

Report of the Head of Planning, Sport and Green Spaces

Address 1B HIGH STREET COWLEY
Development: Change of Use from A1 [Internet Cafe] to A2 [Estate Agents].
LBH Ref Nos: 69295/APP/2013/1803
Drawing Nos: MB/2011/2 - Location Plan
MB/2011/1 - Existing Ground Floor Plan
MB/2011/2 - Proposed Ground Floor Plan

Date Plans Received: 28/06/2013 **Date(s) of Amendment(s):**
Date Application Valid: 04/07/2013

1. SUMMARY

The application seeks planning permission for the change of use of No.1b High Street from A1 use (Internet Cafe) to A2 use (Estate Agents). As part of the proposal the wall between No.1a & 1b High Street would be opened up to form one unit, with the applicant already occupying 1a High Street.□

□

Units 1a & 1b High Street were originally a single retail unit, which was split into two after consent was granted in 2005.□

□

The proposed development would allow the expansion of a successful business and would result in the creation of 1 full time job and 1 part time job. The change of use of the unit would not undermine the retail functionality of the designated parade and would retain sufficient essential shop uses. Therefore, the application is recommended for approval.

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, numbers MB/2011/2 - Proposed Floor Plan and shall thereafter be retained/maintained for as long as the development remains in existence.□

□

REASON□

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

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) as incorporated into the Hillingdon Local Plan (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. |
| AM14 | New development and car parking standards. |
| BE13 | New development must harmonise with the existing street scene. |
| BE15 | Alterations and extensions to existing buildings |
| 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. |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| OE1 | Protection of the character and amenities of surrounding properties and the local area |
| S7 | Change of use of shops in Parades |

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 September 2007), 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 I47 **Damage to Verge**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 **11** **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.

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 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 **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).

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a ground floor mid-terrace retail unit, located on the eastern side of High Street, Cowley. The applicant has stated the last use of the building was A1 (internet cafe, however, the unit appeared vacant at the time of the site visit.

The unit has a blue metal framed shop front with two display windows either side of the entrance doorway. The front of the building has a lattice roller shutter with no fascia board above. The building is two storeys in height with residential premises above. The layout of the premises is a main retail floor space with a small kitchen and toilet to the rear of the building.□

□

The property forms a terrace of four ground floor retail units on the southern side of the junction with Station Road, with the other units being the applicant's estate agency business (1a High Street) an off licence and a fast food takeaway (Units 2a & 2b High Street), with the fast food takeaway unit now being vacant.□

□

Units 1a & 1b High Street were originally a single retail unit, which was split into two after consent was granted in 2005.□

□

The terrace of four forms part of a designated retail parade, as identified in the Policies of the Hillingdon Local Plan (November 2012). The remainder of the parade is located on the northern side of Station Road and consist of four units which are in use as a cafe, hot food takeaway, newsagents and a hairdresser.

3.2 Proposed Scheme

The application seeks planning permission for the change of use of No.1b High Street from A1 use (Internet Cafe to A2 use (Estate Agents). As part of the proposal the wall between No.1a & 1b High Street would be opened up to form one unit, with the applicant already occupying 1a High Street.□

□

The applicant has referenced the new permitted development to temporarily change the buildings use for two years. However, the application is for planning permission and not a Lawful Development Certificate and given that the building would be opened up into No.1a, the application could not be considered temporary.

3.3 Relevant Planning History

32500/APP/2004/2869 1 High Street Cowley Uxbridge

CHANGE OF USE OF PART OF THE GROUND FLOOR FROM CLASS A1 (RETAIL) TO CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES) AND ALTERATION TO THE SIDE AND FRONT ELEVATIONS

Decision: 08-02-2005 Approved

32500/APP/2005/794 1 High Street Cowley Uxbridge

ERECTION OF FIRST FLOOR EXTENSION ABOVE EXISTING FLAT ROOF TO CREATE ADDITIONAL HABITABLE SPACE

Decision: 12-05-2005 Approved

32500/J/96/3072 1 High Street Cowley Uxbridge

Retention of an internally illuminated wall mounted advertisement sign

Decision: 12-09-1996 Approved

Comment on Relevant Planning History

Planning permission was granted under application reference 32500/APP/2004/2869 for the sub-division of No.1 High Street into two units, with unit 1a being transferred into A2 use for use as an Estate Agents. □

□

At the time of granting consent it was noted that there were 7 shops within the parade of which 5 were A1 use and two non A1. Therefore, consent was granted as it was considered that an A1 use premises was retained by splitting the building.

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.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

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.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

OE1 Protection of the character and amenities of surrounding properties and the local area

S7 Change of use of shops in Parades

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

10 neighbouring occupiers were notified of the proposed development by way of letter on 8th July 2013. By the close of the consultation period 1 consultation response was submitted from the local resident living approximately 1km from the site who supported the application on the grounds of increased employment in the area.

Internal Consultees

Not applicable to this application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site forms part of a designated retail parade, consisting of the three adjoining retail units and the four retail units on the northern side of Station Road. □

□

Planning permission was granted under application reference 32500/APP/2004/2869 for the sub-division of No.1 High Street into two units, with unit 1a being transferred into A2 use for use as an Estate Agents. At the time of granting consent it was noted that there were 7 shops within the parade of which 5 were A1 use and two non A1. Therefore, consent was granted as it was considered that an A1 use premises was retained by splitting the building. After the conversion, eight units were created with 5 were in A1 use and two in non A1. □

□

Since the granting of this consent in 2005, the mix within the retail parade has dropped to four in A1 use and four in non A1 use. Policy S7 of the Hillingdon Local Plan states that the Local Planning Authority will only grant consent if the parade retains a sufficient essential shop use to provide a range and choice of shops appropriate to the size of the parade and the surrounding area is not deficient in essential shop uses. The explanatory notes for this Policy expands further and says that there should be no less than 3 shops within smaller parades retained in A1 use. □

□

The granting of consent would result in the shopping parade having 7 shops with 3 in A1 use (hairdresser, news agent and off licence), 1 in A2 use (the applicant's estate agents), 1 in A3 use (Cafe) and 2 in A5 use (Hot Food Takeaway). Therefore, at least 3 shops would be retained. □

□

The National Planning Policy Framework requires the economic, social and environmental impact of any application to be considered. The proposed development would allow the expansion of a successful business and would result in the creation of 1 full time job and 1 part time job. The existing unit, with a retail sales area of a maximum of 22 square metres is unlikely to find an A1 operator, given that an operator in a parade is likely to require a larger sales area to sustain a business. The conversion of the building back into one unit and its use in A2 use is considered of wider benefit to the surrounding area, than the vacant unit being retained in A1 use. Therefore, the proposed conversion and change of use of the premises is considered acceptable in principle.

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 site is not within a Conservation Area, Area of Special Local Character or Archaeological Priority Area.

7.04 Airport safeguarding

The proposal is for the change of use of the premises and would raise no airport safeguarding concerns.

7.05 Impact on the green belt

The application site is not within or adjacent the Green Belt and no comment is required.

7.07 Impact on the character & appearance of the area

The application does not propose to any alterations to the external facade of the building. The change of use would bring the vacant building back into use and would result in an

improvement in the appearance of the terrace of retail units. Therefore, the proposed development is considered to comply with Part 1 Policy BE1 and Part 2 Policies BE13, BE15 & BE19 of the Hillingdon Local Plan (November 2012).

7.08 Impact on neighbours

The proposed application is for a change of use and would not increase the footprint of the building. Therefore, there would be no material harm to the residents living above the unit in terms of loss of light, loss of outlook, sense of dominance or loss of privacy. The change of use to A2 is considered to not give rise to unacceptable increase in noise disturbance to the neighbouring occupiers. Therefore, the proposed development is considered to comply with Policies BE20, BE21, BE24 & OE1 of the Hillingdon Local Plan (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposed development would not materially impact traffic flows or pedestrian safety in the area.

7.11 Urban design, access and security

The application site has no off-street parking spaces associated with the unit. Whilst the unit would not meet the Council's adopted parking standards, the existing unit does not comply with the standards. The proposed change of use to A2 is considered to not materially increase the parking demand associated to the 30 square metre unit to an extent that would require the provision of off-street parking. Therefore, the proposal is considered to comply with Policy AM14 of the Hillingdon Local Plan.

7.12 Disabled access

The existing retail unit is not designed to be wheelchair accessible and the proposal does not seek alterations to the building that would allow for wheelchair accessible facilities to be provided. Having regard to the existing situation and the scope of the application it is not considered any accessibility improvements are necessary for the development to comply with adopted planning policy.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

There are no tree, landscaping or ecology considerations with regards to this application.

7.15 Sustainable waste management

The proposed A2 use would continue to make use of the existing refuse storage facilities to the rear of the building which are currently utilised by Units 1a & 1b High Street.

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 change of use to A2 is considered to not give rise to unacceptable increase in noise disturbance to the neighbouring occupiers. Therefore, the proposed development is considered to comply with Policy OE1 of the Hillingdon Local Plan (November 2012).

7.19 Comments on Public Consultations

No additional comments with regards to the public consultations.

7.20 Planning obligations

None required.

7.21 Expediency of enforcement action

None required.

7.22 Other Issues

No further issues for consideration.

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

None received.

10. CONCLUSION

The proposed development would allow the expansion of a successful business and would result in the creation of 1 full time job and 1 part time job. The change of use of the unit would not undermine the retail functionality of the designated parade and retain sufficient essential shop uses. Therefore, the application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan (November 2012);□

The London Plan (July 2011);□

National Planning Policy Framework.

Contact Officer: Alex Smith

Telephone No: 01895 250230



Notes



Site boundary

For identification purposes only.

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Site Address

**1B High Street
Cowley**

Planning Application Ref:

69295/APP/2013/1803

Planning Committee

Central and South

Scale

1:1,250

Date

**October
2013**

**LONDON BOROUGH
OF HILLINGDON**

Residents Services

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



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