

Report of the Head of Planning, Sport and Green Spaces

Address ARGYLE HOUSE JOEL STREET NORTHWOOD

Development: Change of use from retail (Use Class A1) to Use Class A3 and installation of extractor fan

LBH Ref Nos: 500/APP/2018/223

Drawing Nos: P101
P102
P201
P202
P401
P501
Design & Access Statement

Date Plans Received: 17/01/2018

Date(s) of Amendment(s):

Date Application Valid: 17/01/2018

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 duct to the rear elevation.

The site lies within the Northwood Hills Town Centre but outside of the Primary and Secondary Shipping Areas. The proposal is considered a suitable use within the town centre and would not result in any alterations to the existing in front or side fenestrations. The proposal would not impact on neighbouring occupiers and would not significantly impact on Highway safety. The application is therefore 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 P401 and P202, 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 (2016).

3 COM23 Hours of Use (Restaurant etc.)

The premises shall not be open for customers outside the following hours: -

1200 to 0000 Mondays - Fridays

1200 to 0200 Saturdays

1200 to 0000 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)

4 NONSC Non Standard Condition

The rating level of noise emitted from any plant and/or machinery shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

REASON:

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

5 NONSC Non Standard Condition

Prior to use, the extract system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

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

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 (2016). 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 - 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).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Western side of Joel Street and comprises a row of retail units at ground floor level with office space on the three floors above. The building is situated in the Northwood Hills Town Centre but outside the designated primary and secondary shopping areas. The unit is the Northern end premises that formerly operated as a kitchen showroom, but is currently empty.

There is street parking to the front of the unit with restrictions between 8 am and 6.30 pm Monday to Saturday. To the rear of Argyle House is a large car park area with designated car parking spaces for each individual unit. Northwood Hills Tube Station is situated approximately 50 m to the North.

The site lies within the Developed Area as identified within the Hillingdon Local Plan Part 2.

3.2 Proposed Scheme

The proposal is for the change of use from Use Class A1 (Shops) to Use Class A3 (cafe/restaurant) involving installation of an extractor fan to the rear.

3.3 Relevant Planning History

500/APP/2005/3382 Argyle House Joel Street Northwood

CHANGE OF USE OF GROUND FLOOR OFFICE AREA TO CLASS A1 (SHOP) USE (KITCHEN SHOWROOM) AND INSTALLATION OF NEW SHOP ENTRANCE

Decision: 25-01-2006 Approved

500/APP/2007/1609 Argyle House 66-86 Joel Street Northwood

INSTALLATION OF NEW ENTRANCE DOORS AND SHOPFRONT TO GROUND FLOOR RECEPTION AREA.

Decision: 25-07-2007 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/2010/1824 Argyle House Joel Street Northwood

Details in compliance with conditions 3 (car parking management scheme), 4 (cycle storage), 5 (storage of refuse) and 7 (details of access) of planning permission ref: 500/APP/2010/110 dated 31/03/2010: Part second floor change of use from Class B1 (offices) to Class D1 (non-residential institution for education.)

Decision: 03-11-2010 Approved

500/APP/2012/3217 Argyle House Joel Street Northwood

Part change of use of ground floor from Use Class A1 and Use Class B1(a) to Use Class D1(a) (Non-Residential Institutions) for use as dentistry.

Decision: 08-05-2013 Approved

500/APP/2014/3171 Argyle House Joel Street Northwood

Change of Use of unit D1 from Use Class B1 (Business) to D1 (Non-Residential Institutions) to be used as a primary healthcare clinic

Decision: 15-12-2014 Approved

Comment on Relevant Planning History

There have been numerous planning applications associated with the building in recent years. In particular, planning permission has been granted for several changes of uses on the 2nd and 3rd floor of the building from B1 to D1 education use.

There have also been more recent permissions on the ground floor for change of use from B1 office to A1 retail and change from A1 retail to D1 Dentist.

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

Part 2 Policies:

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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
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
NPPF	National Planning Policy Framework
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

3 neighbours and the Northwood Hills Residents Association were consulted for a period of 21 days expiring on the 9 February 2017. A site notice was also erected on a lamp post to the front.

There was no response from neighbouring properties.

Internal Consultees

Environmental Protection Unit - No response.

Access Officer - No response.

Highways Officer - Joel Street (B472) is a classified road on the Council road network. There is on-street car parking available on Joel Street on a pay and display basis during the day and free at night-times. There is parking stress along Joel Street but because of the limits on stay that there is changeover of vehicles using the parking bays. The site has a PTAL value of 3 (moderate) as a result of the nearby station. The proposal is to change the use of the existing shop to a restaurant. On certain nights of the week the restaurant is planned to open until 2 am. It is unlikely that the change of use will result in significant additional traffic generation. On the basis of the above comments I do not have significant highway concerns over the proposed change of use.

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.

Although the site lies within Northwood Hills Town Centre, it is not within either the primary or secondary shopping areas. As such there is no requirement to maintain a specific percentage of A1 uses. Argyle House currently provides a balanced use of retail units on the ground floor and commercial above. There are a total of 14 units; 6 double and 8 single of which this site forms one double unit. This unit is currently empty and given the prominent corner position the proposed use would bring the empty units back into use. It is not considered this use would be out of keeping with the surrounding area or would impact on the amenity of the neighbouring occupiers or impact on traffic congestion and would thus comply with Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.02 Density of the proposed development

Not applicable to this proposal.

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

Not applicable to this proposal.

7.04 Airport safeguarding

Not applicable to this proposal.

7.05 Impact on the green belt

Not applicable to this proposal.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area.

There are no proposed alterations to the existing shop front as part of this application and the proposed flue would be situated at the rear of the premises adjacent to existing machinery units on the rear elevation. Given the limited alterations to the visual appearance of the building, which would not be visible from the wider street it is therefore considered that the proposal would not detract from the building and the character and appearance of the wider area and as such complies with Policies BE13 and BE28 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

states that planning permission will not normally be granted for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally, because of:

- "(i) The siting or appearance;
- (ii) The storage or display of vehicles, goods, equipment or other merchandise;
- (iii) Traffic generation and congestion;
- (iv) Noise and vibration or the emission of dust, smell or other pollutants, unless sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable."

Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact is mitigated within the acceptable levels by engineering, lay-out or administrative measures.

The restaurant will operate seven days per week. The nearest residential unit is 33m away to the rear and as such, it is considered that there would be no adverse impact on any residential dwellings. Conditions restricting the noise from the flue as well as conditions concerning noise, anti-vibration, odour abatement relating to the flue are proposed.

7.09 Living conditions for future occupiers

Not applicable to this proposal.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy AM2 and AM7 states that all proposals for development will be assessed against their contribution to traffic generation and their impact on congestion and the present and potential availability of public transport and its capacity to meet increased demand.

Given the site's location in a town centre, it is considered the change of use would not affect the current parking provision. The use would not generate additional parking demand over and above the previous use. The Highways Officer has confirmed that they do not have significant highway concerns over the proposed change of use. As such the proposal would comply with the requirements of 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 proposal.

7.12 Disabled access

The building at present is accessible to wheelchair users and the submitted plans indicate that the front entrance would have level access.

7.13 Provision of affordable & special needs housing

Not applicable to this proposal.

7.14 Trees, Landscaping and Ecology

Not applicable to this proposal.

7.15 Sustainable waste management

Not applicable to this proposal.

7.16 Renewable energy / Sustainability

Not applicable to this proposal.

7.17 Flooding or Drainage Issues

Not applicable to this proposal.

7.18 Noise or Air Quality Issues

Not applicable to this proposal.

7.19 Comments on Public Consultations

None.

7.20 Planning Obligations

Not applicable to this proposal.

7.21 Expediency of enforcement action

Not applicable to this proposal.

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

10. CONCLUSION

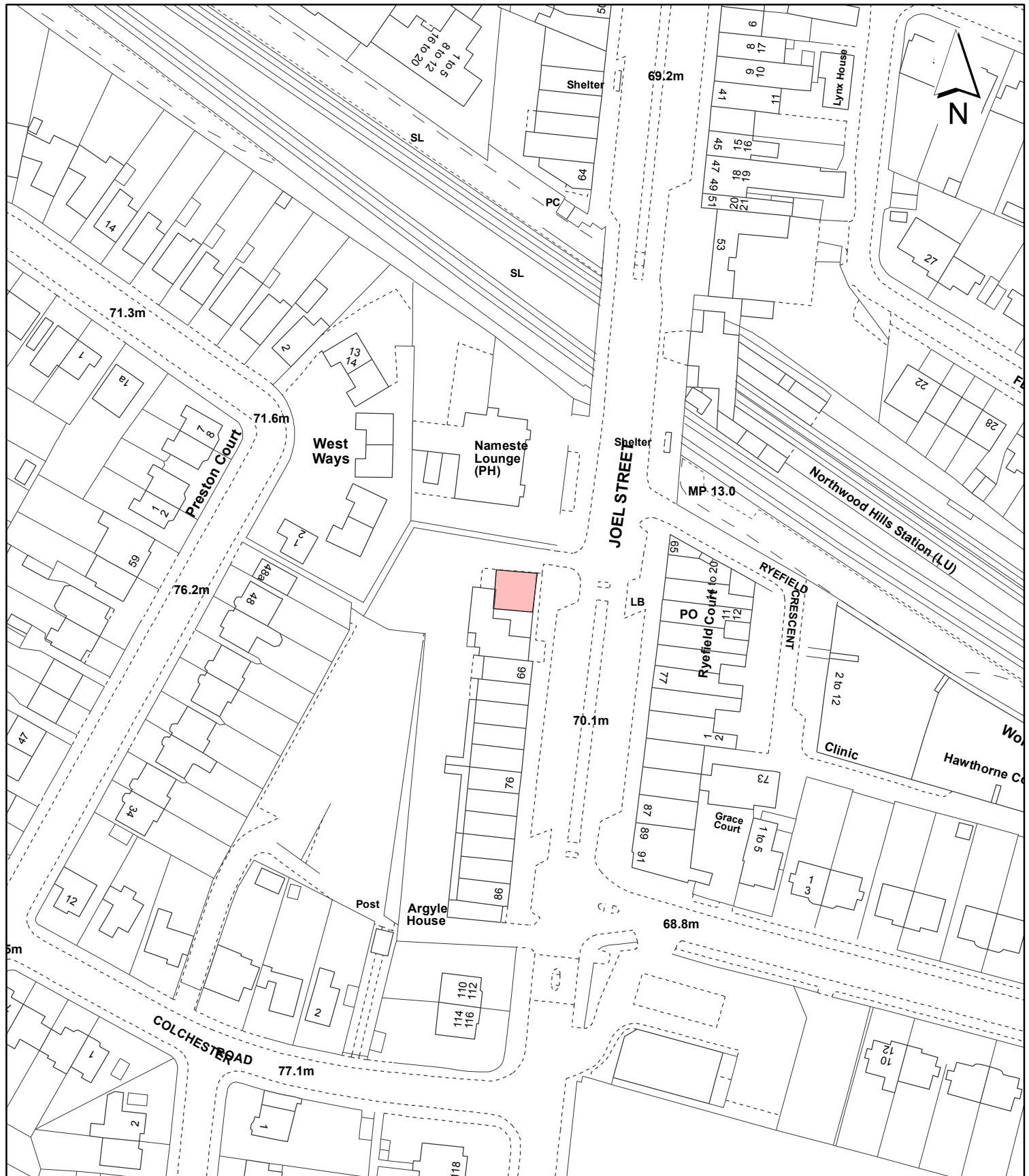
There is no objection in principle to the scheme. The change of use is not considered to result in an adverse impact upon highway safety or parking and would not detract from the residential amenities of nearby properties, in accordance with Policy S6 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2.
The London Plan (2016).
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Liz Arnold

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.

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Site Address:

Argyle House

Planning Application Ref:

500/APP/2018/223

Planning Committee:

North

Scale:

1:1,250

Date:

April 2018

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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



HILLINGDON
LONDON