



The premises shall not be used except between the hours 08:00 and 21:00 hours Mondays to Saturdays and no time on Sundays, Public or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Local Plan Part Two Saved UDP (November 2012).

**4 H6 Car parking provision - submission of details**

The development hereby approved shall not be commenced until details of the parking arrangements have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the approved arrangements have been implemented and thereafter shall be retained as long as the use is in operation.

REASON

To ensure that adequate facilities are provided in accordance with Policies AM14, AM15 and the Council's Parking Standards as set out in the Hillingdon Local Plan Part Two Saved UDP (November 2012).

**5 COM14 No additional internal floorspace**

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floorspace shall be created in excess of that area expressly authorised by this permission.

REASON

To enable the Local Planning Authority to assess all the implications of the development and to ensure that adequate parking and loading facilities can be provided on the site, in accordance with Policy AM14 as set out in the Hillingdon Local Plan Part Two Saved UDP (November 2012).

**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 as set out in the Hillingdon Local Plan Part Two Saved UDP (November 2012) and London Plan (July 2011) Policy 7.1.

**7 COM12 Use Within Same Use Class**

The premises shall be used as a dentist surgery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) as amended.

REASON

To ensure that another use within the same use class does not result in adverse impacts in terms of traffic generation, parking and noise and disturbance to nearby residential occupiers in accordance with Policies AM7, AM14 and OE1 as set out in the Hillingdon Local Plan Part Two Saved UDP (November 2012).

DIS1

~~Notwithstanding the s~~ **Facilities for People with Disabilities** ~~the needs of people with disabilities shall be provided prior to the occupation of the development and thereafter permanently retained.~~

#### REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with London Plan (July 2011) Policy 3.8.

#### 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.
BE28	Shop fronts - design and materials
S6	Change of use of shops - safeguarding the amenities of shopping areas
S9	Change of use of shops in Local Centres
S10	Change of use of shops in Local Centres - criteria for permitting changes of use outside core 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.
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
NPPF1	
NPPF2	

##### 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.

**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).

**5 126 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).

**6 115 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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) 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.

**7 12 Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

**8 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).

## **9            I25A            The Party Wall etc. Act 1996**

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) 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. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

## **10**

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 is situated on the western side of Joel Street and comprises a ground floor retail unit within Argyle House. The retail unit is currently part occupied. Historically, the internal layout also included a workshop, boiler unit and toilets situated along the western side of the unit. This section of the unit is presently vacant and subject of this application.

There is street parking to the front of the unit with restrictions between 8am to 6.30pm Monday to Saturday. To the rear of Argyle House, is a large car park area with designated car park spaces for each individual unit.

The site is within the boundary of Northwood Hills Minor Town Centre but outside the designated primary and secondary shopping areas as identified in the policies of the Hillingdon Local Plan Part Two Saved UDP (November 2012).

#### **3.2        Proposed Scheme**

The proposal involves the part change of use of the premises from mixed A1/B1 use to use as a D1 dentistry use. The plans have been amended during the application process to show the internal arrangement of the dentistry use. The D1 use would be situated on the southern side of the property.

The dentistry would have an internal floor space of 87 square metres and would replace a previously disused plant room which included a work shop, boiler room and toilets. The proposed layout would include a reception area, consultation suite, main surgery, x-ray and sterile room. Car parking for the use would be situated to the rear of the building with 2 car parking spaces indicated for the proposed use. The statement provided indicates that the use would operate between 9:00am and 6:00pm Monday to Friday and 9:00am to 1:00pm on Saturdays.

The planning statement submitted indicates that the existing shopfront would be altered to include a new access. The agent has been made aware that this would also require planning permission and the current assessment would solely consider the change of use.

### **3.3 Relevant Planning History**

500/APP/2009/1398      Argyle House Joel Street Northwood  
Part change of use of second floor from B1 (Office) to D1 (Non -Residential Institutions)

**Decision:** 07-10-2009    Approved

500/APP/2009/1578      Argyle House Joel Street Northwood  
Change of use of part second and third floors to Class D2 (Assembly and Leisure).

**Decision:** 07-10-2009    Approved

500/APP/2009/1768      Argyle House Joel Street Northwood  
Part change of use of ground floor from Class B1 (Office) to Class A1 (Retail) and associated alterations.

**Decision:** 06-10-2009    Approved

500/APP/2010/110      Argyle House Joel Street Northwood  
Part second floor change of use from Class B1 (offices) to Class D1 (non-residential institution for education.)

**Decision:** 31-03-2010    Approved

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

The unit is situated within a 4 storey commercial block building. There have been numerous planning applications associated with the building in recent years. In particular, planning permission has been granted for several change of uses on 2nd and third floor of the building from B1 to D1 education use.

Only 1 recent planning application was approved on the ground floor in the last 5 years (500/APP/2009/1768/FUL) which involved the change of use from B1 Office to A1 retail.

In general, the building retains a healthy mix of retail and non retail uses which is expected in this part of the town centre boundary.

#### **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
- PT1.E5 (2012) Town and Local Centres

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.
- BE28 Shop fronts - design and materials
- S6 Change of use of shops - safeguarding the amenities of shopping areas
- S9 Change of use of shops in Local Centres
- S10 Change of use of shops in Local Centres - criteria for permitting changes of use outside core 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.
- LPP 4.7 (2011) Retail and town centre development
- LPP 4.8 (2011) Supporting a Successful and Diverse Retail Sector
- NPPF1
- NPPF2

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

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

#### **6. Consultations**

##### **External Consultees**

A site notice was displayed to the front of the proposed on the 8.2.13 providing members of the public 21 days to make any observations on the scheme.

30 adjoining and nearby properties as well as Northwood Hills and Northwood Residents Associations have been notified of the application by means of a letter dated 22nd January 2013.

No representations have been received.

### **Internal Consultees**

Access Officer:

Having reviewed the proposed application for a dental practice on the ground floor of the above building, no concerns are raised from an accessibility standpoint. The statement accompanying the proposal confirms that wheelchair access would be possible and that an accessible toilet facility would be provided on the ground floor. Two car parking spaces would be provided for the practices exclusive use. No additional accessibility improvements could reasonably be required within the remit of planning. However, the following informative should be attached to any grant of planning permission:

1. 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.

## **7. MAIN PLANNING ISSUES**

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

The Council's retail policies seek to bring together a variety of appropriate activities in town centre locations. They seek to safeguard the role and character of the town centres as mixed-use, high density service and employment centres for their surrounding areas.

Policy S6 of the Hillingdon Local Plan Part Two Saved UDP (November 2012) 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.

A variety of service uses may also be appropriate in shopping areas, provided they can contribute to the vitality of a shopping area and contribute to its retail attractiveness. This is also supported by section 2 of the National Planning Policy Framework (Ensuring the vitality of town centres) which promotes diverse retail services and recommends LPA's to plan positively for their town centre future to encourage economic activity.

The existing use of the property is a part A1 retail with an ancillary B1 use included in the layout. Under the proposal, the A1 retail unit would be retained and the proposed dentistry use would be located in the area currently occupied by toilets/boiler room and workshop which has remained vacant for 3 years.

Presently, Argyle House has a balanced mix of both A1 retail units, Offices and other service activities which one would expect from a commercial property outside both the Primary and Secondary areas. The proposed dentistry use would provide an additional service unit within the outskirts of the town centre. The principle of the development would therefore be considered acceptable as the dentistry would contribute to the overall vitality and viability of Northwood Hill Town Centre.

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 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.

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

Policy BE13 of the of the Hillingdon Local Plan Part Two Saved UDP (November 2012) 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 shop fronts to harmonise with the building and to improve the character of the area. The adopted Supplementary Planning Document HDAS: Shopfronts adopts good design that can set example for others and can trigger improvement 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 exterior of the building. The agent has indicated that a separate application would be lodged for a new shopfront, if the use is considered acceptable. An informative can be attached (if the application is recommended for approval) informing the applicant of the need to apply for planning permission for any external alterations. Therefore, this element of the proposal is considered to comply with policies BE13, BE15 and BE28 of the Hillingdon Local Plan Part Two Saved UDP (November 2012).

#### **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 unit is within a commercial parade in the Northwood Hills Town Centre. There are no residential units directly above the unit or to the rear of the property. The nearest residential property is located on the opposite side of the highway in Ryefield Court. Given the distance from residential properties, it is considered that the proposal would not lead to a detrimental impact on these neighbours amenity. Conditions could also be attached to control the opening hours to further safeguard the amenity of residents and the surrounding area.

As such, the application proposal would not represent an unneighbourly form of development and in this respect would be in compliance with Policies OE1 and OE3 of the Hillingdon Local Plan Part Two Saved UDP (November 2012).

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

Not applicable to this application.

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

The proposal would not generate any additional traffic from customers other than that typical for any retail premises within this parade. The applicant has indicated that two additional vehicle parking space would be provided within the rear car park. There is sufficient on-street parking (pay and display) on the opposite side of the highway. The management company responsible for the building have indicated that further parking

may be available if necessary. Details of the car parking management could be secured by conditioned.

Given its location on the edge of the minor town centre in close proximity to both bus and underground routes, the parking proposed is considered acceptable.

As such proposal would not impact on traffic and pedestrian safety and also provides sufficient car parking arrangement for this town centre location. It would therefore comply with Policies AM7 and AM14 of the Hillingdon Local Plan Part Two Saved UDP (November 2012).

**7.11 Urban design, access and security**

Not applicable to this application.

**7.12 Disabled access**

Given the public nature of the proposed business, an accessible toilet facility is required. This can, however, be secured by condition.

**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 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 application.

**7.17 Flooding or Drainage Issues**

Not applicable to this application.

**7.18 Noise or Air Quality Issues**

The proposal would not lead to any significant noise or air quality concerns than that which might have existed with the previous use of the premises.

**7.19 Comments on Public Consultations**

No comments have been received on this application.

**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**

Overall, it is considered that the proposed use is appropriate to the premises, in this commercial location. The proposal would accord with the retail policies in the Hillingdon Local Plan Part Two Saved UDP (November 2012) 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.

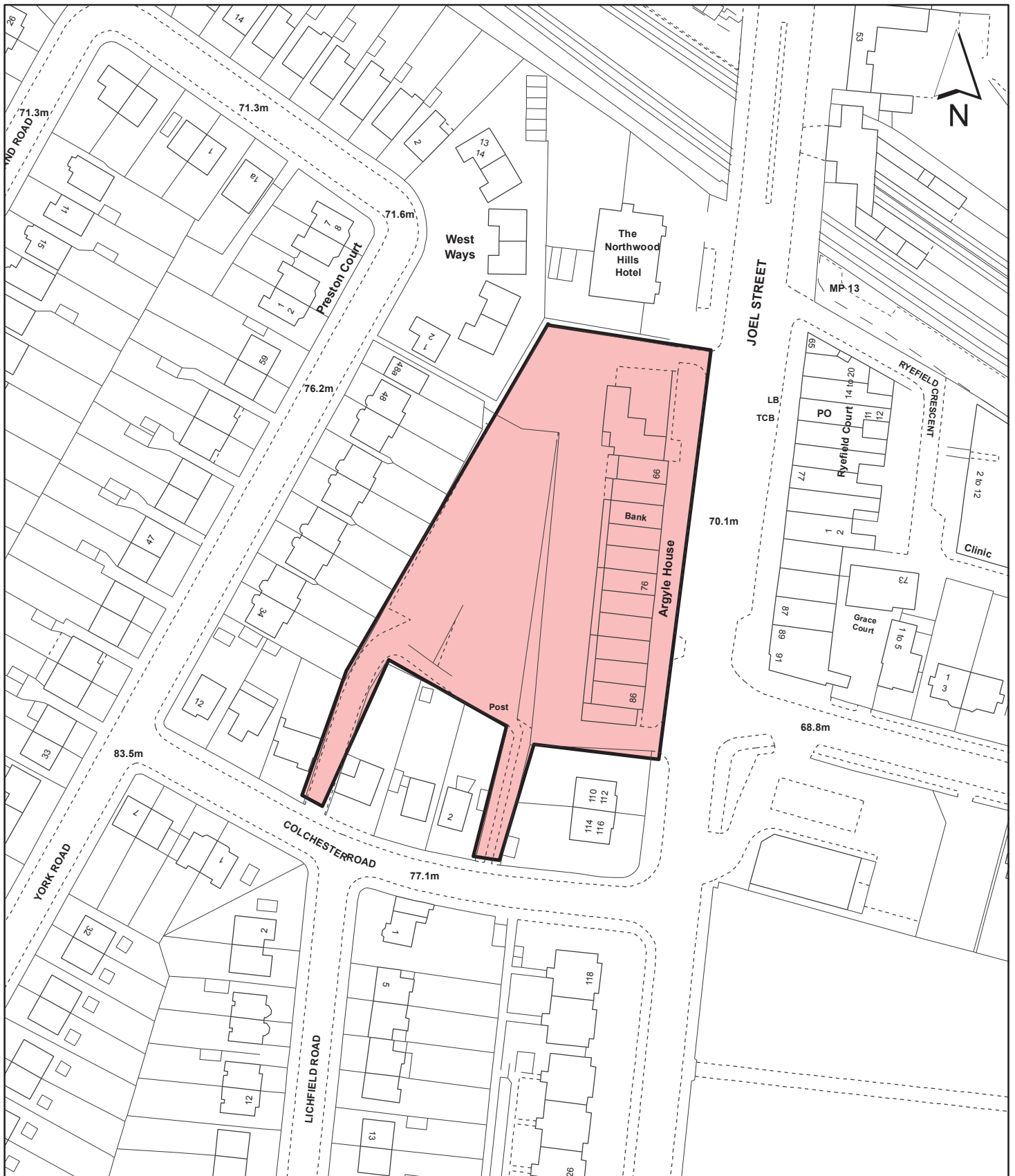
The application is therefore recommended for approval.

#### **11. Reference Documents**

Hillingdon Local Plan Part Two Saved Unitary Development Plan (November 2012).  
London Plan (2011).  
National Planning Policy Framework (2012).  
HDAS: Accessible Hillingdon.  
HDAS: Shopfronts.

**Contact Officer:** Eoin Concannon

**Telephone No:** 01895 250230



**Notes**

 Site boundary

For identification purposes only.

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Site Address

**Argyle House  
Joel Street  
Northwood**

**LONDON BOROUGH  
OF HILLINGDON  
Residents Services**

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

Planning Application Ref:

**500/APP/2012/3217**

Scale

**1:1,250**

Planning Committee

**North**

Date

**April  
2013**



**HILLINGDON**  
LONDON