

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Item No. **Report of the Head of Development Management and Building Control**

Address: 5-7 HERCIES ROAD HILLINGDON

Development: Change of use from Use Class E to mixed use of Class E and Sui Generis (Massage and Beauty Shop) and merging shop nos. 5-7 & 9-11 into one single unit.

LBH Ref Nos: **78371/APP/2023/3322**

Drawing Nos: 2023-5-7HR-PL-2 Rev 1.0
2023-5-7HR-PL-1 Rev 1.0A

Date Plans received: 16-11-23 **Date(s) of Amendments(s):** 10-11-23

Date Application valid 16-11-23

1. SUMMARY

The application seeks planning permission for the change of use from Use Class E to mixed use of Class E and Sui Generis (Massage and Beauty Shop) and merging shop nos. 5-7 & 9-11 into one single unit.

The submission does not include drawings which indicate how the shop frontage would be redesigned to reflect the internal changes. Whilst elements of the works undertaken to the frontage may well be limited, details relating to how the shop front would be amended to notify customers that the operation inside of the commercial unit is the same as the adjacent store should be submitted for assessment. The existing building is occupied or was most recently occupied by a Photograph Studio. According to the submission the frontage would remain the same but the operation with the building would change to a Massage and Beauty Shop creating confusion for potential customers.

It is considered insufficient detail has been provided regarding the frontage of the units. Without these details it cannot be concluded that the merging of the units will not cause harm to the character and appearance of the street scene and surrounding area.

As such, the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Non Standard reason for refusal

In the absence of detailed drawings illustrating the works required to alter the shop frontage to align with the change of operation internally, the applicant has failed to demonstrate that the

proposed development would not result in significant harm upon the character and appearance of the area. The development is therefore contrary to Policies DMHB 11, DMHB 12 and DMHB 13 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020)

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

The application site relates to 2 mid-terraced properties located on the South of Hercies Road, Hillingdon. The site is located just outside of the North Hillingdon Local Centre and forms part of a parade of shops on the junction of Hercies Road and Long Lane.

3.2 Proposed Scheme

Planning permission is sought for the change of use from Use Class E to mixed use of Class E and Sui Generis (Massage and Beauty Shop) and merging shop nos. 5-7 & 9-11 into one single unit.

3.3 Relevant Planning History

74068/APP/2018/3376 9-11 HERCIES ROAD HILLINGDON MIDDLESEX

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

Decision: 11-12-2018 Approval

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 Refusal

44476/90/0813 9 HERCIES ROAD HILLINGDON

Change of use from hairdressers to takeaway restaurant

Decision: 07-08-1990 Refusal

Comment on Planning History

The planning history for the site is listed above.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

EXTERNAL CONSULTEES:

47 Neighbouring properties were consulted on the application by letter dated 05-12-23. The consultation period expired 14-01-24. No representations have been received.

It should be noted that a letter of support and a newspaper article has been submitted with the application. However, this appears to be related to the previous permission under application ref. 74068/APP/2018/3376.

INTERNAL CONSULTEES:

Access Officer:

This application seeks to change the use of and merge four existing shop units to accommodate a Massage and Beauty parlour. The proposal has been assessed against the requirements of London Plan policy D5, which seeks to secure the highest standards of inclusive design. Units 9-11 house the existing Thai massage parlour, a double fronted shop front leading directly from the public footway. The entrance appears to provide level access with an upstand of circa 25mm. No alterations are proposed to the front and rear facades, however, the building will be internally partitioned to provide an additional 6 treatment rooms, a shower cubicle and an additional WC. The existing massage parlour has an accessible toilet facility which on plan provides internal dimensions of 1500mm x 2000mm. No objection is raised from an accessibility viewpoint, however the following condition and informative should be attached to any approval:

Development shall not commence until details of access to building entrances (to include ramped/level approaches, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter. REASON: To ensure an Accessible and Inclusive development for everyone in accordance with London Plan policy D5.

INFORMATIVE: 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.

Highway Officer:

I refer to the above planning application ref 78371/APP/2023/3322 which was received 02 May 2023 and previous application 74068/APP/2018/3376 which approved us of 9-11 Hercies Road as retail and massage/beauty parlour (Use Class A1/Sui Generis) and merging of the two units into one single unit

Site Description

The application site is located on A3044 Hercies Road, a classified road and bus route with a 30mph speed limit, close to the left in left out junction with B466 Long Lane which provides access to A40 Western Avenue. The application site lies within a parking lay by on the southern side of

Hercies Road

A3044 Hercies Road is characterised by parades of local shops which are subject to Permit Holder parking Mon-Fri 9am-5pm or Pay at machine parking for a Max stay of 2 hours with the remainder of the road being subject to single yellow line waiting restrictions between Midnight-8am and 6.30pm-Midnight and further west by residential dwellings with vehicle crossovers, reducing the availability of on street parking.

The application site is located in an area with a PTAL ranking of 3 indicating that the application is in an area with moderate access to public transport which concurs with the aims of the Mayor's Transport Strategy which aims to encourage people to walk, cycle and use public transport and National Planning Policy Framework (NPPF) 9: Promoting Sustainable Transport policies.

Access and Parking

The application proposes to change the use of the existing photography studio (Use Class E) and merge the studio with the massage parlour at 9-11 Hercies Road to provide a single sui generis (Massage and Beauty Shop).

Drawing 2023-5-7HR-PL-1 Rev 1.0A titled Site Plan shows the Location Plan and Site Plan which demonstrates access between the site and the adopted highway, however, a blue line should be provided around 9 and 11 Hercies Road as this would be considered land owned by the applicant adjacent to the application site as detailed within Government guidance which states that;

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site. (Retrieved from Making an application - GOV.UK (www.gov.uk)).

Recommendation

The Highway Authority are satisfied that the proposal would not discernibly exacerbate congestion or parking stress on the local highway network which would not therefore raise any measurable highway safety concerns. The Highway Authority would therefore offer no objection to the application subject to amendment to the red line of the site as detailed above.

OFFICER COMMENT:

As the proposed change of use relates to both units 5-7 and 9-11 Hercies Road, the red outline around both units is correct.

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 13	Shopfronts
DMHB 15	Planning for Safer Places
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMTC 3	Maintaining the Viability of Local Centres and Local Parades
LPP D5	(2021) Inclusive design

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

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

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

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The West London Waste Plan (2015)

The London Plan (2021)

Material Considerations:

The National Planning Policy Framework (NPPF) (2023) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. Policy DMHB 15 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development will be required to comprise good design and create inclusive environments whilst improving safety and security.

Given the limited works involved with merging the units together, it is considered that the proposed development would not adversely impact on the amenity, daylight and sunlight of the neighbouring properties and open spaces therefore, would be compliant with Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020).

7.2 Impact on Street Scene

Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies (2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm

contributes to community cohesion and a sense of place.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design.

Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development should be well integrated with the surrounding area.

Policy DMHB 13 states that new shop fronts should complement the original design, proportions, materials and detailing of the building of which it forms a part and the surrounding street scene. New shop fronts design should also take into account the appearance of neighbouring buildings in terms of fascia lines, stall riser heights, materials and other architectural features. It further advises that shutters must be appropriate to the character of the shop front and its setting. External security grills will not normally be permitted. In order to improve and maintain the quality of the public realm the design of shop fronts should be of a high quality, taking into consideration:

- i) Retention and maintenance of active shop fronts at all times
- ii) The relationship between the shop front and upper floors
- iii) The relationship with surrounding shop fronts and buildings
- iv) The use of materials which are appropriate to and enhance the character of the local area: and
- v) The value of existing architectural and historic features

It is noted that there is a previous permission for the merging of shops along Hercies Road under application ref. 74068/APP/2018/3376, however this related to two smaller units and was a retrospective application. This application seeks to extend the already combined unit with another large unit along Hercies Road. Although it is stated that there are no external changes with the proposed development, no elevation plans have been submitted with the application. The majority of this small parade and the parade opposite is characterised by smaller single fronted units apart from the estate agents adjacent to the application site which benefit from a double frontage. However this application would effectively combine two double fronted units which would appear overly large within it's context and fail to respect the prevailing character of the commercial parade. It is inevitable that there will be an impact on the street scene by combing these two large units together and without further details it cannot be concluded that the development would have a limited impact on the character and appearance of the surrounding area and that there are benefits to outweigh the potential harm. The shop frontage does not relate to the occupation shown on the proposed floor plan, and as no work is proposed to the external appearance of the units, it would not read as an attractive and functional Class E/ Sui Generis floor space.

As such, without further details, the proposed development is contrary to policies DMHB 11, DMHB 12 and DMHB 13 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020)

7.3 Traffic Impact/Pedestrian Safety

Policy DMT 2 of the Local Plan: Part Two - Development Management Policies (2020) considers whether the traffic generated by the proposed development is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The parking arrangements would not be affected by the proposed development as the arrangements would remain as existing. The highway authority are satisfied that the proposal would not discernibly exacerbate congestion or parking stress on the local highway network which would not therefore raise any measurable highway safety concerns.

7.4 Carparking & Layout

Please see above section.

7.5 Urban Design, Access and Security Considerations

ACCESSIBILITY:

The application seeks to merge two commercial units together to accommodate a Massage and Beauty parlour. The proposal has been assessed against the requirements of London Plan policy D5, which seeks to secure the highest standards of inclusive design. Units 9-11 house the existing Thai massage parlour, a double fronted shop front leading directly from the public footway. The entrance appears to provide level access with an upstand of circa 25mm. No alterations are proposed to the front and rear facades, however, the building will be internally partitioned to provide an additional 6 treatment rooms, a shower cubicle and an additional WC. The existing massage parlour has an accessible toilet facility which on plan provides internal dimensions of 1500mm x 2000mm. The access officer has no objections to the proposed development. However, should permission be granted, certain conditions and informatives should be added.

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT:

Policy DMTC 3: Maintaining the viability of Local Centres and Local Parades states that:

A) The Council will protect and enhance the function of local centres and local shopping parades by retaining uses that support their continued viability and attractiveness to the locality they serve. In considering applications for changes of use of shops the Council will ensure that:

- i) the local centre or shopping parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade, and its function in the Borough shopping hierarchy;
- ii) at least of 50% of the local centre or shopping parade is retained as Use Class A1 shops; and
- iii) the surrounding residential area is not deficient in essential shop uses.

The principle of merging two units together is acceptable in principle, however, it must comply with relevant the relevant policies.

The application site lies just outside of the core area of North Hillingdon Local Centre. The local centre consists of various Class E and Sui Generis commercial units. As the site lies outside of the Local Centre, there is some weight afforded to the local centre policy and it is important that the vitality of the area is safeguarded. There is a potential loss of a retail unit due to the merging of the units. It is recognised that high streets and commercial parades face significant challenges in retaining occupancy. It is therefore considered that some weight would be afforded to the retention of the occupancy of the unit as such on balance it is considered that the potential loss of the retail unit would be outweighed by the benefits of the scheme. However as set out above, the lack of details to demonstrate how the shop frontage would be altered to reflect the change in operation internally could negatively impact the level of trade received thus making the unit unviable for letting.

Notwithstanding the above concerns, the application site is not located within a designated primary or secondary shopping area or within a Town Centre therefore a reason for refusal based on the principle of development is unlikely to be upheld at appeal. As such it does not form a reason for refusal.

8. Reference Documents

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

Local Plan: Part Two - Development Management Policies (2020)

The London Plan (2021).
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

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