

Report of the Head of Planning & Enforcement Services

Address 89/91 JOEL STREET NORTHWOOD

Development: Change of use from Class A1 (Shops) to part Class A3 (Restaurants and Cafes), part Class A4 (Drinking Establishments), part Class A5 (Hot Food Takeaways) and part Class B1 (Office.)

LBH Ref Nos: 45536/APP/2010/2946

Drawing Nos: Location Plan to Scale 1:1250
C12739-01 Rev. A
C12739-02 Rev. A

Date Plans Received: 22/12/2010 **Date(s) of Amendment(s):** 22/12/2010
Date Application Valid: 13/01/2011 13/01/2011
06/04/2011

1. SUMMARY

The site comprises an existing vacant double unit and the proposal seeks to sub-divide the units back into two independent commercial premises, leaving the corner property (No 91) in A1 (retail) use and seeking a mixed A3, A4 and A5 use on the remaining unit, No. 89. The July 2010 retail frontage survey shows that Northwood Hills Secondary Shopping Area had a retail frontage with A1 use at 50.6%. Policy S12 seeks to maintain a 50% frontage within A1 use. This application would result in the proportion being exactly 50%. Therefore, any future changes of use from the remaining A1 units in this Secondary Shopping Area would be resisted, but the current proposal is considered to be acceptable.

It is noted the application also seeks permission to establish a B1 (Business) use within a small basement level area accessed from the rear of the site, that was previously used as storage in relation to the existing site uses. Due to the small nature and as this would be only accessed from the rear courtyard area, it is not considered this would have a material effect on the Town Centre or on residential amenity of adjoining occupiers.

Therefore, 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 conditions 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 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC **Non Standard Condition**

The proposal involves the sub-division of 89/91 Joel Street and from the sub-division only the resulting unit known as 89 Joel Street shall be used within Use Classes A3/A4/A5 (cafe/restaurant, drinking establishment, or takeaway), with the unit known as 91 remaining in A1 (retail) use, as shown on the plans hereby approved and for no other purpose without further consent from the Local Planning Authority.

REASON

To conform to the terms of the application and to ensure the use is appropriate to the retail function and assists in maintaining the retail vitality and viability in accordance with Policy S12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 NONSC **Non Standard Condition**

Before any A3 or A5 use commences, a scheme detailing the method of disposal, storage and collection of litter and waste materials, generated by the business and/or discarded by patrons, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a description of the facilities to be provided and the methods for collection of litter within and in the vicinity of the premises. The approved scheme shall be implemented in full thereafter.

REASON

To ensure that adequate provision is made for the disposal of litter and waste, 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).

5 NONSC **Non Standard Condition**

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).

6 NONSC **Non Standard Condition**

The proposed uses 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 manufacturers 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 in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

7 NONSC Non Standard Condition

No air handling units shall be used on the premises until a scheme which specifies the provisions to be made for the control of noise emanating from the site or to other parts of the building, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

REASON

To safeguard the amenity of surrounding areas in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 NONSC Non Standard Condition

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).

9 NONSC Non Standard Condition

Before the development commences, details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities shall be submitted to and approved in writing by the Local Planning Authority. These approved facilities shall be provided before the use commences 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 Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

10 NONSC Non Standard Condition

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 in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

11 NONSC Non Standard Condition

The details shown on drawing C12739-02 rev A, received on the 6th April 2011, relating to the covered, secure and screened storage of refuse at the premises shall be provided in accordance with the approved details and shall be permanently retained thereafter.

REASON

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

12 H16 Cycle Storage - details to be submitted

The details shown on drawing C12739-02 rev A, received on the 6th April 2011, relating to the covered and secure cycle storage for 6 bicycles at the premises shall be provided in accordance with the approved details and shall be permanently retained thereafter.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

13 NONSC Non Standard Condition

No delivery service shall take place from the development hereby approved, without further written consent from the Local Planning Authority.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policy AM7 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

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE28	Shop fronts - design and materials
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Shopfronts

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

5 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).

6 I34 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
- 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.
- 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.
- 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.

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

7 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

8 16 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.

9 115 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.

10

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, Best Management Practices for Catering Establishments which can be requested by telephoning 020 8507 4321.

11

It is advised that the installation of roller shutters at this site would require planning permission. 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a ground floor end terrace double unit with a small area of basement level accommodation to the rear. The unit is currently vacant and has an A1 use. There is on street parking to the front of the unit with restrictions between 8am to 6.30pm Monday to Saturday. The site is on a slope with the service/access courtyard to the rear at basement level. The site is within Northwood Hills Secondary Shopping Centre as identified in the Hillingdon Unitary Development Plan (UDP) Saved Policies (September 2007).

3.2 Proposed Scheme

The proposal involves:

i) The subdivision of the existing double unit back into single units and the change of use No.89 into mixed A3 (Restaurant/Cafe), A4 (Drinking Establishment) and A5 (Hot Food Takeaway).

- Change of use of a small basement level area, accessed from the rear courtyard, previously used for storage, to a B1 (office) use.
- To the front, the installation of a new doorway in the existing shop front of No.89.
- Installation of bicycle store and bin storage facilities to the rear.

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
BE28	Shop fronts - design and materials
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS	Shopfronts

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

79 neighbours and interested parties were consulted and five responses have been received which object to the proposal on the following grounds:

1. I would welcome a well run drinking establishment if it means I can have a drink without fear of being involved in the fighting and drug gangs which occupy Wetherspoons.
2. There is no need for another takeaway on the high street.
3. Where will people park, there are already parking problems on Tolcarne Drive with commuters

and this will mean problems in the evening too, especially at the weekends.

4. There is an existing rat problem this will make matters worse, also we are fed up of walking through litter dropped by irresponsible customers.

5. We are concerned about noise. Will there be music playing and not all people leave premises quietly.

6. We have seen a marked deterioration in useful shops and we have always endeavoured to retain our retail premises, we cannot afford to lose any more.

7. The application is contrary to Adopted Policy and Guidance, due to lack of parking facilities and disabled access.

8. No alcohol licence has been applied for.

Ward Councillor: I share objectors concerns and in particular the parking problems down Tolcarne Drive.

Thames Water: Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, Best Management Practices for Catering Establishments which can be requested by telephoning 020 8507 4321

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

With regard to water supply, this comes within the area covered by the Veolia Water Company.

Internal Consultees

Waste & Recycling Officer:

a) The application is for a part restaurant, part drinking establishment and part food take-away. One x 1,100 litre type of bulk bin is needed to safely and hygienically contain the waste arising from this type of business. Additional bins for recycling waste may also be required.

b) The bulk bin should be sited on an area of hard-standing, with a smooth surface, so that it can be washed down with water and disinfectant. The surface should be cambered so the run off follows towards a proper drain.

c) The collectors should not have to cart a bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard). The collection crew would therefore need to access the rear of the shop. Alternatively the owners would have to present the bulk bin at an agreed collection point on the allocated day.

d) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the path is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

Highway Engineer:

Hillingdon cycle parking standards stipulate 6 spaces should be provided, this should be covered through a planning condition or amended plans. The applicant has not provided any information on the number of delivery vehicles for the A3/A5 use and their parking provision. A condition should be attached restricting any delivery service from the site. Subject to these issues being covered, there is no objection on the highways aspect of the proposals.

EPU:

I do not wish to object to this proposal. Should this proposal be recommended for approval I would recommend conditions relating to hours of operation, deliveries, sound insulation, air handling units, noise and odour control and litter be added together with the construction site Informative.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The Local Planning Authority will resist proposals that would result in the loss of Class A1 shop use in core areas and will examine very closely similar proposals for other parts of these centres.

Policy S6 states that change of use applications 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 external alterations proposed as part of this application would be considered in keeping with the design of the building and the frontage to which it relates, and therefore would be acceptable. Loss of residential amenity issues are considered below and the highway engineer has not objected to the proposal subject to appropriate conditions being applied. Therefore the proposal would comply with the criteria listed in Policy S6 of the UDP Saved Policies (September 2007).

Policy S12 establishes the criteria where service use would be permitted in secondary frontages. To maintain the viability of the retail function of a centre, class A1 units should be separated by no more than 12m and at least 50% of the remaining frontage should remain in A1 use. The July 2010 retail frontage survey showed that Northwood Hills Secondary Shopping Area had a retail frontage with A1 use at 50.6%. Policy S12 seeks to maintain a 50% frontage within A1 use. Given that part of the proposal involves the retention of an A1 use, the proportion of A1 use would be reduced to 50% and the proposal would create a separation of approximately 6.5m between the A1 units. The proposal would thus comply with Policy S12.

The application also seeks permission to establish a B1 (Business) use within a small basement level area accessed from the rear of the site, previously used as storage in relation to the existing site uses. Due to the small nature and as this would be only accessed from the rear courtyard area, it is not considered this would have a material effect on the Town Centre or on residential amenity of adjoining occupiers.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

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: Shopfronts 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 impact on the street scene, the application involves the installation of a new door to No.89, which is considered to result in a visual improvement to this frontage, with the use of a central door, as it considered this would break up the frontage by providing a vertical subdivisions and this would be in-keeping in the street scene. Therefore, this element of the proposal is considered to comply with policies BE13, BE15 and BE28 of the Hillingdon UDP Saved Policies (September 2007).

To the rear, the revised plans show the provision of a bin store and bicycle store. Due to the sloping nature of the site and the surrounding built development, it is considered these elements would be largely screened from the wider area. Furthermore, they would be in-keeping with their surroundings. As such, the proposal would comply with Policies BE13, BE15 and S6 of the UDP Saved Policies (September 2007).

7.08 Impact on neighbours

Policy OE1 states 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 commented on this application and has suggested a number of conditions should be applied relating to the the hours of operation, control of noise, deliveries and collections, air handling units, ventilation systems and litter, in order to safeguard the amenity of residents and the surrounding area. Therefore subject to condition the proposal is considered to accord with policies OE1 and OE3 of the UDP 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

The applicant has not provided any information on the number of delivery vehicles for the A3/A5 use and their parking provision. A condition should be attached requiring further information regarding any delivery service from the site (which could result from an A4 use). Subject to these issues being covered, there is no objection on the highways aspect of the proposals. 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

There are no internal alterations shown as part of this application, the application seeks to get the principle of the change of use established. However, it is recommended that if permission were to be granted an informative is added advising the applicant of the need to comply with The Building Regulations Part M Access to and use of Buildings. A condition requiring facilities for disabled people is also recommended. Subject to this the proposal would comply with Policy 4B.5 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

Waste & Recycling Officer has been consulted and has commented that as the application is for a part restaurant, part drinking establishment and part food take-away. One x 1,100 litre type of bulk bin is needed to safely and hygienically contain the waste arising from this type of business and that additional bins for recycling waste may also be required. It is not considered the revised plans have fully addressed this issue, however, it is considered these issues could be dealt with by way of a suitable condition should members approve the application.

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

See impact on neighbours above.

7.19 Comments on Public Consultations

Point 8 is not material to the consideration of this planning application and the remaining comments received have been addressed in the body of the 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 to the subdivision of the existing double commercial unit back into two, together with the change of use of one of these resulting units into a mixed A3/A4/A5 use (restaurant/drinking establishment/takeaway). It is considered the proposal would bring this vacant unit back into use by providing a wider scope to prospective tenants. The July 2010 retail frontage survey showed that Northwood Hills Secondary Shopping Area had a retail frontage with A1 use at 50.6% and that Policy S12 seeks to maintain a 50% frontage within A1 use. This application would result in the frontage being at the 50% threshold.

The application also seeks permission to establish a B1 (Business) use which relates to a small basement level area accessed from the rear of the site, that was previously used as storage in relation to the existing site uses. Due to the small nature and as this would be only accessed from the rear courtyard area, it is not considered this would have a material effect on the Town Centre or on residential amenity of adjoining occupiers.

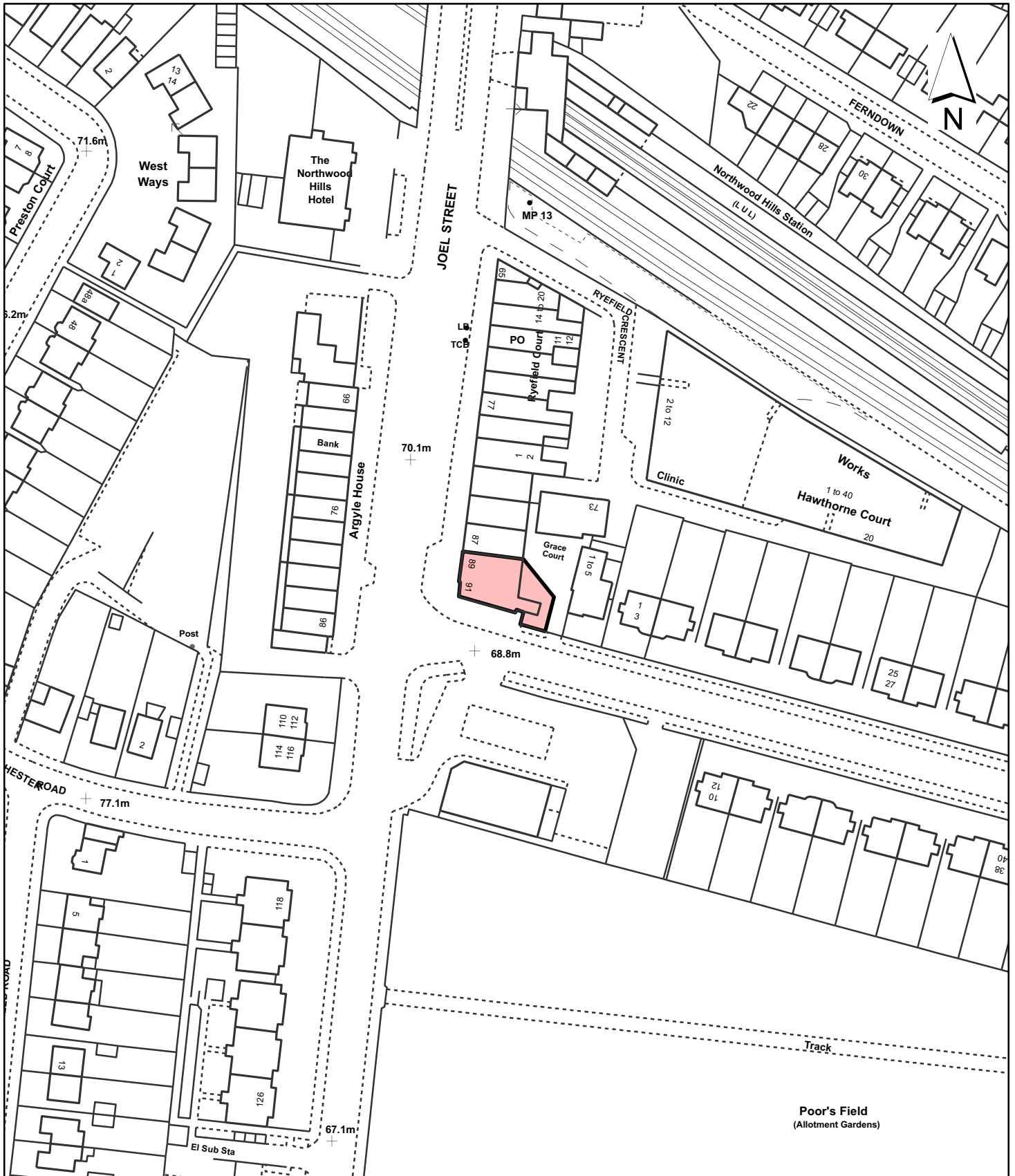
As such, the proposal would accord with Policy S12 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and subject to appropriate safeguarding conditions, would not result in any further adverse impacts.

11. Reference Documents

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

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes

 Site boundary

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Site Address

**89 - 91 Joel Street
Northwood**

Planning Application Ref:

45536/APP/2010/2946

Planning Committee

North

Scale

1:1,250

Date

May 2011

**LONDON BOROUGH
OF HILLINGDON**

**Planning,
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