

## Report of the Head of Planning & Enforcement Services

**Address** 36 HIGH STREET NORTHWOOD

**Development:** Change of use from Class A1 retail shop to Class A3/A5 restaurant/takeaway, to include minor alterations to shopfront, alterations to part rear roof from mono-pitch to flat roof, new high level windows to side, installation of a rear extractor flue and refuse area to rear, involving removal of 2 rooflights from existing flat roof.

**LBH Ref Nos:** 3189/APP/2010/2180

**Drawing Nos:** Design & Access Statement  
RSD/2062/001  
RSD/2062/002  
RSD/2062/202  
RSD/2062/003  
RSD/2062/200  
RSD/2062/201

**Date Plans Received:** 14/09/2010

**Date(s) of Amendment(s):**

**Date Application Valid:** 14/09/2010

### 1. SUMMARY

The application relates to the change of use of an existing vacant retail unit (Use Class A1) to a restaurant/takeaway (A3/A5 use).

The site is within a designated 'Shopping Parade' and an 'Area of Special Local Character' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007). The Policy states change of use from A1 (retail) will only be granted where a sufficient choice of local shops remain. This unit has been vacant for some time and it is considered that if the proposed use were to be implemented, a sufficient number of essential local shops serving the catchment area would still be available.

Therefore, it is not considered that the loss of this A1 (shop) use would have a negative effect on this commercial area and subject to appropriate conditions relating to hours of operation and noise control, deliveries, and waste management, the proposal would not conflict with any of the relevant Adopted policies within the Hillingdon Unitary Development Plan (Saved Policies September 2007).

Therefore subject to condition the application is recommended for Approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

**1 T8 Time Limit - full planning application 3 years**

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 OM1 Development in accordance with Approved Plans**

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 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 NONSC Waste management plan**

The development hereby permitted shall not be commenced until a waste management scheme has been submitted to, approved in writing by the Local Planning Authority and fully implemented. Thereafter, this proposal shall only be carried out in accordance with this schedule for as long as the use continues.

**REASON**

To ensure the amenity of the surrounding area is not adversely effected in accordance with policy BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

**4 NONSC Hours of operation**

The premises shall only be used for the preparation, sale of food and drink and clearing up 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).

**5 NONSC extract ventilation systems and odour control equipment**

The commercial use hereby approved shall not be commenced until details of all extract ventilation systems and odour control equipment including details of any noise levels and vibration reduction measures and external ducting, have been submitted to and approved by the local planning authority and the equipment so approved has been installed. The approved extract ventilation system equipment and odour control equipment shall be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed when no longer required.

**REASON**

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

**6 NONSC Deliveries**

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).

**7 NONSC sound insulation scheme**

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).

**8 OM17 Litter Bin Required**

The use hereby permitted shall not commence until the owner has made arrangements, to be submitted to and approved in writing by the Local Planning Authority, for the provision of litter bins within and in the vicinity of the site.

REASON

To ensure that adequate provision is made for the disposal of litter likely to be generated by the proposed development, 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).

**9 M2 External surfaces to match existing building**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

guidance.

BE5	New development within areas of special local character
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Shopfronts and Advertisements
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 4A.22	Spatial policies for waste management
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

### **3            I1                    Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

### **4            I3                    Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

### **5            I6                    Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

### **6            I15                    Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **7            134            Building Regulations 'Access to and use of buildings'**

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from [www.opsi.gov.uk](http://www.opsi.gov.uk)
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of

building and spaces, 2004. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

· Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

· Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

## **8**            125                    **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 - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

## **9**

Please ensure that the door is not be too heavy to open - the maximum opening force at the leading edge of the door should not exceed 30 Newton from 00 (closed position) to 300 and 22.5N from 300 to 600. An electronic - hydraulic assisted mechanism can be employed to stop the door from being disabling and considered "heavy" to many people. Further information can be obtained from Building Control on 01895 250804/5/6.'

## **10**

It is noted (following the site visit) that external roller shutters have been applied to the existing premises. These would require planning permission and no planning records have been found in relation to the same. The Authorities Adopted Design Guidance on 'Shopfronts and Signage' Section 9.0 - 9.9 deals with security measures, and comments as follows, whilst the councils recognises the need for premises to be adequately secured and protected through appropriate security devices, it is concerned the character of the area can be adversely effected by inappropriate physical security measures. Solid and visually impermeable roller shutters can create a forbidding and unsafe environment after dark, preventing passive surveillance (both into the street and the shop). Their appearance also adversely affects the character and appearance of the building and the area. These types of shutters are easy to vandalise with graffiti, which in turn can further negatively affect the character and image of the area. Therefore, external solid roller shutters (including punched, perforated or micro-perforated shutters) should be avoided. As such, it is recommended these unauthorised shutters are removed.

## **11**

With regard to condition No. 4, the waste management plan should include details of the following:

- \* Daily or every second day collection. This would have to be provided by a private contractor.
- \* The sacks to be kept in a store that has a washable floor.
- \* A water supply and hose for washing down the floor of the waste store, with any runoff from this going into a proper drain.

\* Suitable venting (passive) in the store. This venting allows for air to circulate, but keeps out insects.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site comprises a ground floor mid terrace unit in a row of similar buildings, with a vehicular passage way to the side of the building to the parking area for the adjoining building. To the rear there is a single storey flat roof rear extension, with a small external courtyard area behind. The unit forms part of a parade which fronts the High Street and is currently vacant and has an authorised retail (A1) use. The parade is set back from the main highway by a row of parallel parking spaces which provides limited street side parking. The site is within an 'Area of Special Local Character' and a designated 'Shopping Parade' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

#### **3.2 Proposed Scheme**

Planning permission is sought for:

- Change of use of the ground floor from retail (A1) to a mixed restaurant/takeway (A3/A5);
- A new shopfront;
- A refuse store in the rear external courtyard, 2.1m wide x 4m deep x 1.8m high, although no details have been provide with regard to its construction and whether this would be completely enclosed;
- An extraction flue would be run along the roof of the single storey element, then applied to the inset rear elevation of the building, this would 0.5m by 0.5m and would project 1m above eave height;
- 2 roof lights would be removed to the flat roof rear element and the single storey mono-pitched roof nearest the building would be demolished, so that this area matches the remaining roof form;
- 4 windows would be installed in the single storey side (north facing) elevation, these windows would be high level obscure glazed units;
- 1 window would be installed in the single storey rear elevation.

#### **3.3 Relevant Planning History**

3189/APP/2010/354      36 High Street Northwood

Change of use from A1 (retail shop) to A3/A5 (restaurant/takeaway) to include a new shop front, alterations to part rear roof from mono-pitch to flat roof, new door to side and windows to side and rear, installation of a rear extractor flue and refuse area to rear, involving removal of 2 rooflights from existing flat roof.

**Decision:** 28-04-2010    Refused

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

This is a resubmission of a previously refused application (3189/APP/2010/354) for the change of use from A1 (retail) to A3/A5 (restaurant/takeaway) to include a new shop front, alterations to roof form/fenestration details, and installation of new extraction flue to rear. This application was refused for the following reasons:

1. Due to the lack of a suitable waste management plan for the proposed use of the site and the therefore inadequate provision of a bin storage area for the proposal. It is not considered effective waste management control for the site has been considered, this could result in a detrimental effect on the overall street scene and level of residential amenity. Therefore the proposal is contrary to policy BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

2. The flue to the rear of the building, by reason of its height and proximity and materials, would appear as an obtrusive and incongruous feature, detrimental to the architectural composition of the existing building and to the visual amenities of the wider area, contrary to policies BE13, BE15 and S6 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

The applicants agent has been in discussion with the Local Authorities waste development advisor and his comments are in-full below and the flue has been re-designed and positioned to try and over-come these concerns.

#### **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:

BE5	New development within areas of special local character
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Shopfronts and Advertisements
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 4A.22	Spatial policies for waste management
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

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



5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

43 neighbouring properties and interested parties consulted, 3 responses and a petition with 35 signatures have been received. The following comments were made:

- \* We are concerned about the current litter problem in the road, which will become worse if another restaurant/takeaway is opened. We already have a Chinese Takeaway, and this would create a far more untidy environment, bringing down the standard of the High Street;
- \* I am pleased the very dirty and vacant shop would be improved, but troubled about the thought of additional traffic and what would be done about it;
- \* I think there are already 7/8 eating places - isn't that sufficient?;
- \* I am anxious about the smells that would result;
- \* I am concerned about the proposed means of waste storage. Due to existing animals/wildlife only a metal wheeled bin would be acceptable for a commercial premises;
- \* If only black bin bags can be used it, is the wrong premises;
- \* No recycling areas have been shown;
- \* How are bicycles going to be stored? are they to be taken through the restaurant with associated contamination issues?
- \* The large tree to the rear should be protected if the bin store is to be constructed;
- \* There should be an even number of toilets for both males and females;
- \* The proposed opening hours are too late;
- \* If approved, the rear service door and passage should be retained to allow for direct access to the rear, without contaminating the eating area.

### Internal Consultees

Waste Development Manager:

The previous application would have only worked if a 1,100 litre bulk bin could have been used to store waste arising and then be moved for emptying to a collection vehicle. This was not possible owing to access problems.

The owner has asked if waste can be stored in sacks, then carried through the restaurant to be presented for collection. This is possible providing:

- There is a daily or every second day collection. This would have to be provided by a private contractor.
- The sacks are kept in a store that has a washable floor.
- There is a water supply and hose for washing down the floor, and the runoff from this goes to a proper drain.
- There is suitable venting (passive) in the store. This venting allows for air to circulate, but keeps out insects.

EPU

I do not wish to object to this development, however should approval be recommended I would recommend the following conditions be applied;

I have concerns about the proposed closing time for Saturdays and would recommend that opening

hours be in line with neighbouring A3/A5 uses, for example:

No customers shall be present on the premises, nor shall the premises be used for the preparation or sale of food, between the hours of 2300 hours and 0800 hours the following day on Mondays to Thursdays, midnight and 0800 hours on Fridays and Saturdays, and 2300 hours and 8am on Sundays and Bank Holidays.

Reason:

To safeguard the residential amenity of the occupiers of nearby properties.

The commercial use hereby approved shall not be commenced until details of all extract ventilation systems and odour control equipment including details of any noise levels and external ducting, have been submitted to and approved by the local planning authority and the equipment so approved has been installed. The approved extract ventilation system equipment and odour control equipment shall be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed as soon as possible when no longer required.

Reason:

To safeguard the residential amenity of the occupiers of nearby properties.

Deliveries to the premises and waste collections from the premises, shall be restricted to the following hours;

- 0700 hrs to 1900 hrs Monday to Saturdays  
and not at all on Sundays and Bank/Public Holidays.

Reason:

To safeguard the amenity of surrounding areas.

No development shall take place until details of a sound insulation scheme to control noise transmission to adjoining dwellings/premises have been submitted to and approved in writing by the local planning authority. The use shall not commence until the approved scheme has been approved and it shall thereafter be retained.

Reason:

To safeguard the amenity of surrounding areas.

Please add conditions LL1 and LL2 in respect of litter and Construction Informative.

Conservation Officer:

This is a shop forming part of a terrace within the Old Northwood Area of Special Local Character probably of turn of the century date. The property has a slate roof with white brick and red brick dressing to the front elevation. This is a resubmission of a previously refused application. The revised scheme has incorporated the comments made previously, and is considered to be an improvement.

The shop front has been revised with more traditional detailing such as glazing bars and pilasters. It would be more in keeping with the character of the street scene and is, therefore, acceptable.

There are no details regarding signage. From a conservation point of view, we would like to see details of illumination etc as this would have an impact on the appearance and character of the area. The fascia, ideally should be flat aluminium/timber board with external illumination, instead of internally illuminated box fascia.

There are no objections to the alterations proposed to the rear, including the extractor flue, removal of roof-lights and change of mono pitch roof to flat roof.

Conclusion: Acceptable, materials to match existing.

Officer comment: An informative has been added in relation to the advertisement details.

## **7. MAIN PLANNING ISSUES**

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

The Local Planning Authority's aim is to retain the retail function of all shopping areas to meet the needs of the area each serves. Shops grouped conveniently together assist the process of search for and comparison of goods and hence attract shoppers. As such the Local Planning Authority will exercise strict control over the loss of shops to other uses.

Policy S6 states that change of use will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion.

The proposal would involve the installation of a new shopfront, alterations to the rear roof form and fenestration details and the installation of an extract duct. The Conservation Officer has confirmed that proposals would be considered acceptable. Furthermore, the proposal is not considered to have an adverse effect on highway safety. Therefore, the proposal would comply with the criteria listed in Policy S6 of the UDP (Saved Policies September 2007).

Policy S7 establishes the criteria where service uses would be permitted in parades and states that change of use from A1 will only be granted if the parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and to its function in the Borough and that the surrounding residential area is not deficient in essential shop uses. The supporting text to this policy comments that the Local Planning Authority seeks to protect vulnerable parades which are particularly important for the local community and provide opportunities for the establishment of new essential shop uses in existing Class A1 premises. Therefore, as many essential shop uses as possible will be protected, and ideally there should be no less than three in smaller parades and a choice of essential shops in larger parades and in local centres should be retained.

The High Street is a long parade, comprising approximately 41 ground floor commercial units, 16 of which are in A1 (retail) use. As such, the proposal would result in 15 of the existing units on this frontage still remaining in A1 use. The existing unit has been vacant for over 18 months and is not contributing to the vitality of the existing shopping parade. It was also noted at the site visit that there are at least 4 other vacant units within the parade. It is considered, therefore, that should the proposal receive consent, that there would still be an appropriate choice of shops within the parade, whilst still maintaining vitality by bringing a currently vacant unit back into commercial use. It is therefore considered that the proposal would comply with the intentions of Policy S7 of the UDP (Saved Policies September 2007).

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area, and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building. Policy BE28 requires shopfronts to harmonise with the building and to improve the character of the area. The Hillingdon

Design and Accessibility Statement (HDAS) Supplementary Planning Document: Shop Fronts and Signage: Section 5.3 states, the Council will encourage all applicants to adopt good design that can set example for others and can trigger improvements in the appearance of other shop fronts in the locality.

The revised proposal is considered to comply with this advice. The design of the shop front is considered to satisfactorily integrate with the existing building, using appropriate traditional design features, such as stall risers and sub-divisions. Furthermore it is not considered that the proposal would have a detrimental impact on the wider street scene of which it would form part.

The installation of an extractor flue and the alterations to the rear element of the building would not be visible from the street front, although vantage would be gained from the adjacent properties. However, this additional door is considered to be in-keeping with the existing building.

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

Not applicable to this application

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

The application is situated within Old Northwood Area of Special Local Character and the Conservation Officer has stated that the revised scheme is considered to be an improvement. The shop front has traditional detailing such as glazing bars, and pilasters and would be in keeping with the character of the street scene and is, therefore, acceptable. There are no objections to the alterations proposed to the rear, including the extractor flue, removal of roof-lights and change of mono pitch roof to flat roof. As such the proposal is considered to comply with Policy BE5 of the Hillingdon UDP (Saved Policies, September 2007).

#### **7.04 Airport safeguarding**

Not applicable to this application

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

Not applicable to this application

#### **7.06 Environmental Impact**

Not applicable to this application

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

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area, and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building. Policy BE28 requires shopfronts to harmonise with the building and to improve the character of the area. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Shop Fronts and Signage: Section 5.3 states, the Council will encourage all applicants to adopt good design that can set example for others and can trigger improvements in the appearance of other shop fronts in the locality.

With regard to the design and appearance of the proposed shop front, 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 application is considered to comply with this advice as the new shopfront would be broken up with both vertical and horizontal sub-divisions with the entrance doorway to the side, framing and stall-risers. This is considered to be in-keeping in the

street scene to which it relates. Therefore, the proposal is considered to comply with policies BE5, BE13, BE15 and BE28 of the Hillingdon UDP (Saved Policies, September 2007).

The alterations proposed to the single storey rear element, involving an additional window to the rear, 4 windows to the side and the extraction flue, would not be visible from the street front, although would be visible from surrounding residential properties. However, these alterations/additions are considered to be in-keeping with the existing building and entirely what you would expect to see on a site of this nature. Therefore the proposal would comply with Policies BE5, BE13 and BE15 of the UDP (Saved Policies September 2007).

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

There are no material changes to the bulk and massing of this building and therefore it is not considered a material loss of light or outlook would result. As such, the application is considered to accord with policies BE20 and BE21 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

The proposal would involve the installation of four windows to the side, together with a door and window to the rear (all at ground floor level). Four of the windows to the side would be high level and obscure glazed and therefore would not provide any vantage. With regard to the rear facing openings these would look out over the application sites rear courtyard area and as such it is not considered any material loss of privacy would arise to neighbouring properties. As such, the proposal would comply with policy BE24 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

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

Not applicable to this application

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

There is no off-street car parking for this site, however, there is limited on-street parking available. It is not considered that the traffic generation between A1 and A3/A5 uses would be significantly different. The proposal would therefore comply with AM7 and AM14 of the UDP (Saved Policies September 2007).

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

Not applicable to this application

#### **7.12 Disabled access**

Level access will be provided for disabled persons wishing to enter the building together with an entrance door in excess of 0.9m and a disabled WC would be provided. As such the proposal would comply with Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon. However, it is recommended that an informative is added advising the applicant of the need to comply with The Building Regulations Part M 'Access to and use of Buildings'. Therefore the proposal would comply with the intentions of Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon.

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

Not applicable to this application

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

Not applicable to this application

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

This application is a resubmission application for a similar scheme (3189/APP/2010/354). One of the reasons for refusal on that previous application related to waste management issues. The waste development manager commented that the previous application would have only worked if a 1,100 litre bulk bin could have been used to store waste arising and

then be moved for emptying to a collection vehicle. This was not possible owing to access problems. Further discussions have taken place and the waste development manager has stated:

'The owner has asked if waste can be stored in sacks, then carried through the restaurant to be presented for collection.

This is possible providing:

- There is a daily or every second day collection. This would have to be provided by a private contractor.
- The sacks are kept in a store that has a washable floor.
- There is a water supply and hose for washing down the floor, and the runoff from this goes to a proper drain.
- There is suitable venting (passive) in the store. This venting allows for air to circulate, but keeps out insects.

As such, it is recommended if a permission is to be issued a condition is attached requiring the submission of a waste management plan to be submitted to and approved in writing before the use is implemented. Therefore subject to such a condition the proposal is considered to comply with this advice and therefore Policy 4A.22 of the London Plan

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

Not applicable to this application

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

Not applicable to this application

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

Policy OE1 states that permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated. The Environmental protection officer has not raised an objection to the application subject to a number of safeguarding conditions being applied relating to the hours of operation, extract ventilation systems and odour control, noise, deliveries and litter, in order to safeguard the amenity of residents and the surrounding area. Therefore subject to these condition the proposal is considered to accord with policies OE1 and OE3 of the UDP (Saved Policies September 2007).

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

These points have been addressed in the full report

#### **7.20 Planning Obligations**

Not applicable to this application

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

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**

Not applicable to this application

#### **10. CONCLUSION**

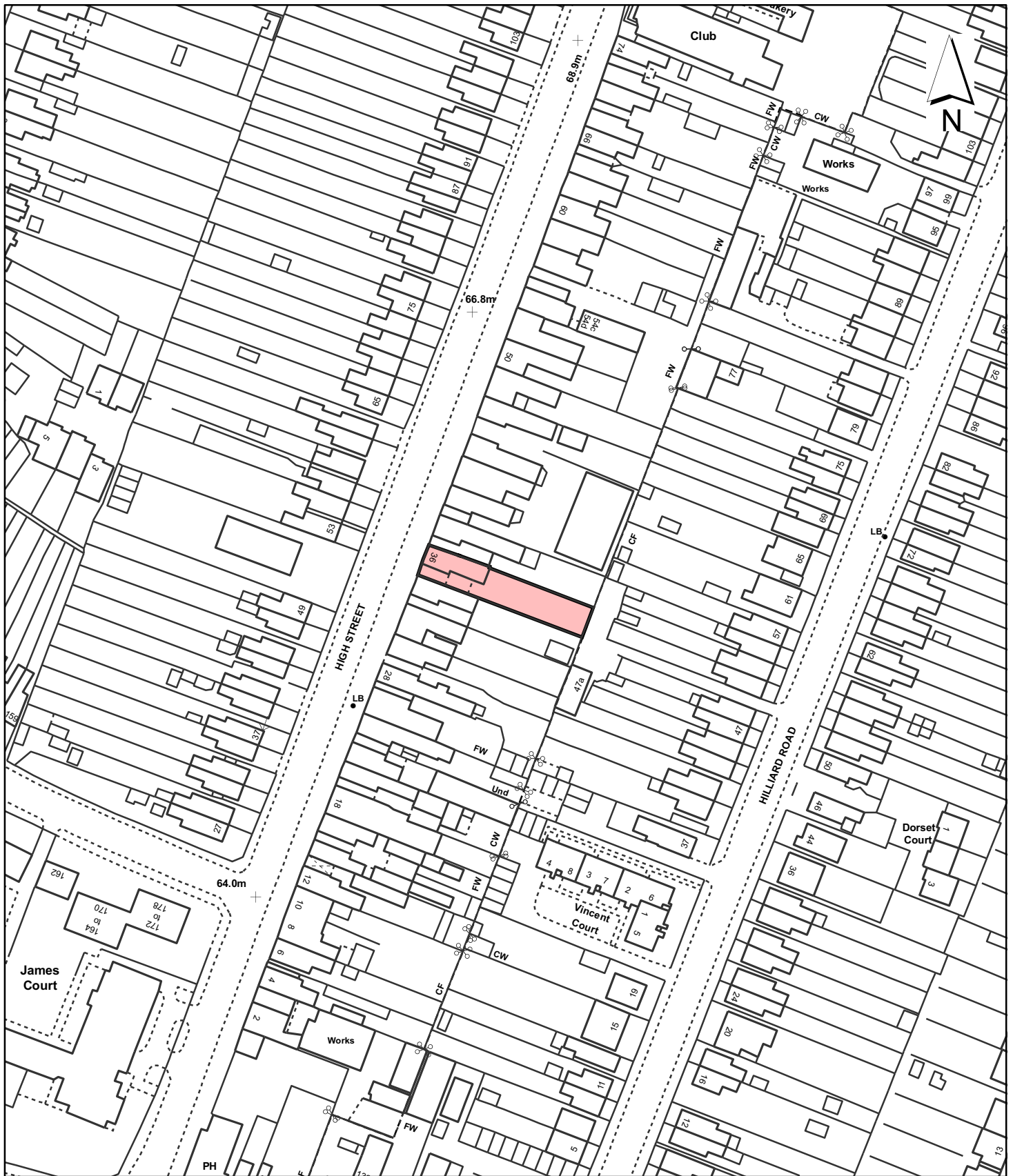
This application relates for change of use of the existing A1 Retail unit to an A3/A5 restaurant/takeaway. This would involve the installation of a new shop front, together with an extraction flue and minor alterations to the rear of the building. Due to the commercial nature and location of this building, it is considered the alterations would be in-keeping with this existing unit and the site. The application site is within Northwood High Street which is identified as a parade in the Hillingdon Unitary Development Plan (Saved Policies, September 2007), and comprises a vacant unit, and the proposed use is not considered to result in an adverse impact to highway safety. Furthermore, it is noted that there is still a good choice of A1 retail units within this commercial area and the proposed use would still provide a local service. Therefore, subject to appropriate safeguarding conditions, the proposal would not be considered to result in any adverse impact and is therefore recommended for approval.

#### **11. Reference Documents**


Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)  
London Plan (February 2008)  
HDAS: Accessible Hillingdon and Shopfronts  
Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan, Saved Policies, September 2007)  
Consultation responses

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**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>36 High Street Northwood</b>	
Planning Application Ref:	Scale
<b>3189/APP/2010/2180</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>November 2010</b>

**LONDON BOROUGH  
OF HILLINGDON**

**Planning, Environment  
& Community Services**

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