

## Report of the Head of Planning, Transportation and Regeneration

**Address** 53-55 THE BROADWAY JOEL STREET NORTHWOOD

**Development:** Proposed new shopfront, ramp and 4 x cycle stands

**LBH Ref Nos:** 5564/APP/2019/2892

**Drawing Nos:** 6136[L]010  
Cover Letter (Dated 29 August 2019)  
6136[P]101 Rev. B  
6136[P]200 Rev. A

**Date Plans Received:** 29/08/2019 **Date(s) of Amendment(s):** 29/08/2019

**Date Application Valid:** 29/08/2019

### 1. SUMMARY

This application seeks permission for a proposed new shopfront, access ramp and four cycle stands. The proposal is considered acceptable in principle and with regard to its impact on the street scene, neighbours, the local highway network, landscaping and access. Subject to conditions and a Section 106 securing a Stopping-Up Order, this application is recommended for approval.

### 2. RECOMMENDATION

**1. That delegated powers be given to the Head of Planning, Transportation and Regeneration to grant planning permission subject to:**

**A. That the application be referred to the Mayor under Article 5 of the Town and Country Planning (Mayor of London) Order 2008.**

**B. That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:**

**i) Highway Stopping-Up Order**

**C. That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and/or 278 Agreements and any abortive work as a result of the agreement not being completed.**

**D. That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.**

**E. If the Legal Agreements have not been finalised by 20th May 2020 (or such other timeframe as may be agreed by the Head of Planning, Transportation and Regeneration), delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse planning permission for the following reason:**

**'The applicant has failed to agree to a Stopping-Up Order which is required in**

**order to relinquish highway land. As such, there is inadequate space to facilitate the proposed development, prohibiting the provision of safe, secure and convenient access for cyclists and pedestrians, contrary to Policy R17 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policies DMT 2 and DMT 5 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).'**

**F. That if the application is approved, the following conditions be attached:**

**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 6136[L]010, 6136[P]101 Rev. B and 6136[P]200 Rev. A 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 COM9 Landscaping (car parking & refuse/cycle storage)**

Prior to the relevant part of the works commencing, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Hard Landscaping
  - 1.a Cycle Storage
  - 1.b Means of enclosure/boundary treatments
  - 1.c Hard Surfacing Materials
  - 1.d External Lighting
  - 1.e Other structures

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13 and BE38 Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 11 and DMHB 14 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

**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**            153            **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.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMHB 11	Design of New Development
DMHB 13	Shopfronts
DMHB 14	Trees and Landscaping
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMTC 4	Amenity and Town Centre Uses
LPP 7.2	(2016) An inclusive environment
OE1	Protection of the character and amenities of surrounding properties and the local area

## **3**

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

## 4 172 Section 106 Agreement

You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is located on the east side of The Broadway, Joel Street, immediately to the north of Northwood Hills Tube Station. A mainly residential street, Ferndown, runs along the back of the Broadway parade. The site consists of a mid 1980's red brick three storey building with basement/lower ground level. The vacant William Jolle Public House occupies the ground level from Joel Street, which is listed as an ACV until October 2020, although this has been granted planning permission for the subdivision and change of use to a Retail Shop (Use Class A1) and smaller Drinks Establishment (Use Class A4). The first and second floors are used for a 24 hour gym (Use Class D2). The upper floors are not affected by the ACV designation.

There are significant differences in ground levels between the front and rear of the site with Ferndown approximately 3m lower than Joel Street. The site includes undercroft parking at lower ground floor level with more parking to the rear of the main building with access from Ferndown. The existing building is neither listed nor located within a conservation area. The site has a Public Transport Accessibility Level (PTAL) of 3 (Moderate) and located in an area with a number of parking restrictions.

The site is located within the Northwood Hills Town Centre and is a designated Secondary Shopping Area. The Broadway is characterised by mainly three-storey terrace properties with commercial/retail at ground floor level. Ferndown to the rear of the site is much more residential in nature and comprises mainly two-storey semi detached and terrace residential properties. To the south, the Metropolitan line abuts the site and beyond, there are three and four-storey mixed use buildings on Joel Street, but the streets that branch off either side of the main road are characterised by mainly two-storey residential properties.

#### 3.2 Proposed Scheme

This application seeks permission for a proposed new shopfront, access ramp and four cycle stands. The proposed shopfront would comprise double glazed windows with entrance and exit doors in grey (RAL 7043) frames. The proposed access ramp is proposed at 1:15 and would utilise grey (RAL 7043) metal balustrade.

#### 3.3 Relevant Planning History

5564/ADV/2019/42 53-55 The Broadway Joel Street Northwood

Installation of 1 internally illuminated fascia sign, 1 internally illuminated hanging sign and 1 non illuminated wall sign

**Decision:** 16-09-2019 Approved

5564/APP/2019/675 53-55 The Broadway Joel Street Northwood

Subdivision and part change of use of existing Drinks Establishment (Use Class A4) to create a Retail Shop (Use Class A1) with retention of existing Public House and associated alterations to

shopfront.

**Decision:** 21-08-2019    Approved

#### **Comment on Relevant Planning History**

The current application relates to a premises recently granted planning permission for its retail use and advertisement signage.

#### **4. Planning Policies and Standards**

Local Plan Part 2 Update March 2019

The LPP2 remains at the examination stage with the aim to adopt the Plan in early autumn 2019.

The Council received a Post Hearing Advice Note from the Planning Inspector in November 2018 advising the Council that it was a Plan capable of being found sound subject to main modifications.

The Inspector (and our Cabinet Member) has now agreed the Proposed Main Modifications to the LPP2 and these are now subject to a six week period of public consultation from 27 March to 8 May 2019.

Weight to be afforded to the LPP2

The following updated wording should now be included in officer reports until the 8 May 2019 when a further update will be provided:

Draft Local Plan Part 2

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework,

the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

AM14	New development and car parking standards.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMHB 11	Design of New Development
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DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMTC 4	Amenity and Town Centre Uses
LPP 7.2	(2016) An inclusive environment
OE1	Protection of the character and amenities of surrounding properties and the local

area

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **11th October 2019**

**5.2** Site Notice Expiry Date:- **21st October 2019**

## **6. Consultations**

### **External Consultees**

A site notice was erected and letters were sent to neighbouring properties. All consultations expired on the 21/09/2019. No comments were received from members of the public.

### **Internal Consultees**

#### **TREES AND LANDSCAPING OFFICER:**

This site is occupied by a three-storey block with shop fronts at ground level. Situated on the east side of Joel Street and immediately to the north Northwood Hills station, the footway outside the building slopes (as the road bridges over the railway). There are street trees in the area but none which will conflict with the proposal.

#### **COMMENT**

No trees will be affected by the proposal. The proposed scheme includes new steps and a ramped access to the building. The ramp access ratio is 1:15, but relatively short. - You may wish to consult Ali as to whether this is acceptable? At the upper level, two bike stands have been provided.

#### **RECOMMENDATION**

No objection subject condition COM9 (parts 2 and 6), - and Ali approving the details of the ramp.

#### **ACCESS OFFICER:**

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the proposal. However, the following informative should be attached to any grant of planning permission:

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 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.

#### **CASE OFFICER COMMENT:**

The applicant submitted a revised floor plan for the installation of 4 cycle stands, as opposed to the 2 cycle stands originally proposed.

#### **ACCESS OFFICER FOLLOW-UP:**

There is no problem with the length of the ramp as it is under 5 m and shows a gradient of 1:15.

However, the width is too narrow. It measures just over 900 mm wide, and we should not accept anything under 1.2 m.

**CASE OFFICER COMMENT:**

The applicant submitted a revised plan in accordance with the Access Officer's comments.

**ACCESS OFFICER FOLLOW-UP:**

This is now acceptable.

**HIGHWAYS OFFICER:**

**Site Characteristics & Background**

The site is located on Joel Street and is placed within the local district shopping centre in Northwood. The proposal is a consequence of the subdivision and partial change of use of the existing building to form a new retail unit was approved at Planning Committee in August 2019 (Ref. 5564/APP/2019/675). The application now submitted comprises external works to the site frontage and new secure doors at lower ground level.

In addition, 4 cycle stands (although 6 indicated) are proposed and appear to be broadly pursuant to condition 5 of the aforementioned consent which requires 5 secure and accessible spaces to be provided for the A1 use class retail unit.

**Ramp and Cycle Stand Provision**

The principle of ramp provision conforms with the 1995 Disability Discrimination Act (DDA) (now replaced by the Equality Act 2010) and the provision of 4 cycle stands is considered fit for purpose.

The above provisions are to be placed within the recessed area of the address frontage which has previously been utilised as a customer seating area for the 'once active' drinks establishment. This included a 'tables and chairs' arrangement with an established low perimeter brick wall with planting defining the area. Photographic records indicate that this arrangement has been in place since at least 2008 and up to the cessation of A4 use in 2016.

However it would appear that the land in question is Council adopted public highway and it is unclear at this stage as to what permissions were afforded to the address over the past decade and beyond allowing the seating arrangement and walling to be built. This aspect requires clarification and unless demonstrated evidence is presented which formally legitimises use of the said Council land in perpetuity, the following paragraph prescribes the process required to regularise the situation.

**Highway 'Stopping-Up'**

In order to legitimately facilitate the provision of the ramp and cycle facilities, the area of land directly fronting the retail unit should be subject of a highway 'stopping up' process under section 247 of the Town & Country Planning Act 1990 which relates to relinquishing highway land in order to enable development. This involves a pre-requisite statutory notification legal process whereby comment from the public (and other interested parties) is invited in order to determine whether any notable/sustainable objection(s) exist to the proposed loss of adopted public highway which the Council would consider to be surplus to requirements. This process would be secured via legal agreement commencing post planning permission and financed in full by the applicant.

There are no further observations.



## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The principle of the proposed new shopfront, ramp and cycle stands is considered acceptable, subject to other material planning considerations. The area of the land proposed to be developed is also Council adopted public highway which requires a highway 'stopping up' process under section 247 of the Town & Country Planning Act 1990 which relates to relinquishing highway land in order to enable development.

### **7.02 Density of the proposed development**

Not applicable to the consideration of this application.

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

Not applicable to the consideration of this application.

### **7.04 Airport safeguarding**

Not applicable to the consideration of this application.

### **7.05 Impact on the green belt**

Not applicable to the consideration of this application.

### **7.07 Impact on the character & appearance of the area**

Policy BE13 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the Local Planning Authority considers it desirable to retain or enhance.

Policy BE15 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that proposals for alterations and extensions to existing buildings will be permitted where they harmonise with the scale, form, architectural composition and proportions of the original building.

Policy DMHB 11 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states that: A) All development, including alterations, will be required to be designed to the highest standards and, incorporate principles of good design.

Policy DMHB 13 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states that:

A) New shopfronts and alterations to existing shopfronts should complement the original design, proportions, materials and detailing of the building of which it forms a part and the surrounding street scene.

B) The Council will resist the removal of shopfronts of architectural or historic interest, particularly those listed on the Register of Locally Listed Buildings.

C) New shopfronts must be designed to allow equal access for all users.

D) Inset entrances on shopfronts should be glazed and well-lit to contribute to the attractiveness, safety and vitality of the shopping area and avoid blank frontages to the street.

G) Blinds, canopies and shutters, where acceptable in principle, must be appropriate to the character of the shopfront and its setting. External security grilles will not normally be permitted, unless they are of good quality design.

H) In order to improve and maintain the quality of the public realm, the design of shopfronts should be of a high quality, taking into consideration: i) retention and maintenance of active shopfronts at all times; ii) the relationship between the shopfront and upper floors; iii) the relationship with surrounding shopfronts and buildings; iv) the use of materials which are appropriate to and enhance the character of the local area; and v) the value of existing architectural and historic features.

The proposed shopfront would comprise double glazed windows with entrance and exit doors in grey (RAL 7043) frames. The proposed access ramp is proposed at 1:15 and would utilise grey (RAL 7043) metal balustrade. The four proposed cycle stands would utilise the same colours. This is not considered to compromise the appearance and visual amenities of the existing street scene and would accord with Policies BE13 and BE15 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 11 and DMHB 13 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

#### **7.08 Impact on neighbours**

Policy OE1 of the Hillingdon Local Plan: Part 2 - 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 DMTC 4 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states that proposals for drinking establishments will only be supported provided that they: i) would not result in adverse cumulative impacts due to an unacceptable concentration of such uses in one area; ii) would not cause unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion; and iii) would not detrimentally affect the character or function of an area by virtue of the proposed use or visual impact.

The use of the retail unit has already been agreed under planning permission reference 5564/APP/2019/675. The proposed shopfront, access ramp and cycle stands are not considered to be detrimental to the character or amenities of surrounding properties by virtue of siting or appearance and storage or display of vehicles, goods or equipment. The proposal is no considered contrary to the requirements of Policy OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMTC 4 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

#### **7.09 Living conditions for future occupiers**

Not applicable to the consideration of this application.

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

Policies AM2 and AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. This is supported by Policies DMT 1 and DMT 2 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) will be considered and requires that new development is only permitted where it is in accordance with the Council's adopted car parking standards. This is supported by DMT 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with

Modifications (March 2019).

The proposed changes would not impact on the local highway network or car parking and is not considered contrary to Policy AM2, AM7 and AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policies DMT 1, DMT 2 and DMT 6 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

#### **7.11 Urban design, access and security**

Design considerations are addressed in the 'Impact on Street Scene' section of the report.

#### **7.12 Disabled access**

Policy 7.2 of the London Plan (March 2016) requires that the all new development provides the highest standards of accessible and inclusive design.

As confirmed by the Council's Access Officer, there are no accessibility issues raised by the proposal. As such, it is considered to accord with Policy 7.2 of the London Plan (March 2016).

#### **7.13 Provision of affordable & special needs housing**

Not applicable to the consideration of this application.

#### **7.14 Trees, Landscaping and Ecology**

##### **LANDSCAPING**

Policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that development proposals will be expected to retain and utilise topographical and landscape features of merit and provide new planting and landscaping wherever it is appropriate.

Policy DMHB 11 and DMHB 14 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies (March 2019) also require that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

The proposed development would not impact on any trees. As stated by the Council's Trees and Landscaping Officer, the proposal is considered acceptable, subject to a condition securing further detail. As such, the proposal is considered to accord with Policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policies DMHB 11 and DMHB 14 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies (March 2019).

#### **7.15 Sustainable waste management**

Not applicable to the consideration of this application.

#### **7.16 Renewable energy / Sustainability**

Not applicable to the consideration of this application.

#### **7.17 Flooding or Drainage Issues**

Not applicable to the consideration of this application.

#### **7.18 Noise or Air Quality Issues**

Not applicable to the consideration of this application.

#### **7.19 Comments on Public Consultations**

No comments were received from members of the public.

#### **7.20 Planning Obligations**

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the National Planning Policy Framework (June 2019) have put three tests on the use of planning obligations into law. Planning obligations should be:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable related in scale and kind to the development

Policy R17 of the adopted Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) is concerned with securing planning benefits related to the scale and type of development. The policy is supported by more specific supplementary planning guidance.

The Council's Section 106 Officer has reviewed the proposal, as have other statutory consultees. The comments received indicate the need for the following contributions or planning obligations to mitigate the impact of the development.

i) Highway Stopping-Up Order

#### **7.21 Expediency of enforcement action**

Not applicable to the consideration of this application.

#### **7.22 Other Issues**

##### **HIGHWAY STOPPING-UP**

In order to legitimately facilitate the provision of the ramp and cycle facilities, the area of land directly fronting the retail unit should be subject of a highway 'stopping up' process under section 247 of the Town & Country Planning Act 1990 which relates to relinquishing highway land in order to enable development. If recommended for approval, this process is to be secured via legal agreement.

### **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

## **10. CONCLUSION**

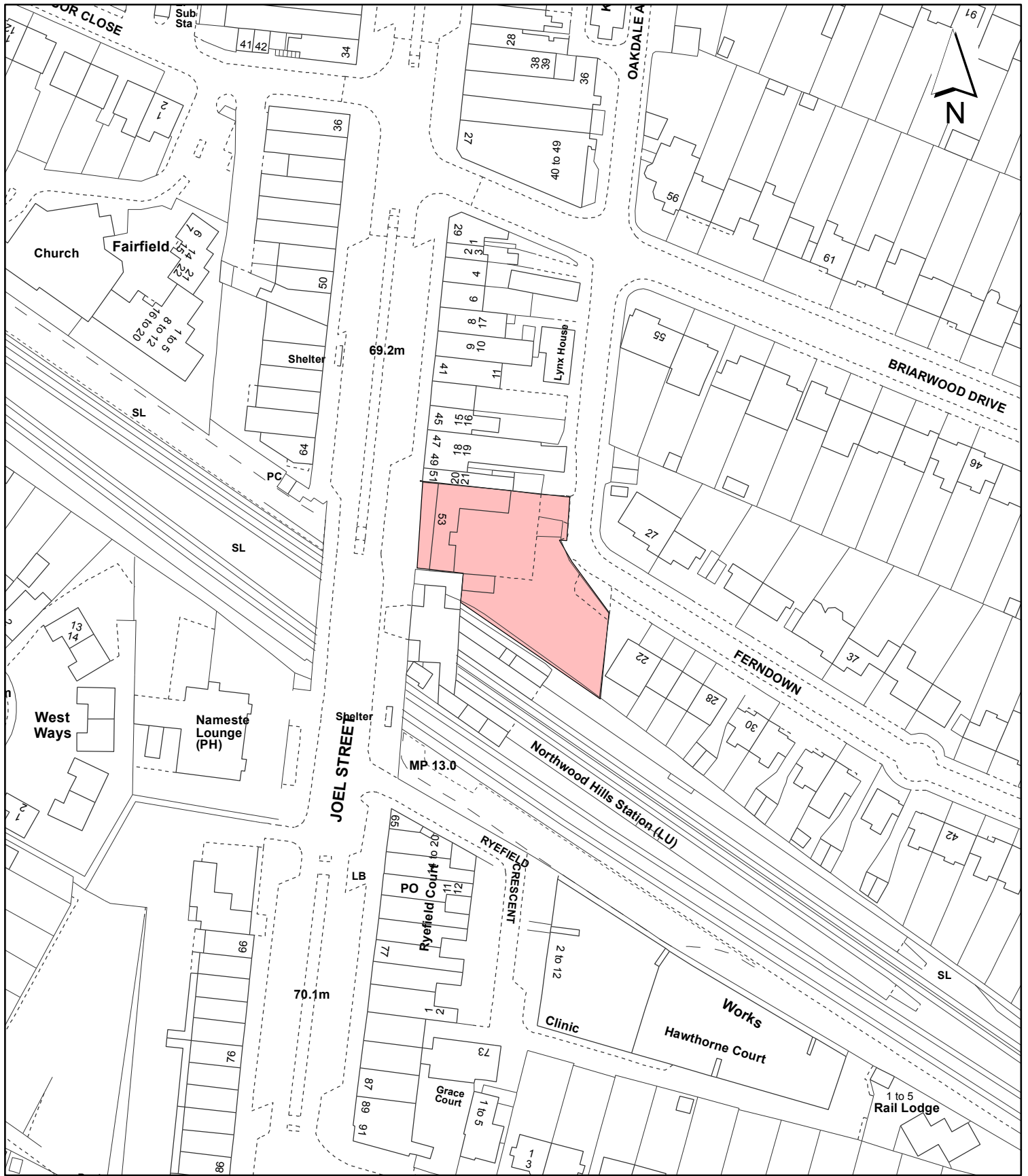
In conclusion, the proposal for a new shopfront, access ramp and four cycle stands is considered acceptable in principle and with regard to its impact on the street scene, neighbours, the local highway network, landscaping and access. Subject to condition and a Section 106 securing a Stopping-Up Order, this application is recommended for approval.

## **11. Reference Documents**

National Planning Policy Framework (February 2019)  
The London Plan (March 2016)  
Greater London Authority's Town Centres Supplementary Planning Guidance (July 2014)  
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)  
Emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019)  
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006)  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (December 2008)  
Planning Obligations Supplementary Planning Document (July 2014)

**Contact Officer:** Michael Briginshaw

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**53 - 55 The Broadway  
 Joel Street  
 Northwood**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

**5564/APP/2019/2892**

Scale:

**1:1,250**

Planning Committee:

**North**

Date:

**November 2019**



**HILLINGDON**  
 LONDON