

Report of the Head of Planning, Sport and Green Spaces

Address SHANDYS 64B GREEN LANE NORTHWOOD

Development: Change of Use from Use Class A1 (Shops) to Mini-Cab Taxi Office (Sui Generis).

LBH Ref Nos: 68963/APP/2013/64

Drawing Nos: Location Plan to Scale 1:1250
Planning Statement
001

Date Plans Received: 14/01/2013 **Date(s) of Amendment(s):**
Date Application Valid: 21/01/2013

1. SUMMARY

Planning permission is sought for the change of use of 64B Green Lane from a retail use (Use Class A1) to a Mini Cab Office (Sui Generis). It is considered that the change of use of the premises would have an unacceptable and detrimental impact on highway and pedestrian safety in the immediate locality.

It is also considered that the proposed 24 hour use of the premises would result in the application unit being in operation at un-sociable and un-neighbourly times, resulting in a detrimental impact on the residential amenities of the residential units in the surrounding area.

The application is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposal would have an unacceptable and detrimental impact on the adjacent highway and general highway safety by virtue of the operations of the proposed use. The proposal would also have a harmful effect on the adjacent bus stops and loading bay operations which are sited directly outside the application unit. The proposal would therefore be contrary to Policies AM7, AM9, AM14 and S6 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NON2 **Non Standard reason for refusal**

The proposed 24 hour use of the taxi office would result in the application unit being in operation at un-sociable and un-neighbourly times. The hours of use combined with the level of noise arising from the use, would have a detrimental impact on the amenities of the residential units above the application site and the surrounding area. The proposal would therefore be contrary to Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3 NON2 **Non Standard reason for refusal**

The proposal by reason of the loss of a retail unit would further erode the retail function and attractiveness of the Green Lane Northwood Secondary shopping centre, harming its

vitality and viability contrary to Policy S12 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

1 I52 **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 I53 **Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan (November 2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

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.
BE19	New development must improve or complement the character of the area.
S1	New retail development within the shopping hierarchy
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

3 I59 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The application unit is sited on the south side of Green Lane and currently operates as a retail unit. The main highway along Green Lane is identified as a Local Distributor Road and the site is situated within the Secondary Shopping Area of Green lane Northwood Town Centre and the Northwood Town Centre, Green Lane Conservation Area as

identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

Planning permission is sought for the change of use of the premises from an retail use to a Mini Cab Office (Sui Generis). The premises would accommodate a waiting area and a taxi office/reception room to the rear of the unit. No external alterations are proposed as part of this application.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no relevant planning history.

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.BE1 (2012) Built Environment

Part 2 Policies:

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.
BE19	New development must improve or complement the character of the area.
S1	New retail development within the shopping hierarchy
S6	Change of use of shops - safeguarding the amenities of shopping areas
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OE3	Buildings or uses likely to cause noise annoyance - mitigation measures

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **20th February 2013**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Five addresses were consulted by means of a letter, and a site notice has been displayed. Seven responses and a petition with 27 signatories have been received, objecting to the application.

The objections can be summarised as follows:

- The proposed office has insufficient parking for drivers, being adjacent to a bus stop.
- The office would create traffic congestion.
- The proposal would be close to an existing mini-cab office that already experiences parking problems.

Internal Consultees

Highways Officer:

The development proposals are for the change of use from A1 Retail to operate as a Mini Cab Office (Sui Generis). The proposals will allow for members of the public to book and wait for taxis at the site and be picked up from the adjacent highway. There are no proposals to provide car or staff cycle parking within the site and no information has been submitted in relation to the number of staff (office or drivers) that will be employed by the business.

When considering the development it is noted that Green Lane is a classified highway and designated as a secondary distributor route. Traffic Regulatory Orders are provided within the area of the site prohibiting parking and loading at any time, except for a limited number of pay and display parking bays. A loading bay is located directly adjacent to the site that serves associated commercial uses. In addition, there are bus stops located along both sides of the carriageway.

From undertaking assessment of the development it is considered that the proposed mini-cab office is likely to result in an increased and indiscriminate demand for parking in front/close proximity of the site when picking up/dropping off fares. As a result, taxis would contravene existing Traffic Regulatory Orders to the detriment of the free flow of traffic and highway safety along this busy road.

Therefore, it is considered that development would be contrary to Policies AM7, AM9 and AM14 of the adopted Hillingdon Local Plan, 2012, Part 2, and an objection is raised in relation to the highway and transportation aspect of the proposals.

EPU:

We have concerns over the noise levels that could be generated through the change of use - would it be possible to allow temporary consent to enable the noise impact of the proposal to be assessed.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application unit is situated within a Secondary Shopping Frontage within Northwood Town Centre (a Minor Town Centre).

Policy S6 of the Adopted Local Plan states:

TO SAFEGUARD THE AMENITIES OF SHOPPING AREAS, THE LOCAL PLANNING AUTHORITY WILL GRANT PERMISSION FOR CHANGES OF USE OF CLASS A1 SHOPS IF:

(iv) HAS NO HARMFUL EFFECT ON ROAD SAFETY AND DOES NOT WORSEN TRAFFIC CONGESTION OR DISRUPT BUS OPERATIONS.

Policy S12 states:

IN SECONDARY SHOPPING AREAS, THE LOCAL PLANNING AUTHORITY WILL GRANT PERMISSION FOR THE SERVICE USES SET OUT BELOW WHERE IT IS SATISFIED THAT:

(a) THE REMAINING RETAIL FACILITIES ARE ADEQUATE TO ACCORD WITH THE CHARACTER AND FUNCTION OF THE SHOPPING CENTRE AND TO PROVIDE FOR THE NEEDS OF MODERN RETAILING INCLUDING CONSUMER INTERESTS.

(b) 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.

IT WILL REGARD THE FOLLOWING USES AS ACCEPTABLE AT GROUND FLOOR LEVEL WITHIN THE SHOPPING FRONTAGES OF SECONDARY SHOPPING AREAS, SUBJECT TO THE CONSIDERATIONS SET OUT IN POLICY S6:-

- (i) USES SET OUT IN POLICY S11;
- (ii) OTHER CLASS A2 FINANCIAL AND PROFESSIONAL SERVICES;
- (iii) LAUNDERETTES AND COIN-OPERATED DRY CLEANERS;
- (iv) COMMUNITY SERVICE OFFICES, INCLUDING DOCTORS SURGERIES; AND
- (v) AMUSEMENT CENTRES.

The use of the premises as a taxi office is not identified as an acceptable use at ground floor level in a secondary shopping frontage in accordance with Policy S12. As such, the proposal would result in the undermining of the retail viability and attractiveness of the shopping centre. It is therefore, unacceptable in principle and would be contrary to Policy S12 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.02 Density of the proposed development

Not applicable to this application.

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

There would be no impact on the conservation area or the character and appearance of the property as external changes are not proposed as part of the 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

There would be no impact on the conservation area or the character and appearance of the property as external changes are not proposed as part of the application.

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 application unit is adjoined by residential units directly above and adjoining on the first floor of the building. Is it considered that a 24 hour use of the office which has a waiting room for customers to be picked up from the premises would be detrimental to the residential amenities of the above flats as a number of habitable room windows to these flats are directly above the application unit. Furthermore, the impact would be exacerbated due to the taxi use of the premises resulting in revving engines, car doors shutting and general disturbance caused by the premises.

As such, it is considered that the proposed use would result in the application unit being in

operation at un-social and un-neighbourly times, resulting in a detrimental impact on the residential amenities of the residential units above the application site and in the surrounding area, contrary to Policies OE1 and OE3 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Highways Officer has commented on the proposal and considers that the proposal would allow for members of the public to book and wait for taxis at the site and be picked up from the adjacent highway. The application does not include any car or staff cycle parking within the site and no information has been submitted in relation to the number of staff (office or drivers) that will be employed by the business.

Green Lane is a Classified Highway and designated as a Secondary Distributor Route. Traffic Regulatory Orders are provided within the area of the site prohibiting parking and loading at any time, except for a limited number of pay and display parking bays. A loading bay is located directly adjacent to the site that serves associated commercial uses. In addition, there are bus stops located along both sides of the carriageway.

It is considered that the proposed mini-cab office is likely to result in an increased and indiscriminate demand for parking in front/close proximity of the site when picking up/dropping off fares. As a result, taxis are likely to contravene existing Traffic Regulatory Orders to the detriment of the free flow of traffic and highway safety along this busy road.

As such, it is considered that development would be contrary to Policies S6, AM7, AM9 and AM14 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) in relation to the highway and transportation aspect of the proposals and would have a harmful effect on road safety and would disrupt bus and loading bay operations which are sited directly outside the application unit.

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

Not applicable to this application.

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

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

As detailed above.

7.19 Comments on Public Consultations

The objections raised by the external consultees have been addressed in the main body of the 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'.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

For the reasons referred to in this report, this application is recommended for REFUSAL.

11. Reference Documents

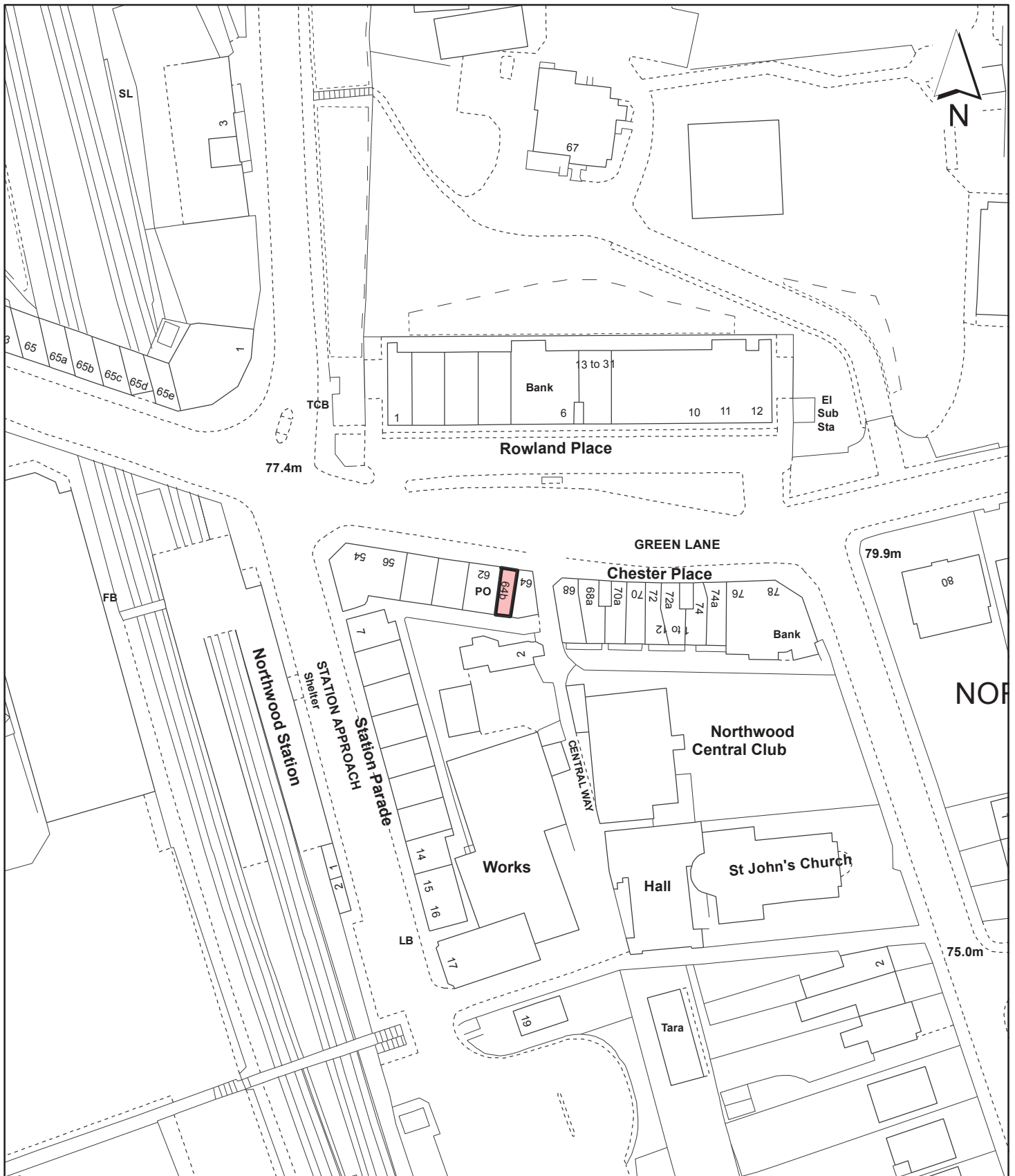
Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

London Plan (2011).

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Notes

 Site boundary

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Site Address

**Shandys
 64B Green Lane
 Northwood**

**LONDON BOROUGH
 OF HILLINGDON
 Residents Services**

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

Planning Application Ref:
68963/APP/2013/64

Scale
1:1,000

Planning Committee
North

Date
**April
 2013**



HILLINGDON
 LONDON