

## Report of the Head of Planning & Enforcement Services

**Address** 9 CLIVE PARADE GREEN LANE NORTHWOOD

**Development:** Change of use from Use Class A1 (Shops) to Use Class A1/A3 (Shops/ Restaurants and Cafes) for use as a coffee shop involving a single storey front infill extension, new shop front and installation of external seating to front

**LBH Ref Nos:** 15297/APP/2012/993

**Drawing Nos:** Location Plan  
Appendix 1  
Appendix 2  
Role of Coffee Shops on the High Street  
Planning, Design and Access Statement  
P01 P2

**Date Plans Received:** 25/04/2012      **Date(s) of Amendment(s):** 24/04/2012  
**Date Application Valid:** 16/05/2012

### 2. **RECOMMENDATION**

#### **APPROVAL subject to the following:**

#### **1 COM3 Time Limit**

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

#### REASON

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

#### **2 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number P01 P2 and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

#### **3 NONSC Use restriction**

The premises shall be used solely as a mixed A1/A3 use class and at no time shall become an A3 use class only.

#### REASON

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies 2007.

#### **4 NONSC Coffee Shop and Goods Restriction**

The premises shall not be used other than as a coffee bar serving coffee, other hot and cold drinks, sandwiches and similar light refreshments for consumption on or off the premises.

**REASON**

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies 2007.

**5 NONSC Food Type Restriction**

No primary cooking of unprepared food shall be carried on within the premises. Only reheated or cold food that has been prepared elsewhere shall be served on the premises.

**REASON**

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies 2007.

**6 NONSC Delivery Hours**

Deliveries and waste collections shall only take place between the hours of 0730 and 1900 Monday to Saturday and 0900 and 1400 on Sundays.

**REASON**

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies 2007.

**7 NONSC Hours of Use**

No person shall be permitted to be on the premises outside the hours of 07.30 and 1900 Monday to Saturday and 0900 and 1800 on Sunday and no alcoholic drinks shall be displayed or served on the premises.

**REASON**

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with Policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies 2007.

**8 NONSC Control of Music**

No music and or amplified sound within the premises shall be audible from inside surrounding or adjacent premises between the hours of 19.00 and 08.00.

**REASON**

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies (September 2007).

**9 M2 External surfaces to match existing building**

The materials to be used in the construction of the external surfaces of the development

hereby permitted shall match those used in the existing building.

#### REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 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 make 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.

BE4	New development within or on the fringes of conservation areas
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE28	Shop fronts - design and materials
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary 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
AM14	New development and car parking standards.
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 5.3	(2011) Sustainable design and construction
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

### **3. CONSIDERATIONS**

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

The application property comprises a ground floor retail unit on the northern side of Green



## Part 2 Policies:

BE4	New development within or on the fringes of conservation areas
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
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## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **20th June 2012**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

Neighbours - 1 letter of comment. Whilst no objection is raised it is requested that the opening hours be restricted to avoid early mornings and late nights and the use of the external seating area should not be allowed after 9pm.

### Internal Consultees

ACCESS OFFICER:

The proposed change of use demonstrates a good standard of accessibility on plan. No additional comments are necessary from an accessibility perspective.

Conclusion: acceptable.

The Council's DESIGN AND CONSERVATION Team have commented on the proposal and consider it acceptable:

Background: This is a shop front within a 1970s commercial block, in the Green lane Conservation Area.

Comments: There are no objections to the proposed change of use. The infill extension and the external seating would have minimal impact on the character and appearance of the street scene.

Therefore, there are no objections from a conservation point of view.

The scheme also proposes a metal shop front with stall risers, similar to the existing No. 9, and as such there would be no objections to the same. The comments re the new fascia are part of a separate advertisement consent application.

Conclusion: Acceptable.

The Council's TREES AND LANDSCAPE Team have commented on the proposal and consider it acceptable:

#### LANDSCAPE CONTEXT:

The site is the vacant retail unit occupying the ground floor of a building in Northwood High Street. There is no external space attached to the property and no trees or other vegetation on, or close to, the site. The site lies within the area covered by Northwood Town Centre Conservation Area.

#### PROPOSAL:

The proposal is to change the use of the ground floor from a shop to a Costa coffee shop.

#### LANDSCAPE CONSIDERATIONS:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- The proposed change of use will affect the interior of the building only.
- No trees or other landscape features of merit will be affected by the development and the proposal will have little visual impact when viewed from the public realm.
- There is no opportunity for landscape enhancement as part of this town centre site.

#### RECOMMENDATIONS:

No objection and, in this case, no need for landscape conditions.

EPU -

I do not wish to object to this proposal.

I would recommend the same conditions as imposed on the existing use at 8 in the interests of consistency.

## **7. MAIN PLANNING ISSUES**

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

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 proposed external alterations to the building including an infill extension would not appear out of keeping with the existing building or impact unduly on the visual amenities of the surrounding area. Loss of residential amenity and highway issues are dealt with elsewhere in the report and as such, the proposal is considered to comply with all the criteria listed in Policy S6 of the UDP (Saved Policies September 2007).

Policy S11 establishes the criteria where service use would be permitted in primary shopping 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 70% of the remaining frontage should be in A1 use. Clive Parade contains 11 units. The Council's shopping survey undertaken in July 2011 identifies two units to be in non-A1 use. These are identified as a dental practice and one A3 use. The shopping survey identifies the adjacent Costa Coffee shop as an A1 use. Of the 35 units within the Primary Shopping Area, 15 are in non retail use, (42%). However, as demonstrated by the supporting Planning Design and Access Statement, coffee shops play a positive role when the health and prospects of town centres are assessed. It is generally accepted that coffee shops have a similar footfall to mainstream retail units therefore providing a significant contribution toward the patronage of shopping areas as a whole. It is also the case that this proposal is a hybrid A1/A3 use as food would only be re-heated on the premises. To ensure only a coffee shop is implemented as part of this consent the permission is recommended to be conditioned as a hybrid A1/A3 use only. It is therefore considered that the application proposal would positively contribute to the vitality and viability of the Primary Shopping Area.

#### Conclusion

The proposal would provide an appropriate use within a town centre location suitable for this primary shopping area. The proposed use would contribute to the vitality and viability of the centre and would not result in an undue concentration of non A1 retail units.

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

Not applicable to this application.

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

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. Furthermore Policy BE4 requires development to preserve and enhance the character of Conservation Areas.

The application site is located within the Northwood (Green Lane) Conservation Area. The Council's Conservation Officer has confirmed that there are no objections to the proposed change of use. The infill extension and the external seating area are considered to have minimal impact on the character and appearance of the street scene. Therefore, the application is considered to preserve and enhance the character of the Conservation Area in accordance with Policies BE4, BE13 and BE15 of the Hillingdon UDP.

#### **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**

Not applicable to this application.

#### **7.07 Impact on the character & appearance of the area**

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene. The infill extension and the external seating would have minimal impact on the character and appearance of the street scene and as such would comply with Policy BE13 of the Hillingdon UDP..

The scheme also proposes a metal shop front with stall risers, similar to the existing No. 9. The proposed alterations to the shopfront are considered to comply with the advice set out in the Council's guidance Shopfronts, and as such there would be no objections to the

same.

#### **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 Council's Environmental Protection Officer has not raised an objection to the application subject to appropriate conditions being imposed. These conditions are identical to those imposed on No. 8 Clive Parade and control hours of operation. Therefore subject to these conditions the proposal is considered to accord with Policies OE1 and OE3 of the UDP (Saved Policies September 2007).

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.

#### **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 central location. The external seating area to the front of the unit is an extension of that approved on the adjoining property. There is sufficient space between this seating area and the edge of the highway to ensure that pedestrian safety is not compromised. As such the proposal is considered acceptable in this respect.

There is no off street car parking immediately associated with this unit, and there is no scope for parking immediately outside of the premises. The existing access and servicing arrangements would remain as per the existing retail uses. 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**

Not applicable to this application.

#### **7.12 Disabled access**

The Design and Access Statement submitted with the application confirms the proposal has been designed with suitable facilities to enable safe and convenient use by people with disabilities. However, it is recommended that if permission were to be granted an informative is added advising the applicant of the need to comply with The Building Regulations Part M 'Access to and use of Buildings'. Therefore the proposal would comply with the intentions of the Council's HDAS: Accessible Hillingdon.

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

Not applicable to this application.

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

No trees or other landscape features of merit would be affected by the development and the proposal will have little visual impact when viewed from the public realm. There is no opportunity for landscape enhancement as part of this town centre site. As such the



proposal is considered acceptable in accordance with Policy BE38 of the Hillingdon UDP.

**7.15 Sustainable waste management**

Not applicable to this application.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

Not applicable to this application.

**7.18 Noise or Air Quality Issues**

Policy OE1 states that 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 not raised an objection to the application subject to a number of safeguarding conditions being applied relating to the hours of operation, extract ventilation systems and odour control, noise, deliveries and litter, in order to safeguard the amenity of residents and the surrounding area.

**7.19 Comments on Public Consultations**

The issues raised have been addressed in the main 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**

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'.

## **10. CONCLUSION**

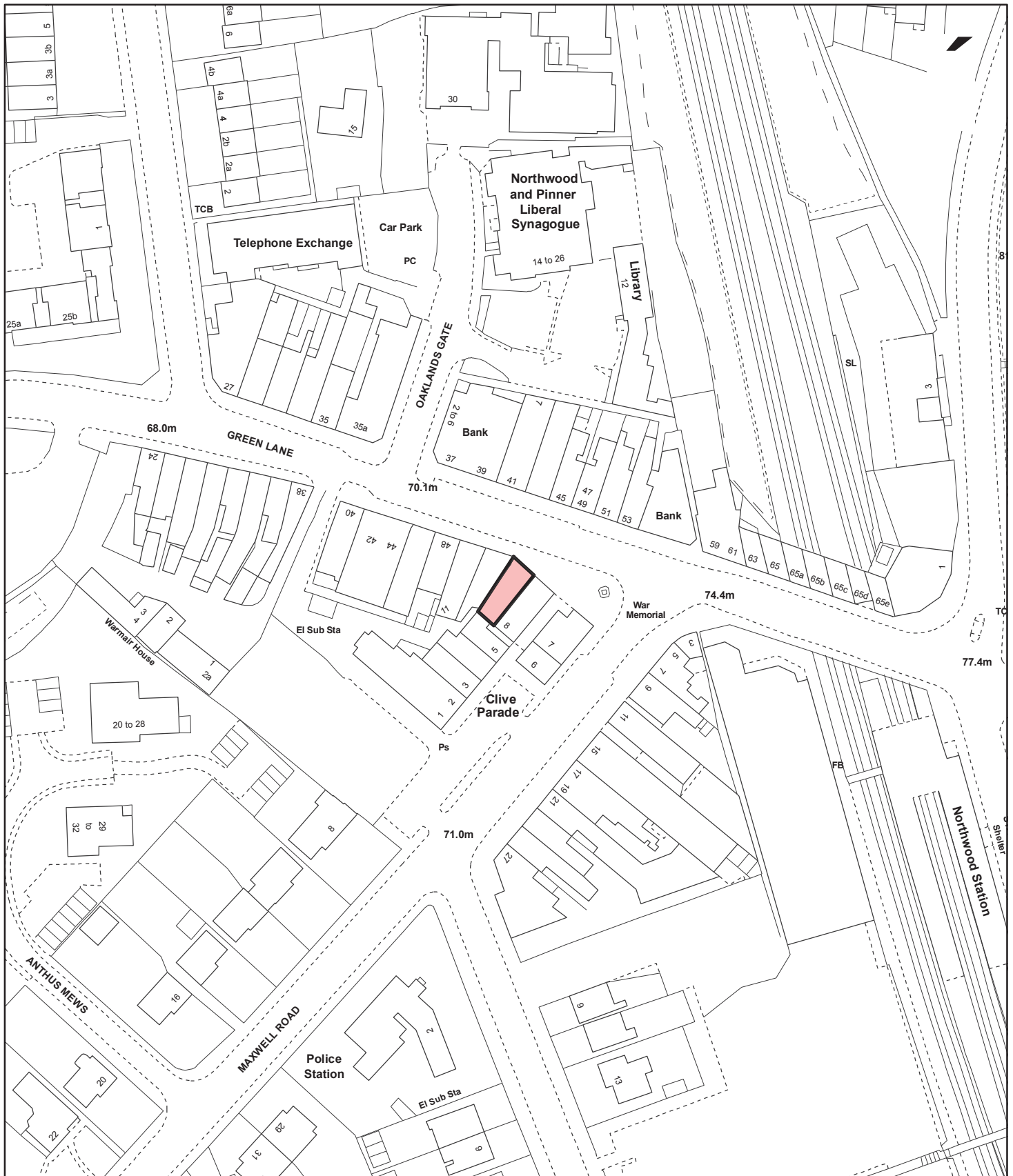
It is considered that the use is appropriate to the town centre and that it would contribute to its vitality and viability. Furthermore the proposed infill extension and alterations are considered to respect the character and appearance of the property and the street scene and the character and appearance of the Conservation Area would be preserved and enhanced. Subject to appropriate conditions it would not give rise to any adverse impact on the amenities of adjoining occupiers and the parking/traffic generation for this use is considered acceptable in this town centre location.

## **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).

**Contact Officer:** Nicola Taplin

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**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>9 Clive Parade, Green Lane, Northwood</b>	
Planning Application Ref:	Scale
<b>15297/APP/2012/993</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>July 2012</b>

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