

Contact Officer: Warren Pierson

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address	
41 Joel Street Northwood	
Planning Application Ref:	Scale
22761/APP/2011/2735	1:1,250
Planning Committee	Date
North	January 2012

**LONDON BOROUGH
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 Planning,
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 & Community Services

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