

Report of the Head of Planning, Transportation and Regeneration

Address 197 FIELD END ROAD EASTCOTE PINNER
Development: Alterations to shopfront, shelter over side extension and associated works
LBH Ref Nos: 22149/APP/2018/2258
Drawing Nos: Location Plan
Melissa market
Design & Access Statement
SE/1464-01/P A
SE1464-03/P A
SE1464-02 A
SE1464-05/P B
SE1464-04 B

Date Plans Received: 18/06/2018 **Date(s) of Amendment(s):** 18/06/2018
Date Application Valid: 18/06/2018

1. SUMMARY

The application seeks planning permission for alterations to the shopfront relocating the main entrance and a side extension providing a display area, bin store and covered entrance to the existing storage area.

The propose alterations to the existing shop front would be an enhancement from the existing. The proposed extension is not considered to detrimentally impact on the character of the existing building, the adjoining locally listed terrace or the wider street scene, including the Morford Way Conservation Area. Furthermore the proposal would not impact on the amenity of the adjoining neighbours. However the proposals would be detrimental to highway and pedestrian safety and as such the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed scheme fails to demonstrate that it would not be detrimental to highway and pedestrian safety. As such the application is contrary to policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy 6.3 of the London Plan (2016).

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 (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.

2 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE 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.

AM7	Consideration of traffic generated by proposed developments.
BE4	New development within or on the fringes of conservation areas
BE10	Proposals detrimental to the setting of a listed building
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.
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.
BE26	Town centres - design, layout and landscaping of new buildings
BE27	Advertisements requiring express consent - size, design and location
BE28	Shop fronts - design and materials
LPP 2.15	(2016) Town Centres
LPP 4.7	(2016) Retail and town centre development
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

4 I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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 Field End Road and North View. The subject property is a ground floor A1 retail unit which forms part of a busy shopping parade, with residential above. To the east North View is entirely residential. The adjoining terrace is locally listed.

The application site lies within Eastcote Town Centre and Primary Shopping Area. It is also within the 'Developed Area' and adjacent to the Morford Way Conservation Area as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

3.2 Proposed Scheme

The proposal is for alterations to the shopfront and a side extension providing a display area and bin store.

3.3 Relevant Planning History

22149/APP/2017/2101 197 Field End Road Eastcote Pinner
Installation of roller shutter.

Decision: 23-08-2017 Refused

Comment on Relevant Planning History

22149/APP/2017/2101 - Installation of a roller shutter (refused)

The previous submission was refused on the basis that it would be detrimental to the fabric of the building and the wider street scene, its size, bulk, design and palette of colours neither preserve nor enhance this prominent corner plot adjacent to the Morford Way Conservation Area.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

BE4 New development within or on the fringes of conservation areas

BE10 Proposals detrimental to the setting of a listed building

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.
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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Four neighbours and the Eastcote Residents Association were consulted for a period of 21 days expiring on the 18 July 2018 and a site notice was erected on the lamp post to the front. There were 17 responses, raising the following issues:

- The colour scheme is a vast improvement
- The congestion caused by the storage facility along the side of the shop is already a problem
- The new design allows shopping from the side, which will increase the amount of people on a narrow section of pavement, close to the well used crossing
- Out of keeping with the area
- The extension would obstruct the view for drivers exiting the lane to the rear, which is already tight and difficult to access given the close proximity to the traffic lights
- Detrimental to the safety of users of the lane. There is no public footpath on this lane and no provision for the protection of the public that wish to use the rear entrance
- Would suggest the Highway Authority seriously consider one way traffic on this lane
- The bins are constantly overflowing and attracting rats
- The shutters are constantly open from 7am - 11pm so its effectively a market stall
- The food sold will be extremely unhygienic as its coated in the fumes of the cars as its exposed at a busy junction
- The vertical signage above is totally over the top
- The photo of how the shop will look is different to the plans
- Deliveries to this shop at the moment block the service road and delivery vehicles park outside on the double yellow lines during the day
- The Highways Officer's comments on the previous submission are just as pertinent to this proposal
- An enclosed area, accessed by a shutter that hides the bins from view would be welcomed, particularly given their proximity to the start of residential housing in North View. However, this needs

investigation as to whether the 3 bins shown can be accommodated, as access would have to be from the footpath and, in front of the left bin, immediately abutting the site edge, there is a green telecoms type box, taking up space on the footpath

- The shutters also need to remain down except when the bins are being used. The fact that all the shutters on the original side elevation were left open all day*, has been a major source of complaints. Anything from produce, through to cardboard boxes and other rubbish, overflows onto the pavement

- Trolleys are not of themselves a planning issue, but even though there is already a designated place for trolleys within the site, they are frequently left discarded on the pavement - the applicant's own photo actually shows one which, if left in this position now, could fall into the road, as all the roadside railings shown in the photo have been removed as part of the Eastcote Town Centre Improvements Scheme

- In the previous application the enclosed shuttered area on North View was considered detrimental to the street scene. If these views are upheld this time, it is assumed that the entire North View structure will not be allowed

- The vertical 'Melissa' sign is inappropriate

- The use of Ral Colour 6005 is dark green and not entirely representative as shown on the photo or elevation drawing

- Is the land to the side theirs to build on

- The applicant has failed to show the true change of location of the front entrance, which previous to the recent alterations (made without planning permission) was located adjacent to no. 195

Eastcote Village Conservation Panel - The unauthorized extensions to this shop have caused a great deal of local anguish.

This current application is still not suitable. The use of this enlarged area is stated in the Design & Access statement as being for the storage of refuse/recycling, trolleys and storage. However, the submitted site photo shows a trolley being left against the railings, with most of the proposed area being used to serve goods. It does not show a trolley store nor do any of the drawings.

It must be noted that the railings are no longer in place around this junction. This means trolleys will be likely to slide into the road therefore causing a hazard to both motorists and pedestrians. This is a very busy junction, used by many pedestrians, en route to the Underground Station and Newnham School, to have goods being displayed and sold onto the footpath of North View is totally unacceptable. Customers and staff using this display will block the footpath for other pedestrians, which will cause passersby to step into the road. Buggies and wheelchairs will not have freedom of movement along this footpath. Selling goods directly onto a narrow footpath is not acceptable.

The side fascia panel is longer than the window and should be shortened to bring it in line with the end of the window. The current arrangement looks unbalanced. The large sign 'Melissa' replacing an advertisement for Nagle Flooring is over dominant.

We ask that this application be refused

Internal Consultees

Access Officer - In assessing this application, reference has been made to London Plan policy 2.15 (Town Centres). To this end, this development opportunity should be maximised to make the main entrance accessible to wheelchair users by either removing the existing step and ramping internally. The new entrance door should provide a minimum clear opening width of 1000 mm. It is strongly recommended that consideration be given to the use of an automatic opening door device. Entrance doors should provide a minimum clear opening of 1000mm for a single leaf door, or 1800mm for a double doorset. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the

structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people. Should the applicant consider that to provide wheelchair access would be unreasonable for whatever reason, they should submit a statement setting out their reasons and what measures they will take as an alternative to deliver an equitable service to customers who cannot gain physical access to the premises. Conclusion: revised plans should be requested.

Conservation and Urban Design - The current shop is rather brightly coloured and ad hoc signage. The proposal to use a smart dark green and unify the overall design should be an enhancement. The new entrance will have no impact on any of the heritage assets as it is to the rear.

Where there are some concerns are with the extension of the side addition. This is currently a clearly ancillary flat roofed small projection. What is proposed will double this in length and have a new pitched slate roof along its length. This will appear far more like a substantial side extension than currently. If this is approved there should be a material condition stating that the roof covering should be a clay tile to match those of the existing building and not slate.

Despite reservations laid out above about the side extension, I do not consider that it will harm the interest of 177-195 Field End Road next door or Champers Wine Bar opposite or for that matter the setting of the Eastcote (Mumford Way) Conservation Area.

Highways Officer - The premises are located on the corner of Field End Road and North View in Ruislip which is signalised. The location displays a heavy pedestrian footfall linked mostly to local shopping patrons. The adjacent footpath in North View is relatively constrained with a width of less than 2m. The element of the proposal that suggests an undercover refuse/recycling storage area with trolley space located on the flank of the building, which is situated on the North View aspect, raises significant concern.

This is because any associated activity linked with the removal and return of shopping trolleys and refuse/recycling bins would create conflict with pedestrian users who would be obstructed by such activities. As no pedestrian guardrail is present at this location, there is a high probability that displaced pedestrians would be forced to enter the carriageway to the detriment of their own personal safety. It is therefore considered that the proposal is potentially prejudicial to pedestrian free-flow movement and safety on this stretch of footway.

It is noted that planning enforcement action is proposed with regard to removing the roller shutters which are currently in place on the frontage and side elevation and which have been proposed to cover the refuse/recycling and trolley provisions.

Secondly it is noted that a new rear entrance is also proposed which would open directly onto the rear service road which is devoid of a footpath. As a result, users of the entrance would be exposed to vehicles turning into and out of the service road from North View. This again would be considered prejudicial to pedestrian safety.

Conclusion

The application has been reviewed by the Highway Authority who are concerned that the proposal would be prejudicial to pedestrian movement thereby raising highway safety related concerns, contrary to policy AM7 of the Development Plan (2012) and policy 6.3 of the London Plan (2016). A refusal on the above grounds is therefore recommended.

Officer response: Revised plans have been submitted, which remove the rear access. However this does not overcome all of the above Highway concerns.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site comprises an A1 retail use with an existing side extension. The proposal will retain the existing A1 use and include a side extension to the premises and a new shop front, relocating the entrance doors. Therefore having regard to this the Council would not have an 'in principle' objection to the proposed development, subject to an application demonstrating compliance with all relevant Development Plan policies.

7.02 Density of the proposed development

Not relevant to this proposal.

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

The building itself is not situated within a Conservation Area or is a Listed Building. However it does adjoin a Locally Listed Building and is situated approximately 15.6m to the south east of the Morford Way Conservation Area. The significance of and implications to these heritage assets are considered within the impact on the character and appearance of the area.

7.04 Airport safeguarding

Not relevant to this proposal.

7.05 Impact on the green belt

Not relevant 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. Policy BE4 requires new developments within Conservation Areas to preserve or enhance the character and appearance of the Conservation Area.

Section 5.6 of the SPD: Shopfronts and Signage, states the Council will look for the use of traditional design features, such as; stall risers; several smaller panes of glass, instead of one large sheet of glass and more traditional types of window; vertical subdivisions at ground floor level below the fascia area, which would appropriately relate to the street and to the building above.

The proposed development is located to the south east of the Morford Way Conservation Area and adjoins a locally listed terrace. The proposed alterations to the front of the building would relocate the doorway from the elevation fronting Field End Road to the chamfered edge fronting the centre of the road junction. The shop front elevations fronting Field End Road and North View would be glazed and retain the open character of the existing building. To the side of the premises the existing extension (1.5m in depth and 10.1m in width), currently used for storage, with an open bin store to the side would be replaced with a single storey extension of the same depth and 18.8m in width with a pitched roof of 3.3m in height, providing a new display area, an enclosed bin store and a covered entrance to the rear internal storage area.

The Conservation Officer has advised that the current shop is rather brightly coloured and ad hoc signage. The new entrance with a smart dark green shopfront will be an enhancement to the existing and will have no impact on any of the heritage assets nearby. Where there are some concerns are with the extension of the side addition. This is currently a clearly ancillary flat roofed small projection. What is proposed will increase its length and have a new pitched slate roof. This will appear far more like a substantial side

extension than the existing. Despite reservations about the side extension. However any approval will require the proposed slate roof to be replaced with a clay tile to match the existing building. This could be conditioned.

As such in terms of appearance the proposed alterations and additions would not be detrimental to the visual amenities of the street scene and the adjacent Conservation Area. Therefore the proposal would comply with Policies BE4, BE10, BE13 and BE19 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 uses that become detrimental to the amenity of the adjoining occupiers or surrounding area will not be approved.

This is an existing retail unit located within the Eastcote Town Centre and Primary Shopping Area and forms part of a terrace of commercial premises at ground floor and residential above. The proposal would retain the A1 retail use as existing and as such it is not considered that the proposed alterations to the shopfront would adversely affect the amenities of the residential properties above through loss of light, outlook or visual intrusion or loss of privacy. The proposal is therefore considered to comply with Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not relevant to this proposal.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The premises are located on the corner of Field End Road and North View in Ruislip which is signalised. The location displays a heavy pedestrian footfall linked mostly to local shopping patrons. The Highways Officer raised concerns with regard to the refuse/recycling storage area with trolley space located on the flank of the building, which is situated on the North View aspect. This is because any associated activity linked with the removal and return of shopping trolleys and refuse/recycling bins would create conflict with pedestrian users who would be obstructed by such activities. As no pedestrian guardrail is present at this location, there is a high probability that displaced pedestrians would be forced to enter the carriageway to the detriment of their own personal safety.

The proposal has been revised to remove the trolley store from this area, although the bin store will remain, furthermore a sales area is proposed.

The first 10.1m of the side extension would replace the existing extension, which at the time of the officer site visit appears to be used for additional storage. Concerns have been raised over the conflict of customers and staff using this display and blocking the footpath for other pedestrians, which will cause passersby to step into the road. Buggies and wheelchairs will not have freedom of movement along this footpath. It is therefore considered that the proposal would be detrimental to highway safety and would contrary to Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy 6.3 of the London Plan (2016).

7.11 Urban design, access and security

Not relevant to this proposal.

7.12 Disabled access

The Access Officer has advised that this development opportunity should be maximised to make the main entrance accessible to wheelchair users by removing the existing step and ramping internally. The new entrance door should provide a minimum clear opening width

of 1000 mm. It is strongly recommended that consideration be given to the use of an automatic opening door device. Entrance doors should provide a minimum clear opening of 1000mm for a single leaf door. Should the applicant consider that to provide wheelchair access would be unreasonable for whatever reason, they should submit a statement setting out their reasons and what measures they will take as an alternative to deliver an equitable service to customers who cannot gain physical access to the premises.

It is noted that the plans indicate a level access from the relocated single doorway, which is 1m in width. The proposal would therefore comply with the requirements as stipulated above.

7.13 Provision of affordable & special needs housing

Not relevant to this proposal.

7.14 Trees, Landscaping and Ecology

Not relevant to this proposal.

7.15 Sustainable waste management

Not relevant to this proposal.

7.16 Renewable energy / Sustainability

Not relevant to this proposal.

7.17 Flooding or Drainage Issues

Not relevant to this proposal.

7.18 Noise or Air Quality Issues

Not relevant to this proposal.

7.19 Comments on Public Consultations

Revised plans were submitted to clearly demonstrate the actual proposal and address any ambiguity. Issues relating to rats and unhygienic conditions should be reported to the Council's Environmental Health Department. Any consent for replacement adverts would need to be submitted separately. All other issues are addressed appropriately within the main body of the report.

7.20 Planning Obligations

Not relevant to this proposal.

7.21 Expediency of enforcement action

Not relevant 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

The propose alterations to the existing shop front would be an enhancement from the existing. The proposed extension is not considered to detrimentally impact on the character of the existing building, the adjoining locally listed terrace or the wider street scene, including the Morford Way Conservation Area. Furthermore the proposal would not impact on the amenity of the adjoining neighbours. However the proposals would be detrimental to highway and pedestrian safety and as such would contrary to Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy 6.3 of the London

Plan (2016).

The application is therefore recommended for refusal.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).

Hillingdon Local Plan Part 2.

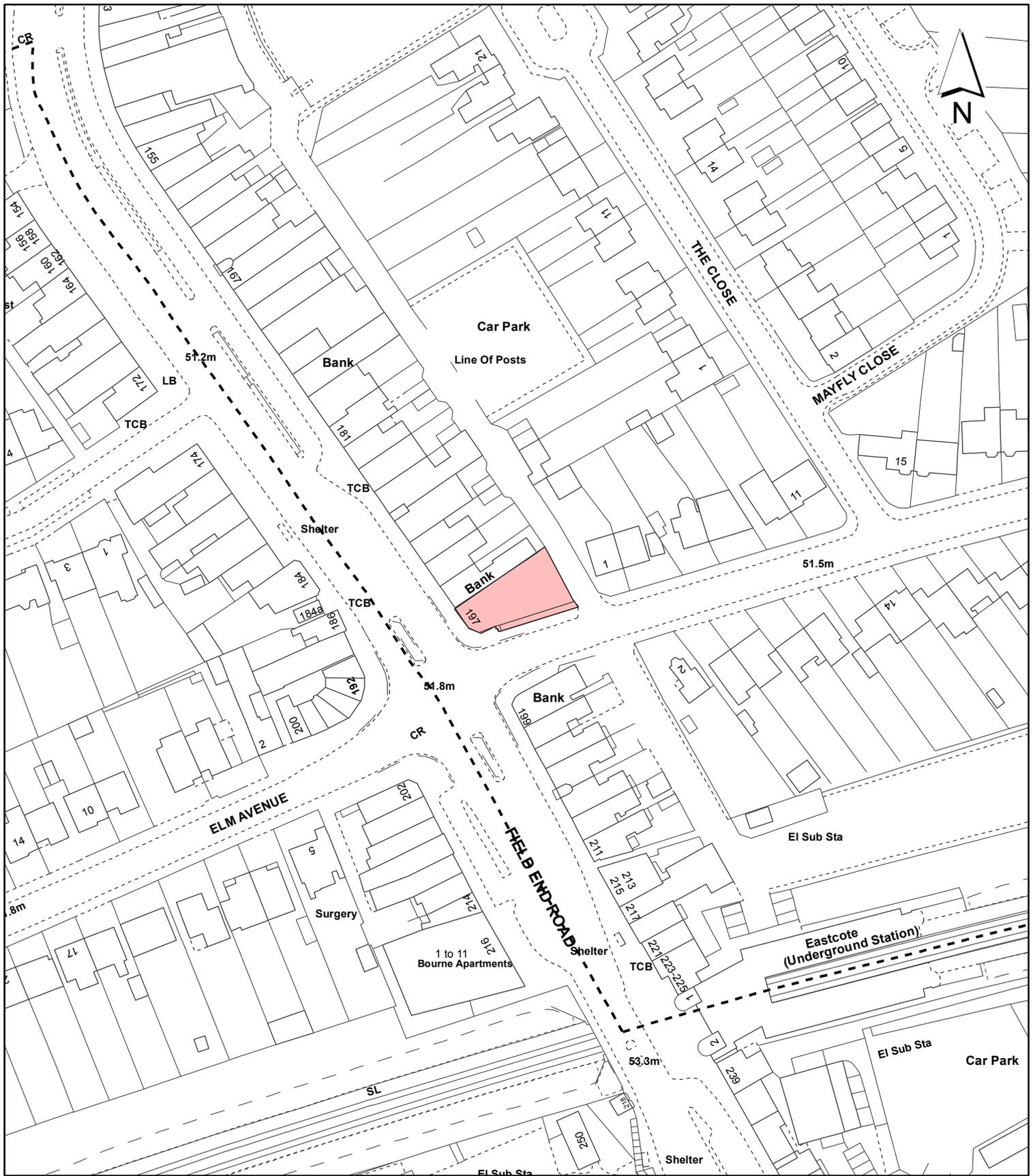
The London Plan (2016).

Supplementary Planning Document 'Accessible Hillingdon'.

National Planning Policy Framework.

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Notes:

 Site boundary

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Site Address:

**197 Field End Road
 Eastcote
 Pinner**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:

22149/APP/2018/2258

Scale:

1:1,250

Planning Committee:

North

Date:

December 2018



HILLINGDON
 LONDON