

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

**Address** 53-55 THE BROADWAY JOEL STREET NORTHWOOD  
**Development:** Replacement of existing entrance doors and sidelight with new shopfront  
**LBH Ref Nos:** 5564/APP/2019/3483  
**Drawing Nos:** NWP-L-02  
Location Plan  
NWP-L-01

**Date Plans Received:** 23/10/2019 **Date(s) of Amendment(s):**

**Date Application Valid:** 23/10/2019

### Reason for Urgency

In order to avoid delay to the re-provision of the public house unit, given the Asset of Community Value designation of the premises.

### 1. SUMMARY

This application seeks permission for the replacement of existing doors and sidelight with a new shopfront for the approved public house unit. The proposal is considered acceptable in principle. Subject to the submission of details pertaining to the proposed lighting, materials and colours, as well as the details demonstrating an accessible lobby, the proposal is considered acceptable. As such, the application is recommended for approval.

### 2. RECOMMENDATION

**This application is recommended for approval, subject to the receipt of any further comments from the public, for which the consultation period is set to expire on 2nd December 2019. Delegated authority is also requested should the applicant wish to submit revisions to the scheme to address Conditions 3 and 4.**

#### 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 NWP-L-01 and NWP-L-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 (2016).

#### 3 NONSC Accessible Shopfront

Notwithstanding the approved plan 'NWP-L-01', prior to installation of relevant works, details of the entrance lobby shall be submitted to and approved by the Local Planning Authority. Details should show that the proposed entrance and lobby swing doors have an unobstructed space of at least 300mm adjacent to the latch side of the door and the distance between the entrance and lobby swing doors should be at least 1570mm.

Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

#### REASON

To ensure that the new shopfront allows equal access for all users, in accordance with the Accessible Hillingdon Supplementary Planning Document (September 2017), Policy R16 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy DMHB 13 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Policy 7.2 of the London Plan (March 2016).

#### **4 COM7 Lighting and Materials**

Prior to the installation of relevant works, details of all the proposed lighting and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 11 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019). Further, this is to ensure

#### **5 ADV7 Type of Illumination**

The proposed downlight illumination is to be by fixed and constant lights and not by lights which are, or appear to be, intermittent, moving, flashing or vibrating.

#### REASON

In order to protect the visual amenity of the area and/or highway safety in accordance with Policy BE27 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 13A 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 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.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
R16	Accessibility for elderly people, people with disabilities, women and children
DMHB 11	Design of New Development
DMHB 13	Shopfronts
DMHB 13A	Advertisements and Shop Signage
LPP 7.2	(2016) An inclusive environment
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

### **3 I70 LBH worked applicant in a positive & proactive (Granting)**

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, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

### **4 I25 Consent for the Display of Adverts and Illuminated Signs**

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).

## **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 the replacement of existing entrance doors and sidelight with a new shopfront for the approved public house unit. The proposed timber shopfront includes new downlights, planters and glass fronted signage reading 'The Three Wishes'. It is noted that this signage requires advertisement consent.

### 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/2016/3908       53-55 The Broadway Joel Street Northwood

Change of use of the 1st and 2nd floors to a 24 hour gym (Class D2).

**Decision:** 20-06-2017    Refused                    **Appeal:** 24-11-2017    Allowed

5564/APP/2018/2088       53-55 The Broadway Joel Street Northwood

Erection of a 2 storey building with accommodation in the roof to provide 4 x 2 bedroom self contained flats with associated car parking, landscaping and installation of a crossover

**Decision:** 16-08-2018    Approved

5564/APP/2018/4100       53-55 The Broadway Joel Street Northwood

Erection of a three storey building incorporating habitable roofspace to provide 1 x studio; 1 x 1 bedroom; 1 x 2 bedroom; and 2 x 3 bedroom units with associated parking and bin and cycle storage, involving alterations to existing crossover

**Decision:** 23-10-2019    Refused

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 subdivision and change of use to a Retail Shop (Use Class A1) and smaller Drinks Establishment (Use Class A4).

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

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Saved UDP Policies (2012)

The London Plan - Consolidated With Alterations (2016)

1.3 The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

### **Emerging Planning Policies**

1.4 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).

### **Draft London Plan (Consolidated with Changes July 2019)**

1.5 The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan.

The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. This Consolidated version remains under examination with a report by the appointed panel of Inspectors due in Autumn 2019.

1.6 The Council's general approach at this stage is to give limited weight to the draft London Plan as a material consideration when deciding planning applications given at this stage of preparation it remains subject to a large number of objections, and could still be subject to significant further change prior to publication.

### **Proposed Submission Local Plan Part 2 with Main Modifications (March 2019)**

1.7 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.

1.8 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.

1.9 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 were published for public consultation from 27 March to 8 May 2019.

1.10 Taking para 48 of the NPPF into account, the Council's general approach to the weight which should be afforded to the draft LPP2 will be as follows:

1.11 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.

1.12 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.

1.13 Finally, 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.

1.14 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:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
R16	Accessibility for elderly people, people with disabilities, women and children
DMHB 11	Design of New Development
DMHB 13	Shopfronts
DMHB 13A	Advertisements and Shop Signage
LPP 7.2	(2016) An inclusive environment
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

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

5.1 Advertisement Expiry Date:- **2nd December 2019**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

Letters have been sent to neighbouring properties and the Northwood Hills Residents Association. All forms of consultation are set to expire on the 02/12/2019. No comments have been received from members of the public.

### Internal Consultees

Highways Officer:

No comment.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

The principle of the replacing the existing doors and sidelight with a new shopfront for the approved public house unit is considered acceptable, subject to other material planning considerations.

### 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 a timber door, panelling and windows alongside new downlights, planters and glass fronted signage reading 'The Three Wishes'. The proposed shopfront design is proportional and balanced and would complement the design of the building as well as the character of the area and street scene. Subject to conditions securing the submission of details pertaining to the shopfront materials and colours proposed, the proposal is considered to 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**

The use of the public house unit has already been approved and established. It is not considered that the proposed shopfront would have a detrimental impact on neighbour amenity.

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

Not applicable to the consideration of this application.

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

Not applicable to the consideration of this application.

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

Please see the 'Impact on the character & appearance of the area' section of the report for design considerations.

#### **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.

Policy R16 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that proposals for facilities open to the public will only be granted if they include adequate provision for accessibility.

Policy DMHB 13 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states: C) New shopfronts must be designed to allow equal access for all users.

The proposed shopfront entrance does not provide at least 300mm of space adjacent to the latch side of the entrance door and fails to provide at least 1570mm of space in



between the entrance and lobby swing doors. This is required by the Accessible Hillingdon Supplementary Planning Document (September 2017). If recommended for approval, this will be secured by condition in order to ensure accordance with Policy R16 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy DMHB 13 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and 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**

Not applicable to the consideration of this application.

**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 received.

**7.20 Planning Obligations**

Not applicable.

**7.21 Expediency of enforcement action**

Not applicable.

**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.

### **10. CONCLUSION**

In conclusion, the proposed replacement of existing doors and sidelight with a new shopfront for the approved public house unit is considered acceptable in principle. Subject to the submission of details pertaining to the proposed lighting, materials and colours, as well as the details demonstrating an accessible lobby, the proposal is considered acceptable. As such, the application is recommended for approval.

### **11. Reference Documents**

National Planning Policy Framework (June 2019)

The London Plan (March 2016)

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

Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)

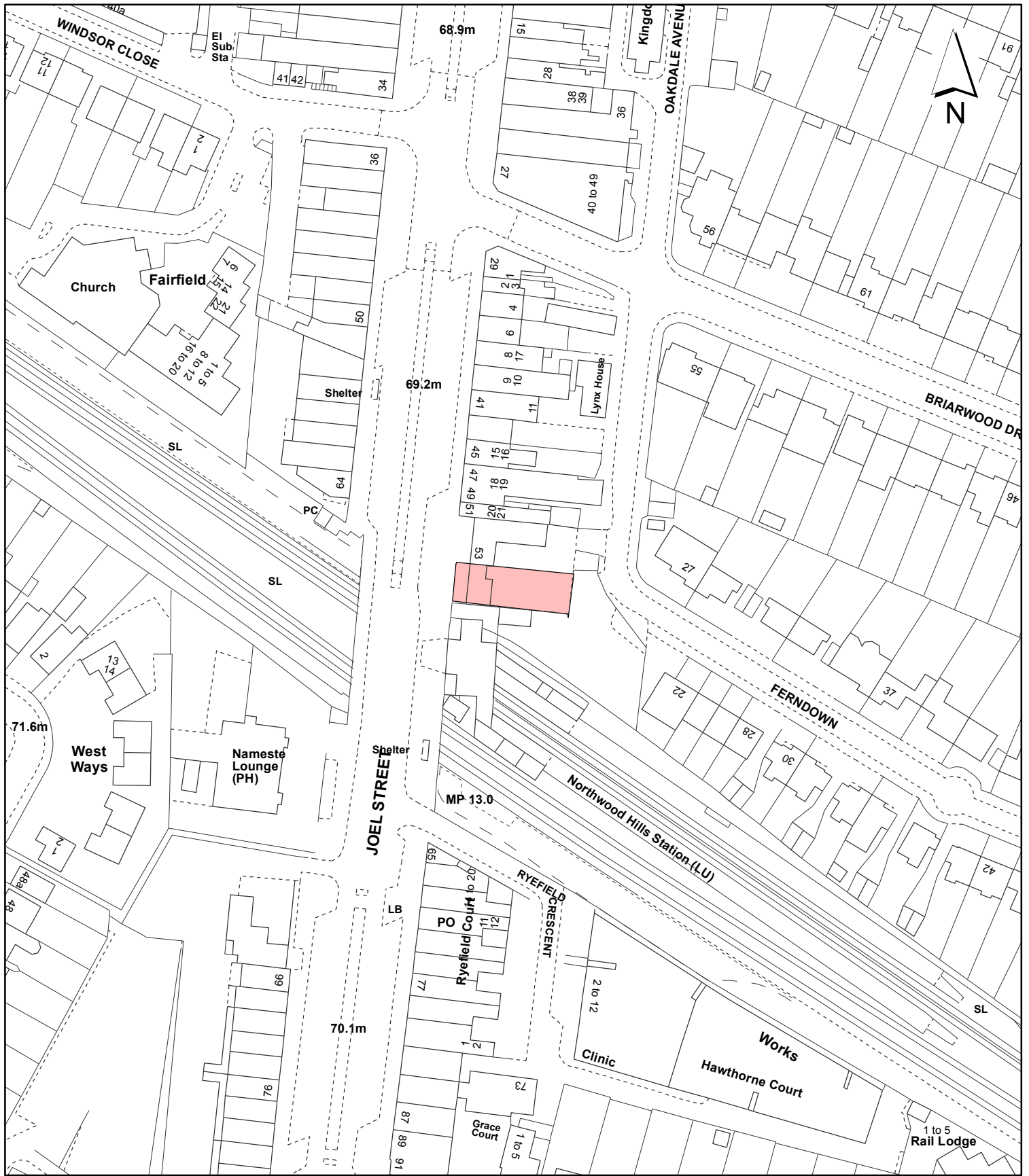
Emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019)

Accessible Hillingdon Supplementary Planning Document (September 2017)

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**

Planning Application Ref:  
**5564/APP/2019/3483**

Planning Committee:  
**North**

Scale:  
**1:1,250**

Date:  
**November 2019**

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

