

## Report of the Head of Planning & Enforcement Services

**Address** 20 JOEL STREET NORTHWOOD

**Development:** Change of use from retail (Class A1) to cafe (Class A3)

**LBH Ref Nos:** 66826/APP/2010/358

**Drawing Nos:** 02  
Design & Access Statement  
01  
Plan 2

**Date Plans Received:** 23/02/2010      **Date(s) of Amendment(s):**

**Date Application Valid:** 18/03/2010

### DEFERRED ON 15th July 2010 .

Members will recall that this application was reported to the Committee meeting of the 15th July 2010. Members at this meeting indicated that they may wish to approve the application and requested a list of possible conditions. These conditions are set out below as is the original report.

1. 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. The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

#### REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3. The premises shall only be used for the preparation or sale of food and drink, between the hours of 08:00 and 23:30. There shall be no staff allowed on the premises outside these hours.

#### REASON

To safeguard the residential amenity of the occupiers and nearby properties, in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

4. The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

#### REASON

To safeguard the amenity of surrounding areas, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the

London Plan (February 2008).

5. Development shall not commence until details of access to building entrances and w.c. facilities (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

**REASON**

To ensure that people with disabilities have adequate access to the development in accordance with Policy R16 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

6. The development shall not begin until a sound insulation scheme for the control of noise transmission to the adjoining dwellings/premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

7. Prior to the commencement of works on site, full details of the provision to be made for the secure and covered storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided on site prior to the premises being brought into use and thereafter maintained.

**REASON**

To ensure satisfactory provision is made for the storage of waste and recycling, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8. No development shall take place until details of the height, position, design and materials of a chimney or extraction vent and any air conditioning equipment to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out until the vent/chimney has been installed in accordance with the approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

**REASON**

In order to safeguard the amenities of adjoining properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9. No chimney or extraction vent and any air conditioning equipment shall be used on the premises until a scheme for the control of noise and vibration emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

## REASON

In order to safeguard the amenities of adjoining properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### 1. SUMMARY

Planning permission is sought for the change of use of the premises from retail to a restaurant/cafe within Use Class A3. It is considered that the proposed change of use will harm the vitality and attractiveness of the Northwood Hills Town Centre as the proposed use would further erode the retail character and function of the shopping centre and would result in an over concentration of non-shop uses within this part of the primary frontage.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed loss of the retail units would further erode the retail function and attractiveness of the primary shopping area of the Northwood Hills Town centre, to the detriment of its vitality and viability. The proposal is therefore contrary to Policy S11 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### 2 NON2 Non Standard reason for refusal

The proposal would result in a concentration of non-retail uses within this part of the primary shopping frontage which would be detrimental to the vitality and viability of the Northwood Hills Shopping Centre. The proposal is therefore contrary to Policy S11 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

## INFORMATIVES

#### 1 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).

#### 2 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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE28	Shop fronts - design and materials
OE1	Protection of the character and amenities of surrounding properties and the local area
S6	Change of use of shops - safeguarding the amenities of shopping

	areas
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
S11	Service uses in Primary Shopping Areas

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application relates to the ground floor of a 3 storey mid terrace property situated on the west side Joel Street, close to its Junction with Pinner Road. The ground floor of the property is currently vacant but formerly comprised a costcutter retail outlet.

The application site lies within the primary shopping centre of the Northwood Hills Town Centre, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### 3.2 Proposed Scheme

The application seeks permission to change the use of the ground floor from retail use within Class A1 of the Town & Country Planning Use Classes Order 1987, as amended, to Restaurant/Cafe within Class A3.

The application involves internal alterations to the layout to create a seated cafe area and counter to the front and toilet facilities and a food preparation area to the rear.

External alterations are also proposed in the form of a new shopfront with a glazed frontage with central double doors and red lettering featuring the name of the cafe on the glass.

Advertisements are also proposed, however an application for advertisement consent has not been submitted and in the event of an approval an informative could be included advising the applicants of the need for advertisement consent.

#### 3.3 Relevant Planning History

##### Comment on Relevant Planning History

None

### 4. Planning Policies and Standards

#### 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
BE19	New development must improve or complement the character of the area.
BE28	Shop fronts - design and materials
OE1	Protection of the character and amenities of surrounding properties and the local area
S6	Change of use of shops - safeguarding the amenities of shopping areas
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
S11	Service uses in Primary Shopping Areas

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

55 neighbouring residents and businesses and the Northwood Hills Residents Association consulted. Three replies received objecting to the proposal on the following grounds:

- i) There are sufficient cafes and restaurants in The Broadway/Joel Street;
- ii) The Broadway needs a variety of viable businesses not more of the same;
- iii) There is a problem with fly tipping and vermin already;
- iv) The proposed cafe is in front of a zebra crossing so there are no facilities for deliveries or customer parking;
- v) Tables and chairs outside will cause problems for the old and disabled.

### Internal Consultees

Waste Strategy:

- a) The plan does not appear to indicate a space for a bulk bin. The intended business is a restaurant/takeaway so I would recommend 1 x 1,100 litre bulk bin to provide sufficient storage capacity for waste arising from this type of business.
- b) An extra bin of the smaller dimensions should be considered to contain dry recyclable waste from the premises.
- c) The surface of the bin storage area should be even and level, with an appropriate coating, for ease of cleaning and washing.
- d) The collectors should not have to cart the bulked bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard). This would be possible if the collection vehicle could access the alleyway leading off Windsor Close or the business presented the bin at an agreed location on collection day.
- e) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20.

Environmental Protection Unit:

No objections subject to conditions relating to operating hours, air extraction systems, control of noise from the site, litter and deliveries.

## **7. MAIN PLANNING ISSUES**

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

Paragraph 8.24 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) defines primary shopping areas as areas which are the focus of retail activity in the centres and are either already generally dominated by retail shops or are areas which the Local Planning Authority considers have prime retail potential. Paragraph 8.26 states that as a guideline, the Council will normally seek to prevent a separation or an increase in the separation of class A1 units of more than approximately 12m which is broadly the width of two typical shop fronts. Class A1 shops should remain the predominant use in primary areas and the Local Planning Authority will expect at least 70% of the frontage to be in class A1 use.

Policy S11 establishes that the change of use from class A1 to non-class A1 uses in primary frontages is acceptable where there remains adequate retail facilities to accord with the character and function of the shopping centre in order to maintain the vitality and viability of the town centre, but that such changes of use should be limited to uses within Classes A2, A3, A4 and A5.

The Council's most recent shopping survey, undertaken in July 2009, shows that retail uses within class A1 within the primary frontage of the Northwood Hills Town Centre is at 51.5%. It is acknowledged that the application unit is vacant. However it is not known whether attempts have been made to let the units as retail units. Notwithstanding this, the application premises have the potential to provide retail uses to maintain the retail character, variety and choice in the town centre. As such, the loss of the application premises would further erode the retail character, vitality and viability of the Northwood Hills Town Centre.

The application unit is flanked by non-retail uses, with No.18 being in use as a mini-cab office (sui generis use) and No.22 being in use as a restaurant. The loss of the application property would result in a 19.5m long break in the retail frontage. On this basis, the proposed change of use would result in an unacceptable concentration of non-retail uses to the detriment of the vitality and viability of the town centre.

Overall, it is considered that the proposed change of use will harm the vitality and attractiveness of Northwood Hills Town Centre as the proposed use would further erode the retail character and function of the shopping centre and would result in an over concentration of non-shop uses within this part of the primary frontage, contrary to policy S11 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

This is not applicable to this application.

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

This is not applicable to this application.

### **7.04 Airport safeguarding**

This is not applicable to this application.

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

This is not applicable to this application.

### **7.06 Environmental Impact**

This is not applicable to this application.

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

Policy BE28 states that new shop fronts will only be permitted where their design and materials harmonise with the architectural composition of individual buildings or improve the character of the area.

The Council's Supplementary Planning Document HDAS: Shopfronts provides guidance on the design of shop fronts and forms part of the development plan. This states that to respect its context a shop front should be proportionate and relate well to the building facade, the fabric and the features of the building above, in terms of materials, colours and appropriate size and extent of advertising material.

The shop front design and proposed materials would be in context with the architectural form of the building. It would be predominantly glazed with an awning and would be modest in appearance, this is considered to be an improvement on the existing shopfront which is in a state of disrepair and the proposed shopfront would not have a harmful impact on the overall appearance of the street scene.

The proposed development is, therefore considered to be acceptable and would not have a harmful impact on the character of the building or the surrounding street scene in accordance with policies BE13, BE15 and BE28 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's Supplementary Planning Document HDAS: Shopfronts.

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

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, smell and disturbance. The nearest residential properties lie above the application premises. No details of mechanical equipment such as air conditioning units have been submitted. It is considered that planning conditions requiring details of the mechanical equipment, the installation of appropriate sound attenuation and insulation between floors and the imposition of limitations on hours of operation and deliveries would be sufficient to maintain the residential amenity of the occupiers of adjoining and nearby residential properties, should planning permission be granted. The proposal would therefore comply with policies OE1 and S6 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

This is not applicable to this application.

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

No off-street parking spaces are associated with the application site. The application site has a PTAL score of 3 and on street parking is available with restrictions at certain times of the day to discourage commuter parking. The nearest underground station, Northwood Hills, is within easy walking distance. Given this it is not considered that the proposal would result in undue on-street parking.

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

See Section 7.

#### **7.12 Disabled access**

The proposed cafe would have double glazed doors to the frontage to allow access for wheelchair users and a disabled access toilet area.

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

This is not applicable to this application.

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

This is not applicable to this application.

**7.15 Sustainable waste management**

This is not applicable to this application.

**7.16 Renewable energy / Sustainability**

This is not applicable to this application.

**7.17 Flooding or Drainage Issues**

This is not applicable to this application.

**7.18 Noise or Air Quality Issues**

The proposed use could be restricted in terms of its opening hours by way of condition, which would limit the impact on adjoining residential properties in terms of noise and thus the proposed use as a cafe would not create a significant increase in noise and would not harm amenity.

**7.19 Comments on Public Consultations**

Points i), ii) and iv) are covered in the main report. Point iii) is not a planning matter and with regards to point v) the proposal does not involve the provision of tables and chairs outside.

**7.20 Planning Obligations**

This is not applicable to this application.

**7.21 Expediency of enforcement action**

This is not applicable to this application.

**7.22 Other Issues**

None

**8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or



other status'.

**9. Observations of the Director of Finance**

This is not applicable to this application.

**10. CONCLUSION**

For the reasons outlined above and that the proposal would be contrary to the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for refusal.

**11. Reference Documents**


Hillingdon Unitary Development Plan Saved Policies (September 2007)

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**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>20 Joel Street Northwood</b>	
Planning Application Ref:	Scale
<b>66826/APP/2010/358</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>June 2010</b>

**LONDON BOROUGH  
OF HILLINGDON**

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