

Report of the Head of Planning, Sport and Green Spaces

Address 1 EASTBURY ROAD NORTHWOOD

Development: Change of use from Use Class A1 (Shops) to Use Class A3 (Restaurant) involving, installation of new shopfront, outdoor seating to front and installation of extraction fan to rear associated works

LBH Ref Nos: 1095/APP/2014/3713

Drawing Nos: 2617.02.06 Received 10/11/2014
2617.01.06
2617.03.03
Fan Specification
Fan Specification (2)
Odour Specification
Odour Risk Assessment
Planning, Design and Access Statement
Silencer Specification
2617.04.03 Received 10/11/2014

Date Plans Received: 17/10/2014 **Date(s) of Amendment(s):** 17/10/2014
Date Application Valid: 22/10/2014 22/10/2014

1. SUMMARY

The application seeks planning permission for the change of use from Use Class A1 (Shops) to Use Class A3 (Restaurant) involving the installation of extraction/ventilation ducts to the rear elevations.

It is considered the proposal for the use of 1 Eastbury Road would be acceptable in principle, as it would bring the vacant unit back into use within the primary shopping frontage area.

In addition, it is considered that the Restaurant use proposed provides for a use compatible with the main retail functions within the Town Centre and will add to its vitality. In this respect, the development is considered to contribute to the vibrancy of the Town Centre and will enhance the viability of the secondary shopping area as a whole.

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

Notwithstanding the details shown for the extraction unit the development hereby permitted shall not be carried out except in complete accordance with the details shown

on the submitted plans

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2617.01.06

2617.03.03

2617.04.03 Received 10/11/2014

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).

3 NONSC Non Standard Condition

The proposed development hereby approved shall not be commenced until further details of the extract ventilation system and odour control equipment including details of colour, materials, any noise levels, vibration levels, and external ducting, have been submitted to and approved by the local planning authority and the equipment so approved has been installed. The approved extract ventilation system equipment and odour control equipment shall be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed as soon as possible when no longer required.

REASON: To protect the amenities of the surrounding occupiers and to ensure that the proposal complies with Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 NONSC Non Standard Condition

No development shall take place until a scheme for the storage and collection of refuse and waste has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- i) Plans and elevations to show the location of refuse storage area to the rear of the building;
- ii) Details of the collection of refuse and waste from the site.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 COM22 Operating Hours

The premises shall not be used except between:-
[0800 and 2359], Mondays - Thursday
[0800 to 0100] the following day] Fridays and Saturdays
[1000 to 2300] Sundays, Public or Bank Holidays.

REASON

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

INFORMATIVES

1 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.

2 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).

3 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
BE19	New development must improve or complement the character of the area.
BE26	Town centres - design, layout and landscaping of new buildings
BE28	Shop fronts - design and materials
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
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

4

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 adjustments 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.

5

You are advised that a license would be required for the siting of tables and chairs on the public highway. Further details of the application process and requirements can be found at <http://www.hillingdon.gov.uk/article/19040/Tables-and-chairs-licence>

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on a prominent corner plot on the northern side of the traffic light controlled junction of Eastbury Road and Green Lane. To the west are the railway lines and to the south Northwood Station. To the north is a car park separating the building from the doctor's surgery to the rear. To east are two rows of shops offering a mix of facilities, with offices and residential above.

The site was formerly a blockbuster video hire shop with offices above.

The application site lies within Northwood Town Centre, Green Lane, Conservation Area, within the Northwood Town Centre and the Green Lane Secondary Shopping Area. It is also within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

3.2 Proposed Scheme

The proposal is for the Change of use from Use Class A1 (Shops) to Use Class A3 (Restaurant) involving, installation of new shopfront, outdoor seating to front and installation of extraction fan to rear associated works.

3.3 Relevant Planning History

Comment on Relevant Planning History

None.

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

BE19 New development must improve or complement the character of the area.

BE26	Town centres - design, layout and landscaping of new buildings
BE28	Shop fronts - design and materials
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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **26th November 2014**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

11 surrounding occupiers/commercial premises were consulted.

One letter of support has been received making the following comments:

I welcome this restaurant as there is a need for good quality restaurants in the area.

1 other response was received from an adjoining neighbour who raises the following concerns:

- Kitchen extract may increase noise and smell.

(Officer comment: This issue is addressed by way of condition).

- Concerns regarding the location of refuse bins and management of refuse collection process

- need to ensure our car parking spaces will not be taken

- Control of deliveries to reduce the risk of obstruction to our car park and potential impact on traffic flow

(Officer note: The Highway engineer raises no objections and the proposal complies with relevant policies in the Hillingdon local Plan)

- Will the smoking area be away from the building or with increased ventilation to prevent second hand smoke Is there proper disposal units for cigarette ends and packets?

- Concerns over the width of the outside seating area

(Officer note: The outside seating area is located on the public highway and any issues would be covered by licencing)

- Cutting a hole in the wall for a rear access. If soil pipes have to be moved, this could cause disruption to our business and a health risk.

- Are there plans to fit sound reducing installation to the premises, will noise levels be monitored?

(Officer note: These issues are covered by Building Control and Environmental Health legislation and it is considered that sound insulation is necessary given that both uses are commercial)

London Underground Infrastructure Protection - No objection

Northwood Residents Association: No response

Northwood Conservation Area: No response

Internal Consultees

Environmental Protection Unit:

The proposal seeks the change of use of the ground floor and the floors above are office uses. Accordingly, no objection is raised subject to the following condition:

1) The proposed development hereby approved shall not be commenced until further details of the extract ventilation system and odour control equipment including details of any noise levels, vibration levels, and external ducting, have been submitted to and approved by the local planning authority and the equipment so approved has been installed. The approved extract ventilation system equipment and odour control equipment shall be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed as soon as possible when no longer required.

REASON: To protect the amenities of the surrounding occupiers and to ensure that the proposal complies with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan Saved Policies.

Floodwater Management: No objections

Access Officer:

The site is located on the ground floor of a two storey building on the West side of Eastbury Road at the corner of Green Lane. Permission is sought to change the use of the vacant, former Blockbuster video rental store (Class A1) into a gourmet burger restaurant (A3 use). The installation of a new shop front is also proposed.

The Design & Access Statement refers to level access into the proposed restaurant and to the formation of a new accessible toilet, both of which are shown on plan.

The Design and Access Statement refers to level access into the proposed restaurant and the formation of a new accessible toilet, both of which are shown on the plan.

The plans indicate that most of the internal customer seating area would be on a raised deck, which would be reachable only by steps and therefore inaccessible to wheelchair users and others with a mobility impairment.

However, given the proposal is for the conversion of an existing unit with a split floor level, there is no objection for this arrangement in this case.

The Council in conducting its business as the Local Planning Authority is required under the Equality Act 2010 to ensure the best possible accessibility is achieved. In this instance, the Council should ensure that accessibility attributes within this existing development are not lost, and improved upon where practicable.

Conclusion: as a significant part of the proposed customer seating area would be inaccessible to wheelchair users, 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 adjustments 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.

Conservation and Urban Design:

This is a commercial property dating from the inter war era situated within the Northwood Town Centre, Green Lane, Conservation Area - a heritage asset. On a visible corner, the building is simply detailed and despite later alterations not to its benefit, is well proportioned. Any new alterations should look to enhance the building and thereby the conservation area and the general streetscene.

Comments: There is no objection in principle to the overall proposals which will generally enliven the appearance of the premises. The proposals also generally adhere to and consider the guidance within Hillingdon's Design and Accessibility Statement SPD (HDAS) Shopfronts which considers good design at para. 5.2, in particular, 'The context in which the building is set includes the location of the site, the character of the area, the building that hosts the shopfront, the neighbouring premises; and the wider streetscene.' Certainly the signage is of a good proportion, the shopfront in keeping with style of the building and the awnings of a reasonable scale and design.

However, I have a few minor concerns and reservations which will require clarification. To the rear, a large extract pipe is to be installed. This may be visible from the railway (and from rear windows) and it is important that it is in the least visible position and painted black so that it is not an obtrusive addition. The signage to the front should not be internally illuminated and more detail is required. Is the raised section of terracing a street obstruction and will it require a barrier? If so, what will the barrier look like? All of the materials proposed will need material samples (where they do not match existing) to be submitted for approval. Further details of the lighting and menu boxes are also required.

The works proposed have the potential to preserve and enhance the Northwood Town Centre, Green Lane, Conservation Area and help raise the standard of design more generally in the locality - with the above clarification.

Conclusion: Acceptable. Minor revisions and clarification required.

Agent Response:

- The position of the extract has been chosen so that it would not be seen from Eastbury Road and very well hidden from Green Lane. We would be willing to accept a condition that it be painted if you consider it to be necessary
- A separate application will be submitted for advertisement consent so this is not a matter for this application.
- The pavement platforms have now been removed from the proposal.
- In addition to the shopfront materials shown on the front elevation drawing, please could you confirm what other materials need to be agreed so that we can do that now and avoid a pre-commencement condition.

Highways:

There are no highway objections raised in relation to the proposals. However, it is recommended that an informative is provided on the planning consent, notifying the applicant that the projecting awnings and the dining facilities (tables and chairs) along the adjacent footpath can only be provided via licence, under the Highways Act 1980. As a result, the applicant should therefore, be

advised to contact the Highway Authority to submit an application for the licence.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S6 states that changes of use applications will be granted where i) a frontage of design appropriate to the surrounding area is maintained or provided; ii) the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and iii) would have no harmful effect on road safety or worsen traffic congestion.

Policy S12 states that in Secondary Shopping Areas applications will be granted where i) the remaining retail facilities are adequate to accord with the character and function of the shopping centre and ii) the proposed use will not result in a separation of Class A1 uses or a concentration on non retail uses which might harm the viability or vitality of the centre. Use as a Class A3 food and drink use is regarded as acceptable at ground floor level within shopping frontages of secondary shopping areas.

The proposed external alterations are considered appropriate to the Northwood Town Centre, Green Lane, Conservation Area and the use is compatible with the varied neighbouring uses. A survey of the commercial parade identified that 51% of the retail units will remain in A1 use. Therefore the proposal would comply with the criteria listed in Policies S6 and S12 of the 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

The proposed development is located within Northwood Town Conservation Area. The Conservation Officer had no objection in principle, subject to minor clarifications and/or conditions. These included the extractor pipe to be painted black, the signage not be internally illuminated and for samples of the shopfront materials if they were different from the existing. The agent has confirmed that the extractor pipe can be painted black and the application forms confirmed that an aluminium framed shopfront for both the existing and proposed. The adverts do not form part of the application and would require separate consent. The proposed ducting is at the rear of the building and would be visible from the railway line however this is the least visually intrusive position when viewed from the street and it is considered that the size and siting of the duct would not be detrimental to the visual amenities of the street scene and the wider Conservation Area. Therefore the proposal would comply with Policies BE13, BE19 and BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The matters of impact on the character & appearance of the area have been addressed in section 7.03 of this report.

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that become detrimental to the amenity of the adjoining occupiers or

surrounding area will not be approved. Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that new development or uses which have the potential to cause noise annoyance will only be permitted if measures can be undertaken to alleviate the potential disturbance where a development is acceptable in principle.

The Environmental Protection Unit has raised no objection, subject to appropriate conditions and it is considered that the proposal would comply with the development plan in this regard. Limitation to hours of operation was considered, but there are no immediate residential neighbours accordingly the Environmental Protection Unit do not consider such restrictions are necessary. It is further noted that a license would be required for the placing of tables and chairs as they are on the highway and the hours at which table and chairs can be present on the public highway can be considered under this process. As such a condition in this respect is not necessary in this case

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The site is situated on the junction of Eastbury Road and Green Lane, and does not have any off street parking available for customers. However, metered parking is available on the Eastbury Road and Green Lane. There is also a bus stop on Green Lane and Northwood Tube Station opposite. Servicing will be carried out within a designated loading bay located 15 metres to the east of the site. The proposal would therefore comply with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

The Design and Access Statement refers to level access into the proposed restaurant and the formation of a new accessible toilet, both of which are shown on the plan.

The plans indicate that most of the internal customer seating area would be on a raised deck, which would be reachable only by steps and therefore inaccessible to wheelchair users and others with a mobility impairment.

However, the existing unit is at plot level and it would not be practical to make the unit fully accessible. Moreover, the proposal does provide level access to an accessible W.C. Accordingly no objections are raised on accessibility grounds.

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

The Environmental Protection Unit have requested a condition for additional details relating

to the extract ventilation system and odour control equipment including details of any noise levels, vibration levels, and external ducting. This is secured by condition. Given the commercial nature of the use on the upper floor it is not considered that additional sound insulation would be required in this case.

7.19 Comments on Public Consultations

Covered within the relevant aspects of the report.

7.20 Planning Obligations

None

7.21 Expediency of enforcement action

Not required

7.22 Other Issues

None

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment,

pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

None

10. CONCLUSION

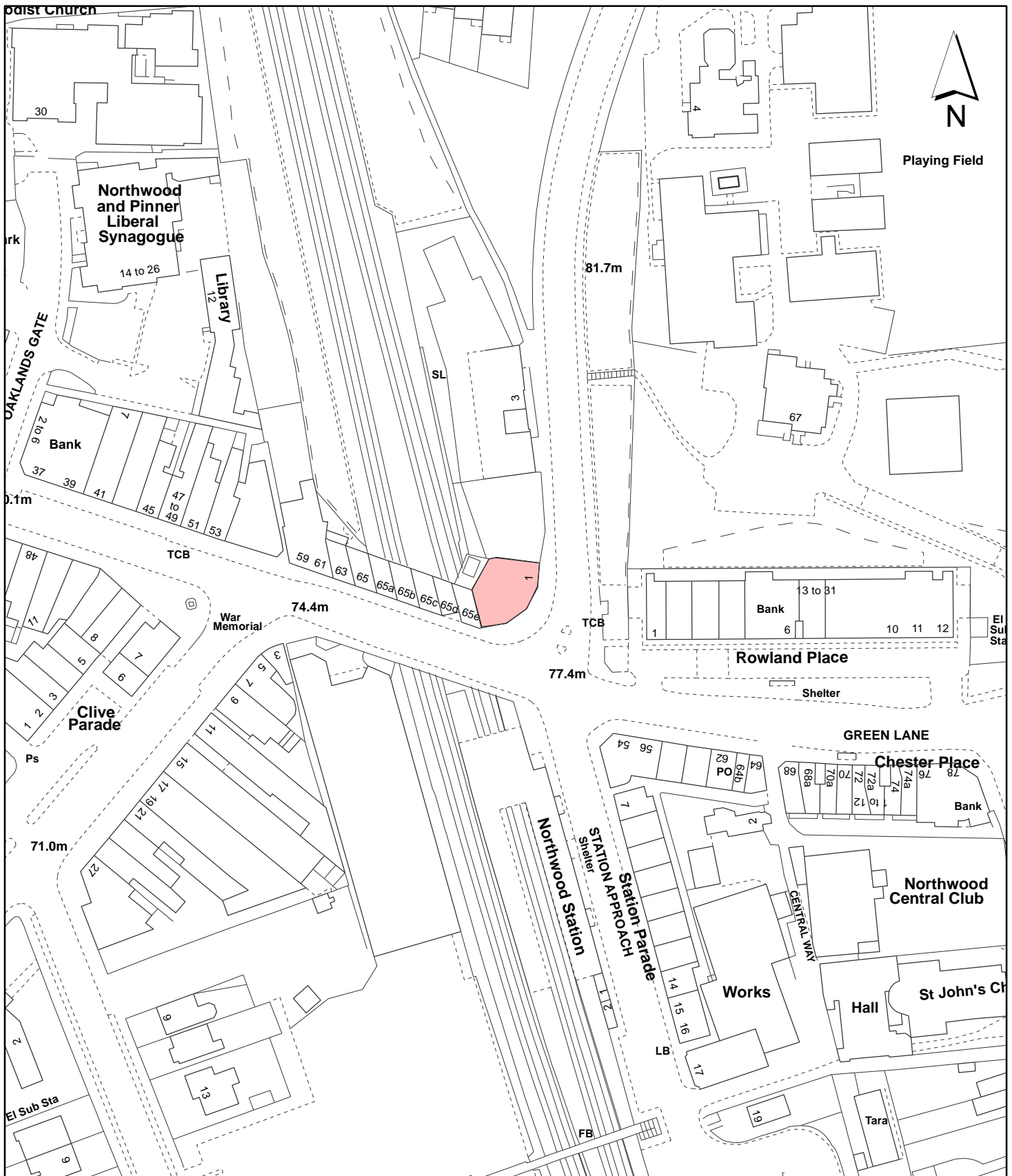
The proposal complies with the criteria listed in Policies S6 and S 12 of the Hillingdon Local Plan and is therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2.
The London Plan (July 2011).
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Liz Arnold

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Notes

 Site boundary

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**LONDON BOROUGH
 OF HILLINGDON**
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 Planning Section**

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Planning Application Ref:
1095/APP/2014/3713

Scale
1:1,250

Planning Committee
North

Date
January 2015

