

APPLICATION FOR: 74068/APP/2018/3376

9-11 HERCIES ROAD HILLINGDON MIDDLESEX

COMMITTEE: Central South PC

DATE: 11th December 2018

I confirm:-

- All consultations have been completec
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 9-11 HERCIES ROAD HILLINGDON MIDDLESEX

Development: Change of use from retail (Use Class A1) to a mixed use comprising retail and massage/beauty parlour (Use Class A1/Sui Generis) and merging of the two units into one single unit

LBH Ref Nos: 74068/APP/2018/3376

Drawing Nos: 2018-9-11HR-3 Rev 1.0B
Design and Access Statement
2018-9-11HR-1 Rev 1.0A
2018-9-11HR-2 Rev 1.0A

Date Plans Recieved: 20/09/2018 **Date(s) of Amendment(s):** 20/09/2018

Date Application Valid: 20/09/2018

1. SUMMARY

The application seeks planning permission for the retrospective change of use of No.9 and the proposed change of use of No.11 from retail (Use Class A1) to a mixed use comprising retail and massage/beauty parlour (Use Class A1/Sui Generis) and merging of the two units into one single unit.

There is no objection in principle to the change of use as sufficient retail units would be retained within the parade of units. It is considered that it would not result in an increased demand for parking and traffic generation and it would not have an impact on the street scene.

The proposal is recommended for conditional approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, 2018-9-11HR-3 Rev 1.0B and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE28	Shop fronts - design and materials
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
S9	Change of use of shops in Local Centres
S10	Change of use of shops in Local Centres - criteria for permitting changes of use outside core areas
LPP 6.13	(2016) Parking
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

5 I5 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 Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

6 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.

7 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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) 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.

8 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 2007. To display an advertisement without the necessary consent is an offence that can lead to prosecution.

9 170 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

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The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to 2 mid-terraced properties located to the South of Hercies Road. The site is located within the North Hillingdon Local Centre and forms part of a parade of shops on the junction of Hercies Road and Long Lane in close proximity to the A40. The site lies within the Developed Area as identified within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application is seeking part retrospective planning permission for the change of use of the units from retail (Use Class A1) to a mixed use comprising retail and massage/beauty parlour (Use Class A1/Sui Generis). The two separate units would be joined to create one larger unit.

No.9 Hercies Road is already being used as a massage and beauty salon and has been used as such since 2013. No.11 is currently a vacant A1 unit and it is proposed for this unit to also be used as a massage and beauty salon. No alterations to the frontage would occur, although the existing door to No.11 would no longer be used as a door.

During the determination process the plans were amended to show that the door to No.11 was not being removed.

3.3 Relevant Planning History

44476/90/0813 9 Hercies Road Hillingdon
Change of use from hairdressers to takeaway restaurant

Decision: 07-08-1990 Refused

44476/A/97/1681

9 Hercies Road Hillingdon

Change of use from Class A1 (Retail) to Class A3 (hot food takeaway)

Decision: 28-01-1998 Refused

Comment on Relevant Planning History

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE28	Shop fronts - design and materials
OE1	Protection of the character and amenities of surrounding properties and the local area
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LPP 6.9	(2016) Cycling

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Five neighbouring properties were notified of the proposal on 25/09/2018. A site notice was also displayed which expired on 25/10/2018.

No formal responses were received, however, it is noted that the applicant has included letters from

2 nearby properties in support of the application.

Internal Consultees

Access Officer:

I have considered the detail of this planning application and deem there be no accessibility issues raised by the proposal. However, the following informative should be attached to any grant of planning permission: The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site lies within a parade of shops which forms part of North Hillingdon Local Centre which is a group of commercial units along Hercies Road and Long Lane.

Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) 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 would not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion. Policy S9 states that in the Local Centres the LPA will only grant permission for changes of use from Class A1 outside the core areas. Policy S10 states that outside these core areas the LPA will only grant permission to change the use of shops in local centres from A1 if: The centre as a whole includes essential local shop uses sufficient in number, range and type to serve the surrounding area; the proposed use provides a local service and the proposal accords with Policy S6.

The application site does not lie within the core area of North Hillingdon Local Centre. The local centre consists of numerous commercial units with a variety of A1, A2, A3 and A5 use classes. It is considered that there would be sufficient A1 units following the change of use. In addition, the units would still benefit from having A1 uses as part of its mixed use. Subsequently, it is considered that no objection is raised in principle to the change of use in compliance with Policies S6, S9 and S10 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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.

7.07 Impact on the character & appearance of the area

As there would be no external changes then it is considered that the proposal would not have an impact on the character and appearance of the area.

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

states that permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties.

Although, no hours of operation have been provided within the planning forms, the use is likely to match that of the existing/pre-existing use and neighbouring commercial properties. In addition, there are no residential properties within the immediate vicinity. Subsequently, it is considered that the proposal would have no material impact on the residential amenity of the neighbouring occupiers in compliance with Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Each unit benefits from one space to the rear and long this section of Hercies Road there are some pay and display on street spaces. It is considered that the proposal would not exacerbate the congestion or parking stress within the immediate area and would not result in any highway safety concerns. Subsequently, it is considered that the proposal would comply with Policies AM2, AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policies 6.3, 6.9 and 6.13 of the London Plan (2016).

7.11 Urban design, access and security

No urban design, access and security issues raised for this application.

7.12 Disabled access

The access would not be altered as part of the proposal and the Council's Access officer has not raised any concerns.

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

Not applicable to this 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

Not applicable to this application.

7.19 Comments on Public Consultations

No public comments were received for this application.

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

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

It is considered that the Change of Use of the property from A1 (Shops) to A1/Sui Generis for use as a massage and beauty salon would not have a detrimental impact on the parade of commercial units as sufficient A1 units would be retained. It is considered that it would not result in an increased demand for parking and traffic generation. In addition, it would not have an impact on the street scene.

In conclusion, the application is recommended for conditional approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (September 2007)
The London Plan (2016)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
Hillingdon Design and Accessibility Statement: Shopfronts
National Planning Policy Framework.

Contact Officer: Charlotte Spencer

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