

## Report of the Head of Planning & Enforcement Services

**Address** 89 JOEL STREET NORTHWOOD

**Development:** Change of use from Use Class A1 (Shops) to a disability vehicles shop (Sui Generis)

**LBH Ref Nos:** 45536/APP/2011/3058

**Drawing Nos:** C12739-02 REV A  
C12739-03 B  
C12739-04 REV B  
LOCATION PLAN  
C12739-01 REV A

**Date Plans Received:** 16/12/2011      **Date(s) of Amendment(s):**

**Date Application Valid:** 22/12/2011

### 1. **SUMMARY**

The site comprises a former vacant double retail unit that has since been sub-divided back into two independent commercial premises, with the corner property (No. 91) now occupied in A1 (retail) use. This application seeks permission for the use of the premises (No. 89) for a mixed use comprising an element of A1 retail use and an element of wheelchair accessible vehicle sales (sui generis) use.

The application premises does have an extant permission for A3 (food and drink) use in connection with No.91 (which is required to remain in A1 use), although this has not been implemented. No.91 has, however, been recently occupied as an A1 retail use for car radio sales. It is also understood that in the past, both premises have been used for car sales.

The July 2010 retail frontage survey shows that Northwood Hills Secondary Shopping Area had a retail frontage with A1 use at 50.6%. Policy S12 seeks to maintain a 50% frontage within A1 use. As before, when considering the proposed A3 use, this application would result in the proportion being exactly 50%. Therefore, any future changes of use from the remaining A1 units in this Secondary Shopping Area would be resisted, but the current proposal is considered to be acceptable. Moreover, the proposed use for a mix of retail and sui generis uses is considered more appropriate to this location than the A3 use previously granted.

Therefore, subject to appropriate conditions, the proposal would not conflict with any of the relevant Adopted policies within the Hillingdon Unitary Development Plan Saved Policies (September 2007).

It is therefore recommended that, subject to no further objections being received from neighbours within 14 days of the date of this resolution, which raise any significant planning issues not already addressed in the report, delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission with the recommended conditions.

### 2. **RECOMMENDATION**

**That delegated powers be given to the Head of Planning, Sport and Green Spaces**

**to grant planning permission, subject to the following:**

**A. No further objections being received from neighbours within 14 days of the date of this resolution, which raise any significant planning issues not already addressed in the report;**

**B. That if the application is approved, the following conditions be attached:**

**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, details and application form (including the hours of operation set out in the application form) hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policies BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 NONSC Non Standard Condition**

Prior to commencing the use hereby approved, a Method Statement for the safe movement of any motorised vehicles onto the site, setting out how vehicles would be moved so as to avoid any harm to pedestrian or vehicular movement on the public highway shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall also include details of the frequency of the movement of the vehicles to be displayed on the premises. The applicant shall comply with the details contained within the approved Method Statement for so long as vehicles are displayed on the premises.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

**4 DIS2 Access to Buildings for People with Disabilities**

Development shall not be occupied until access into and through the building has been created to meet the needs of people with disabilities.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policies AM13 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policies 3.1, 3.8 and 7.2

**5 NONSC Non Standard Condition**

Deliveries and collections to and from the site shall only take place between the hours of 0800 and 1800 hours Mondays to Fridays, 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank or Public Holidays.

## REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **6 MCD9 No External Storage**

No display, placing or storage of goods, materials, plant or equipment shall take place other than within the buildings.

## REASON

In the interests of amenity and to ensure that external areas are retained for the purposes indicated on the approved plans in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.1

## 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
BE28	Shop fronts - design and materials
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Developments
PPS4	Planning for Sustainable Economic Growth

### **3 I25 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).

#### **4 126 Retail Development - Installation of a Shopfront**

You are advised that planning permission will be required for the installation of a shopfront at these premises. 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'**

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from 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.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site comprises a ground floor commercial unit with a small area of basement level accommodation to the rear. Nos. 89 and 91 were until recently occupied as a single unit, although have now been sub-divided back into two separate units. The application premises is currently vacant, although No.91 has recently been occupied by a car radio retailer.

There is on street parking to the front of the unit with restrictions between 8am to 6.30pm Monday to Saturday. The applicant has indicated that No.89 and No.91 have in the past been used for car sales.

The site is on a slope with the service/access courtyard to the rear at basement level. The site is within Northwood Hills Secondary Shopping Centre as identified in the Hillingdon Unitary Development Plan (UDP) Saved Policies (September 2007).

The proposal involves change of use of the premises from A1 to a mixed use comprising A1 retail and wheelchair accessible vehicle sales (sui generis). No external or physical changes are proposed to the building.

#### **3.2 Comment on Relevant Planning History**

45536/APP/2010/2946 was granted in May 2011 for Change of use from Class A1 (Shops) to part Class A3 (Restaurants and Cafes), part Class A4 (Drinking Establishments), part Class A5 (Hot Food Takeaways) and part Class B1 (Office). This has not been implemented.

#### **3.3 Relevant Planning History**

45536/APP/2010/2946 89/91 Joel Street Northwood

Change of use from Class A1 (Shops) to part Class A3 (Restaurants and Cafes), part Class A4 (Drinking Establishments), part Class A5 (Hot Food Takeaways) and part Class B1 (Office.)

**Decision:** 19-05-2011    Approved

#### **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
BE28	Shop fronts - design and materials
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Residential Developments
PPS4	Planning for Sustainable Economic Growth

#### **5.     Advertisement and Site Notice**

**5.1**    Advertisement Expiry Date:-    Not applicable

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

#### **6.     Consultations**

##### **External Consultees**

39 adjoining and nearby properties have been notified of the application by means of a letter dated 23rd December 2011. At the time of writing this report no responses have been received.

During the preparation of this report it has become apparent that the occupier of No.91 and the upper flats may not have been consulted on the application. Letters have subsequently been sent to these occupiers. In order to give sufficient time for them to respond and to take into account any further comments that may be received it is recommended that the final decision on this application be delegated to Officers as set out in the recommendation.

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

## **Internal Consultees**

The Council's ENVIRONMENTAL PROTECTION UNIT have no objections to the proposal, subject to appropriate conditions being imposed.

### **7. MAIN PLANNING ISSUES**

#### **7.01 The principle of the development**

The Council will normally resist proposals that would result in the loss of Class A1 shop use in core areas and will examine very closely similar proposals for other parts of these centres.

However, in this case permission has already been granted for the use of the premises for A3 purposes. This revised application which seeks a mix of both Class A1 (retail) and sui generis use (car sales) therefore still retains an element of retail use compared with the previously permitted A3 use.

Policy S6 states that change of use applications will be granted where the shop frontage would be of a design appropriate to the surrounding area, where the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties, and where the proposal would have no harmful effect on road safety or an increase in traffic congestion.

No external changes are proposed as part of this application and this would therefore be acceptable. Loss of residential amenity issues are considered below and the highway engineer has not objected to the proposal. Therefore the proposal would comply with the criteria listed in Policy S6 of the UDP Saved Policies (September 2007).

Policy S12 establishes the criteria where service uses would be permitted in secondary frontages. To maintain the viability of the retail function of a centre, class A1 units should be separated by no more than 12m and at least 50% of the remaining frontage should remain in A1 use. The July 2010 retail frontage survey showed that Northwood Hills Secondary Shopping Area had a retail frontage with A1 use at 50.6%. Policy S12 seeks to maintain a 50% frontage within A1 use. As in the consideration of the previously proposed A3 use (and assuming that the proposed mixed A1/sui generis use was not treated as an A1 use - dependent upon the significance of the A1 element) the proportion of A1 use would be reduced to 50% and the proposal would create a separation of approximately 6.5m between A1 units. The proposal would thus comply with Policy S12.

Taking into account the above, the principle of the change of use of the premises would therefore appear to be acceptable, subject to all other material planning considerations being satisfactory.

#### **7.02 Density of the proposed development**

Not applicable to this change of use application.

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

Not applicable to this change of use application.

#### **7.04 Airport safeguarding**

Not applicable to this change of use application.

#### **7.05 Impact on the green belt**

The site is not within or near Green Belt land.

#### **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. Policy BE28 requires shopfronts to harmonise with the building and to improve the character of the area. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Shopfronts and Signage: Section 5.3 states, the Council will encourage all applicants to adopt good design that can set example for others and can trigger improvements in the appearance of other shop fronts in the locality.

With regard to the impact on the street scene, the application does not involve any physical alterations to the building. Therefore, this element of the proposal is considered to comply with policies BE13, BE15 and BE28 of the Hillingdon UDP Saved Policies (September 2007).

#### **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.

The Environmental protection officer has commented on this application and has suggested a number of conditions should be applied relating to the the hours of operation etc, in order to safeguard the amenity of residents and the surrounding area. Relevant conditions are recommended.

#### **7.09 Living conditions for future occupiers**

Not applicable to this change of use application.

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

The applicant has indicated that two vehicles would be provided within the showroom. These would have to be accessed from the front of the premises. The movement of these vehicles is likely to be limited and would be for display purposes only. They would not therefore cause any adverse impact on pedestrian or vehicular safety. However, a condition is recommended to ensure that a Method Statement is provided to ensure that this remains the case. The proposal would therefore comply with policies AM7 and AM14 of the UDP Saved Policies (September 2007).

The proposal would not generate any additional traffic from customers other than that typical for any retail premises within this parade. There is in any case sufficient on-street (pay and display) parking to the front of the site, and the site is in close proximity to bus and underground routes.

#### **7.11 Urban design, access and security**

Not applicable to this change of use application.

#### **7.12 Disabled access**

No changes are proposed to the building as part of this application. The nature of the premises for the sale of goods to aid the disabled is nevertheless supported and it is likely that the internal layout of the shop floor would be adapted to suit its customers.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this change of use application.

#### **7.14 Trees, Landscaping and Ecology**

Not applicable to this change of use application.

#### **7.15 Sustainable waste management**

The proposed use is unlikely to generate any significant waste and no changes are proposed from the existing arrangements.

#### **7.16 Renewable energy / Sustainability**

Not applicable to this change of use application.

#### **7.17 Flooding or Drainage Issues**

Not applicable to this change of use application.

#### **7.18 Noise or Air Quality Issues**

The proposed use is unlikely to generate any significant noise or air quality issues other than that which might have existed with the previous use of the premises, and certainly significantly less noise would be generated compared with the previously approved A3 use. No changes are proposed from the existing arrangements.

#### **7.19 Comments on Public Consultations**

As detailed in this report.

#### **7.20 Planning Obligations**

Not applicable to this change of use application.

#### **7.21 Expediency of enforcement action**

Not applicable to this change of use application.

#### **7.22 Other Issues**

Not applicable to this change of use application.

### **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**

Given the history of this site and the previous consent that has been granted, it is considered that the proposed use is equally appropriate to the premises, in this commercial location. The proposal would accord with Policy S12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and subject to appropriate safeguarding conditions, would not result in any adverse impact on the amenities of the surrounding occupiers or the character of the area.

It is therefore recommended that delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission with the recommended conditions, subject to no further objections being received from neighbours within 14 days of the date of this resolution, which raise any significant planning issues not already addressed in the report.

## **11. Reference Documents**

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

London Plan (2011).

PPS4.

HDAS: Accessible Hillingdon.

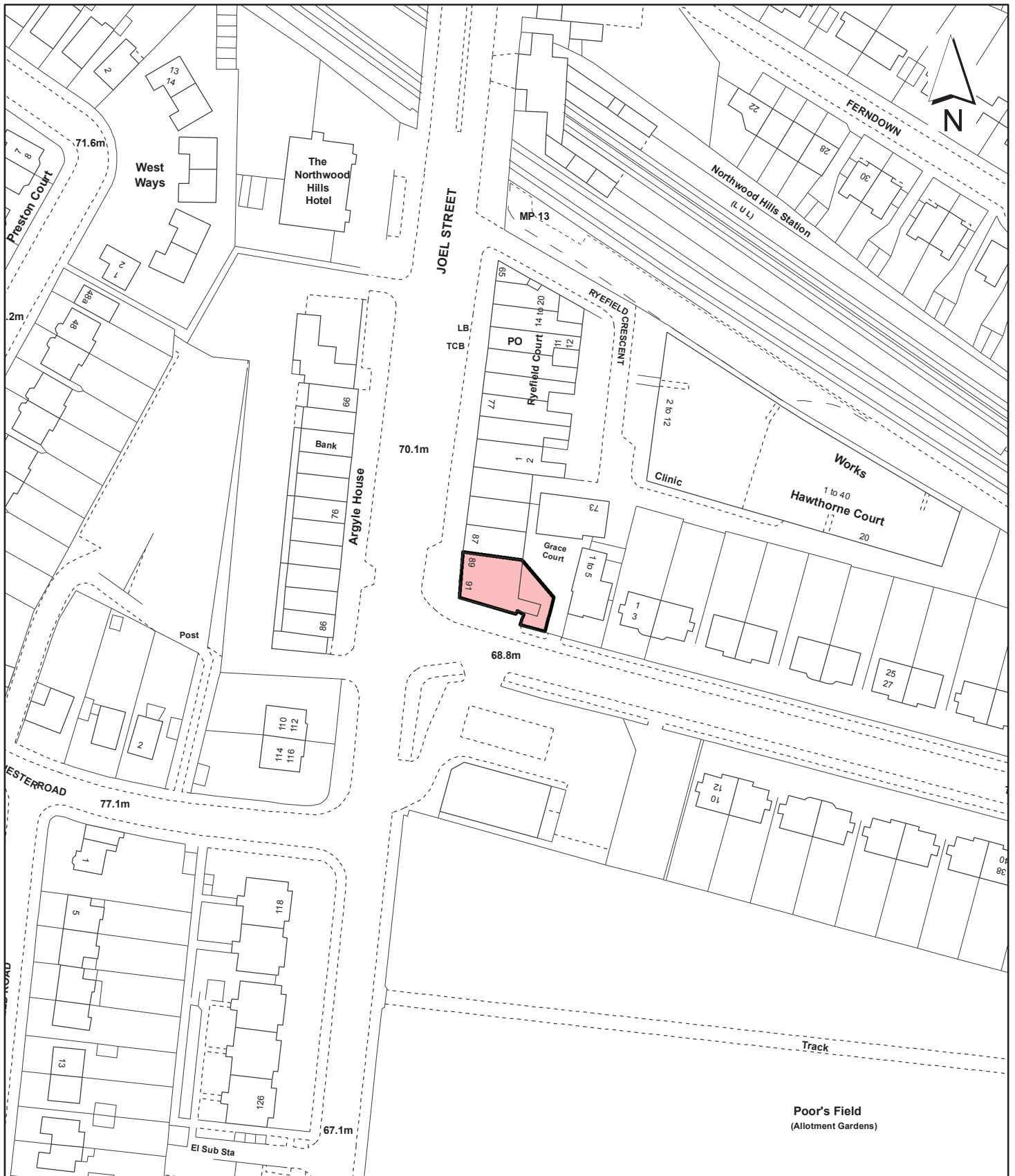
HDAS: Shopfronts.

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

**89 Joel Street  
Northwood**

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

Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 250111

Planning Application Ref:

**45536/APP/2011/3058**

Scale

**1:1,250**

Planning Committee

**North**

Date

**February  
2012**



**HILLINGDON**  
LONDON