

Report of the Head of Planning, Sport and Green Spaces

Address 23 JOEL STREET NORTHWOOD

Development: Change of use from retail (Use Class A1) to a mixed use comprising bespoke bridal wear service, bridal make over service and retailing of related beauty and skin care products (Use Class A1/Sui Generis) involving single storey infill extension to front and new shop front

LBH Ref Nos: 8488/APP/2015/3905

Drawing Nos: Location Plan
Block Plan
15/23TB/01
Design and Access Statemen
15/23TB/02

Date Plans Received: 21/10/2015 **Date(s) of Amendment(s):**

Date Application Valid: 13/11/2015

1. **SUMMARY**

This application seeks planning permission for the change of use of the subject property from Use Class A1 (Retail) to mixed use Use Class A1/Sui Generis for use as bespoke bridal wear service, a bridal make over service and the retailing of related beauty and skin care products. The proposal also involves the installation of a new shopfront, which would incorporate the infilling of the existing recessed front entrance to set it flush with the front building line of the property.

The application is being referred to the Planning Committee because it incorporates the partial loss of the established lawful A1 retail space in the application property.

The site is situated in a terraced shopping parade (The Broadway) on the eastern side of Joel Street and is located within the Secondary Shopping Area of the Northwood Hills Town Centre (as identified in the Hillingdon Local Plan: Part One - Strategic Policies, November 2012). The proposal would provide a valuable community facility and service use within a highly accessible environment without compromising the viability or vitality of the town centre. The overall design of the new shopfront is considered to be in keeping with the character of the town centre location and the wider area.

This application does not seek consent for the display of any related advertisements or signage, which would have to be considered under any separate future application.

Accordingly, 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 plan, number 15/23TB/02, 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 (2015).

3 COM21 Sound insulation /mitigation

The development shall not begin until a scheme for the control of noise transmission to the adjoining dwellings (1st floor residential property) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

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)

4 HH-M1 Details / Samples to be Submitted

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces of the shopfront have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which 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 (2015) and national guidance.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15	Alterations and extensions to existing buildings
BE26	Town centres - design, layout and landscaping of new buildings
BE28	Shop fronts - design and materials
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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
NPPF	National Planning Policy Framework

3 159 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 (2015). 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.

4 147 Damage to Verge - For Council Roads:

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 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- 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. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

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The applicant is hereby advised that 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 - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

7 115 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) to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

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The applicant is advised that any change of use of this premises will require planning permission.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the eastern side of Joel Street, Northwood and comprises a ground floor property in a three storey mid-terraced building. The host building is sited within a terraced shopping parade addressed as 'The Broadway'.

The application property is presently vacant, and its last known established use (as at September 2014) was a Use Class A1 Retail unit (Allen Brothers), which incorporated the sale and alterations of men suits. The Broadway has ground floor commercial uses and office/residential uses on the upper floors. The upper floors in the host terrace are accessed

from the rear via external staircases. The Broadway lies within the Secondary Shopping Area of the Northwood Hills Town Centre as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

The adjoining units to the north and south at Nos. 21 and 25 are a Photography Studio and Takeaway (KFC) respectively. There are 'Pay and Display' parking bays directly in front of the application property and host terrace. Further to the south is the Northwood Hills Underground Station.

3.2 Proposed Scheme

This application seeks permission for the change of use of the property from Use Class A1 (Retail) to mixed use Use Class A1/Sui Generis for use as bespoke bridal wear service, a bridal make over service and the retailing of related beauty and skin care products. The proposal would also involve a new shopfront and infilling of the existing recessed front entrance to set it flush with the front building line.

The applicant has submitted that the approximate space usage will be 20% for the bridal wear element, 15% for the retail of beauty products and 65% for the beauty make over element. The applicant has submitted that whilst the bespoke bridal service caters for a niche clientele, they would also be taking on passing trade in the locality. The internal layout would be configured to provide two therapy rooms, a consultation room, a nail bar station, office and two toilets (including one for disabled use).

3.3 Relevant Planning History

Comment on Relevant Planning History

There are no known planning records for the site.

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:

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE26 Town centres - design, layout and landscaping of new buildings

BE28 Shop fronts - design and materials

DAS-SF Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

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
NPPF National Planning Policy Framework

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
5.2 Site Notice Expiry Date:- **17th December 2015**

6. Consultations

External Consultees

14 neighbouring properties (21, 23, 25, 34, 34A & 34B The Broadway, 36, 38, 39, 40, 41, 42 & 43 Oakdale Avenue and 56 Briarwood Drive) and the Northwood Hills Residents Association were consulted by letter on 17/11/2015 (first round of consultation) and 23/11/2015 (second round of consultation). A site notice was displayed in the area on 26/11/2015.

No responses were received.

Internal Consultees

Highways Officer:

There are no highway objections to these proposals.

Environmental Protection Unit (EPU) Officer:

No objection to the proposed change of use and infill extension to front + new shop front. An informative has been requested relating to the control of environmental nuisance from construction work.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) specifies 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 of the Local Plan specifies 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 of non retail uses, which might harm the viability or vitality of the centre.

Even though the proposed use would result in a loss of an existing lawful A1 retail unit, it would incorporate the retention of a retail element that is complementary to the larger Sui Generis element. Even though there is a presumption against Sui Generis uses as acceptable community service uses, the proposed beauty make over element is such that it would complement the related bridal service and retailing of health/beauty products, and

constitute a use that would be viable in ensuring the maintenance of the vitality of the town centre. Therefore the proposed conversion of the retail unit to a mixed Use Class A1/Sui Generis in a secondary shopping area will not conflict with the objectives of Policies S6 and S12, given that there would be no total loss of a Use Class A1 retail unit. It is considered that the proposed mixed use is an appropriate service, which would provide a substantial element of its services to visiting members of the public. It is also considered that the proposed mixed use would be appropriate to the retail function and the role of the secondary shopping area of the Town Centre. It would therefore be of economic benefit to the Town Centre and ensure its continued vitality.

Even though the proposal would not result in the total loss of a retail unit, it is instructive to note that the Council's most recent town centre survey indicates that the predominant use in the shopping frontage of the secondary shopping area of Northwood Hills Town Centre is still Use Class A1 retail.

Given the above considerations, the proposal would therefore comply with the criteria listed in Policies S6 and S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), and is acceptable in principle.

7.02 Density of the proposed development

Not applicable as this application proposal does not constitute a residential development.

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

Not applicable as the application property is not statutorily listed, and the site is not situated within any Archaeological Priority Area, Conservation Area or Area of Special Local Character.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable as the application site is not situated within or adjacent to the Green Belt.

7.07 Impact on the character & appearance of the area

Policy BE28 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires the design and materials of shopfronts to harmonise with the architectural composition of individual buildings and/or improve the character of the area.

The Council's adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement (HDAS) Shopfronts (July 2006) considers the effects on the character and distinctiveness and materials. The design, materials and appearance of shopfronts are critical to establishing the character of an area.

The proposed new shopfront would incorporate a glazed exterior set within anodized aluminium framing. The applicant has not specified a colour for the aluminium frames, the glazed composition and aluminium materials for the new shopfront and a condition to secure these details is therefore proposed to be imposed in the event planning permission is granted. The overall design of the new shopfront is considered to be in keeping with the character of the streetscene and the wider area. It would maintain an attractive facade and ensure the continued functioning of the retail core of the town centre.

An informative will be added to this decision to inform the applicant that any approval does not confer consent for the advertisement/signage shown on the proposed elevations plan, and that consent for the display of any related advertisements or signage would have to be

considered under any separate future application.

Subject to the above, it considered that the proposal is in compliance with Policies BE26 and BE28 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document, the Hillingdon Design and Accessibility Statement (HDAS): Shopfronts (July 2006).

7.08 Impact on neighbours

Even though the proposed shopfront entrance door would account for an increase in internal floor area of 3 sq.m from the recessed entrance, the proposed change of use would not result in any overall increase of the internal floor space/footprint area of the property.

In order to protect the residential occupants above from noise generation, a condition to secure such details is recommended to protect residential amenity of the occupiers at first floor level. The EPU Officer has not raised any objection to the proposed hours of opening, which are: 0930 to 1900 hours Monday to Friday, 1000 to 1600 hours Saturday and 1000 to 1600 hours Sunday and Bank Holidays, and given the imposition of a noise insulation condition, it is not considered necessary to impose a restrictive condition on the hours of operation. Given the nature of the use and its location within the busy Northwood Hills Town Centre, non-imposition of such a condition would be beneficial in terms of flexibility and ensuring a viable and vibrant Town Centre. As such, it is considered that the use and scale of the proposed mixed use are such that it would not result in any adverse noise nuisance to neighbouring properties, particularly those on the upper floors.

It is considered that there would be no impact on any adjoining upper floor residents as a result of the siting of the new shopfront.

The proposal is therefore considered to have no material impact on the residential amenity of the adjoining upper floor neighbouring occupants and other neighbouring occupants, in compliance with Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable as this application proposal does not constitute a residential development.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed mixed use on the site would result in the employment of four full-time employees and three part time employees.

The proposal does not make provision for car parking for either staff or visitors. Even though the immediate locality of the site has a relatively low Public Transport Accessibility Level (PTAL) score of 2, the site is close to public transport facilities including the Northwood Hills Underground Station to the south, which is within walking distance.

The Highways Officer has expressed no objection to the proposal, and the applicants submit that the employees would use public transport to travel to the site given limited parking availability on that section of the highway, and that the use would take up passing trade in the local area, in addition to an established niche clientele.

Given the above considerations, the proposed mixed use would be ancillary to the local area, and the absence of off-street car parking availability would not have a detrimental impact along the adjacent highway network.

7.11 Urban design, access and security

It has been considered that the proposed development, in respect of the new shopfront, would result in the provision of a high quality of design, which would preserve the appearance of the town centre and wider area.

This is a highly accessible location and there are no issues relating to security, given that the existing access to the front/street elevation would be maintained and provide a high degree of surveillance.

7.12 Disabled access

The applicant has detailed on the proposed plans that the new shopfront entrance would have a level access and be sufficiently wide to enable inclusive access for wheelchair users into the property.

The proposal would therefore comply with Policy R16 of the Hillingdon Local Plan (November 2012) and Policy 7.2 of the London Plan (2015).

7.13 Provision of affordable & special needs housing

Not applicable as this application proposal does not constitute a residential development.

7.14 Trees, Landscaping and Ecology

Not applicable as the application site does not contain any trees and soft landscaping of amenity and/or ecological value and merit.

7.15 Sustainable waste management

In terms of waste generation and storage, the scale and nature of the proposed use are such that any waste generated would not be significantly more than that related to a Use Class A1 retail use, which is the existing lawful use on the site.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

The application is not situated within any flood zone and the scale and nature of the proposed development are such that it would not result in the generation of any localised flooding on the site.

7.18 Noise or Air Quality Issues

There are no adverse noise or air quality issues to address as part of this application proposal. The EPU Officer has raised no objection to the proposal in this regard.

7.19 Comments on Public Consultations

No responses were received from the notified external consultees.

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

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

Not applicable to this application.

10. CONCLUSION

The application proposal has satisfactorily demonstrated that it would provide a valuable

community facility and service use within a highly accessible environment without compromising the viability or vitality of the Secondary Shopping Area of the Northwood Hills Town Centre.

The overall design of the proposed associated new shopfront has been considered to be in keeping with the character of the town centre location and the wider area, compliant with the design objectives of the Council's Local Plan: Part One - Strategic Policies (November 2012), the Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Hillingdon Design and Accessibility Statement (HDAS) Shopfronts (July 2006).

11. Reference Documents

National Planning Policy Framework

The London Plan (March 2015)

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

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

Hillingdon Design and Accessibility Statement (HDAS) Shopfronts (July 2006)

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