

Report of the Head of Planning & Enforcement Services

Address 32 HIGH STREET NORTHWOOD

Development: Change of use from Retail (Use Class A1) to Financial and Professional Services (Use Class A2) for use as an Estate Agents

LBH Ref Nos: 19105/APP/2011/1749

Drawing Nos: X (Existing and Proposed Floor Plans)
Location Plan to Scale 1:1250

Date Plans Received: 18/07/2011 **Date(s) of Amendment(s):**
Date Application Valid: 24/08/2011

1. SUMMARY

The application relates to a change of use of an existing vacant retail unit (A1) to A2 an estate agents (A2).

The site is within a designated Shopping Parade and an Area of Special Local Character as identified within the Hillingdon UDP (Saved Policies 2007). The unit is currently vacant. It is considered that if the change of use were implemented a sufficient number of essential local shops serving the catchment area would still be available.

Therefore it is considered that the loss of this A1 shop would be acceptable.

An appeal against non determination has been lodged. Therefore the Council would not be able to determine the application. However, had the appeal not been submitted, the officer recommendation would have been one of approval.

2. RECOMMENDATION

That had an appeal not been lodged against non-determination within the statutory time period the application would have been recommended for approval subject to the following conditions and informatives:

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 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 S6 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 MCD4 Shop Window Display (Service Uses etc)

A window display appropriate to a shopping parade shall be provided prior to the commencement of the use for which permission is hereby granted and shall be permanently retained thereafter.

REASON

To ensure the appearance of the frontage is appropriate to the shopping area and assists in maintaining its vitality in accordance with Policy S6 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.

S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
BE5	New development within areas of special local character
LPP 2.15	(2011) Town Centres
LPP 5.17	(2011) Waste capacity
LPP 5.3	(2011) Sustainable design and construction
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

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.

4 125 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

5 134 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

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 Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the eastern side of High Street, Northwood, some 50m north of the junction with Rickmansworth Road.

The site is within a designated Shopping Parade and an Area of Special Local Character as identified in the Hillingdon Unitary Development Plan. The parade is set back from the main highway by a row of parallel parking spaces which provides limited street parking.

3.2 Proposed Scheme

The application seeks planning permission for the change of use from Use Class A1 (Shops) to A2 (Financial and Professional Services) for use as an Estate Agents. There are no proposed material changes to the external appearance of the application property.

3.3 Relevant Planning History

19105/APP/2001/1595 32 High Street Northwood

ERECTION OF A SINGLE STOREY REAR EXTENSION (INVOLVING REMOVAL OF 3 EXISTING SHEDS)

Decision: 11-09-2001 Approved

Comment on Relevant Planning History

Noone

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:

S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
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BE5	New development within areas of special local character
LPP 2.15	(2011) Town Centres
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LPP 5.3	(2011) Sustainable design and construction
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

5. Advertisement and Site Notice

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

6. Consultations

External Consultees

The occupiers of 35 neighbouring properties, Northwood Hills Residents' Association and Northwood Residents' Association were consulted by letter on 26th August 2011. No response has been received.

Internal Consultees

Access Officer:

As the proposal relates to a change of use with no apparent material alterations, the council should not require accessibility improvements.

1. However, plans submitted suggest that this building and its facilities would be inaccessible to disabled people using wheelchairs. Whilst it is appreciated that this is an existing building, 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.

2. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

Conclusion: acceptable

It is recommended that points one and two detailed above should be attached as informatives to any grant of planning permission.

Conservation Officer:

This is a shop forming part of a terrace within the Old Northwood Area of Special Local Character probably of turn of the century date.

The scheme proposes minor internal alterations to the floor plan to adapt to the proposed use. This would not have any impact on the character and appearance of the ASLC. It is, therefore, acceptable from a conservation point of view.

Conclusion: Acceptable

Waste

The people running the business would have to establish a commercial waste collection agreement with the Council or a private contractor. Either sacks or bins could be used for waste storage and presenting the waste for collection. If bins are used under BS 5906 a small wheeled bin should not have to be carted more than 15 metres from where it is presented for collection, to the collection vehicle, and a bulk bin (1,100 litre eurobin) should not have to be carted more than 10 metres. This could only be achieved if the collection vehicle could access the service alley. If you require any further information please contact me. Robert Williams Waste Development Manager Planning, Environment, Education and Community Services London Borough of Hillingdon Telephone Number: 01895 556116

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The Local Planning Authority's aim is to retain the retail function of all shopping areas to meet the needs of the area it serves. Shops grouped together assist the process of search and comparison of goods and hence attract shoppers. As such, the Local Planning Authority will exercise strict control over the loss of shops to other uses.

Policy S7 establishes the criteria where service uses would be permitted in parades and states that changes of use from A1 will only be granted if the parade retains sufficient essential shop uses to provide a range of choice of shops appropriate to the size of the parade and its function in the Borough and that the surrounding residential area is not deficient in essential shop uses. The supporting text to this policy comments that the LPA seeks to protect vulnerable parades which are particularly important for the local community and provide opportunities for the establishment of new essential shop uses in existing A1 premises. Therefore, as many essential shop uses as possible will be protected and ideally there should be no less than three in smaller parades and a choice of essential shops in larger parades and in local centres should be retained.

The High Street is a long parade comprising approximately 41 ground floor commercial units, 16 of which are in A1 (retail) use. As such the proposal would result in 15 of the existing retail units on this frontage still remaining in A1 use. The existing unit is currently vacant and is not contributing to the vitality of the existing shopping parade. It is considered therefore that should the proposal receive consent, that there would still be an appropriate choice of shops within the parade, whilst still maintaining vitality by bringing a currently vacant unit back into commercial use. It is therefore considered that the proposal would comply with the intentions of Policy S7 of the UDP (Saved Policies 20007).

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 application site is situated within the Northwood Area of Special Local Character. The application does not propose any external alterations to the building and as such, it is considered that it would not have any impact upon the street scene or the character of the area in accordance with Policy BE5 of the Hillingdon UDP (saved Policies 2007).

7.04 Airport safeguarding

Not applicable in this application.

7.05 Impact on the green belt

Not applicable in this application.

7.06 Environmental Impact

Not applicable in this application.

7.07 Impact on the character & appearance of the area

The application site is situated within the Northwood Area of Special Local Character. The application does not propose any external alterations to the building and as such, it is considered that it would not have any impact upon the street scene or the character of the area in accordance with Policies BE5, BE13 and BE15 of the Hillingdon UDP (saved Policies 2007).

7.08 Impact on neighbours

There are no changes to the bulk and massing of the building and therefore it is not considered that a material loss of light or outlook would result. As such the application is considered to accord with policies BE20 and BE21 of the adopted UDP (saved Policies 2007).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

There is no off-street car parking for this site. However there is limited on-street parking available. It is considered that the traffic generation between the existing retail use and the proposed financial and professional services use would not result in a material increase in vehicles parking in connection with the use. The proposal would therefore comply with policies AM7 and AM14 of the Hillingdon UDP (Saved Policies).

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

The Access Officer considers that as the proposal relates to a change of use with no material alterations, the Council should not require accessibility improvements.

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

The Council's waste manager considers that the business would need to establish a commercial waste collection agreement with the Council or a private contractor and recommends that an informative detailing this is attached. Subject to this the proposal is considered acceptable in regard to this issue.

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

None.

7.20 Planning Obligations

Not applicable to this application.

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

Not applicable to this application.

10. CONCLUSION

This application relates to the change of use of the existing A1 retail unit to an A2 (estate agents). This would not involve any external alterations and only minor internal alterations. Due to the commercial nature and location of this building, it is considered that the change

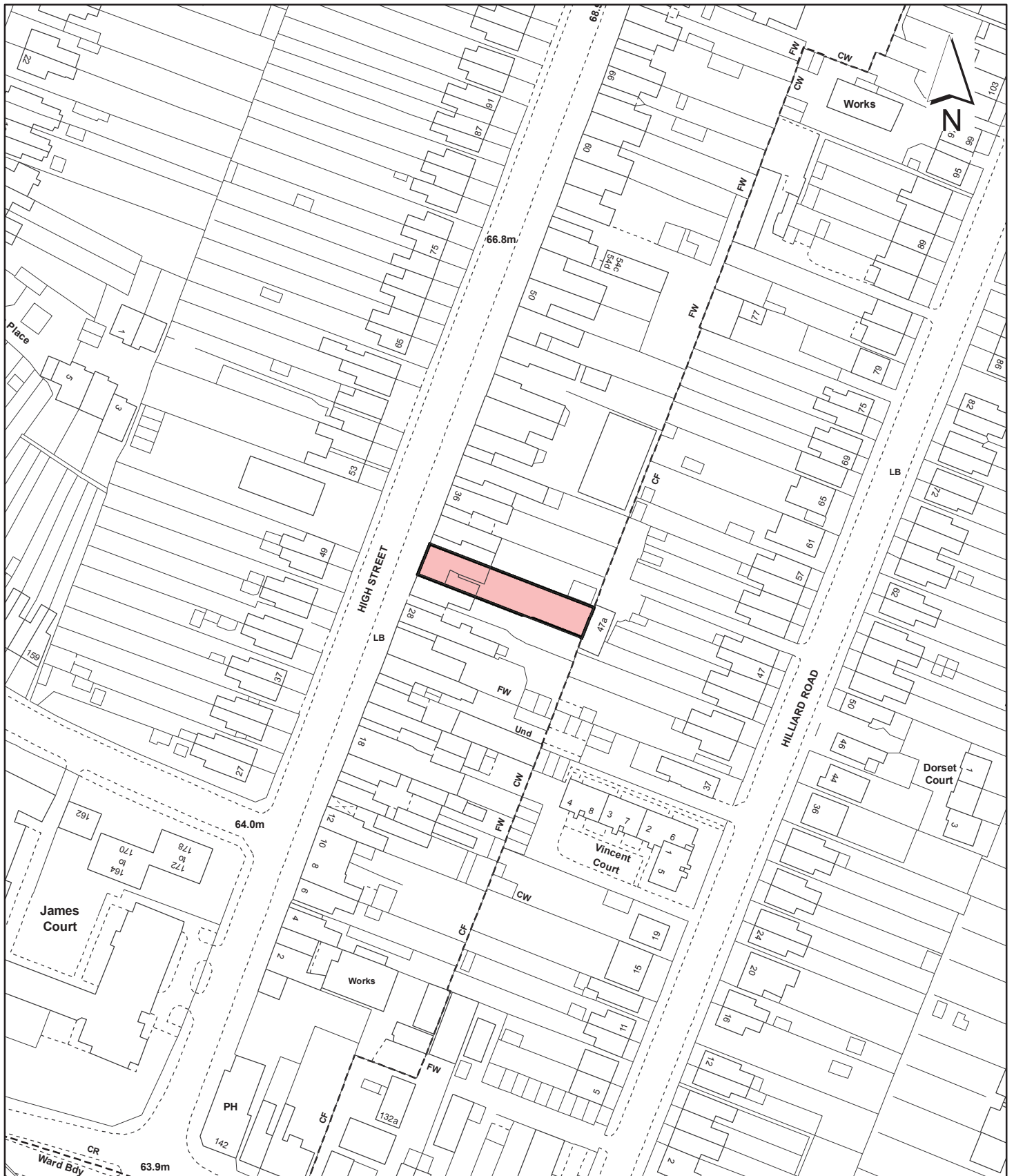
of use would not have a detrimental impact upon the character and appearance of this building which is located within the Old Northwood Area of Special Local Character. The proposed change of use is not considered to result in an adverse impact on highways safety. Furthermore it is noted that there would still be a good choice of A1 retail units within the commercial area and the proposed use would still provide a local service. Therefore subject to appropriate safeguarding conditions, the proposal would not result in any adverse impact. Had the Council been in a position to determine the application, the application would have been recommended for approval.

11. Reference Documents


Adopted Hillingdon UDP (Saved Policies September 2007)
London Plan (2011)
HDAS: Accessible Hillingdon & Shopfronts

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address	
32 High Street Northwood	
Planning Application Ref:	Scale
19105/APP/2011/1749	1:1,250
Planning Committee	Date
North	January 2012

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