

Report of the Head of Planning & Enforcement Services

Address 24 SUTTON COURT ROAD HILLINGDON

Development: Change of use from Use Class A1 (Shops) to Sui Generis to be used as a Tattoo Parlour (Retrospective Application)

LBH Ref Nos: 38271/APP/2012/255

Drawing Nos: 3034/01A
Location Plan to Scale 1:1250

Date Plans Received: 02/02/2012 **Date(s) of Amendment(s):**

Date Application Valid: 10/02/2012

1. **SUMMARY**

Retrospective planning consent is sought for the change of use from a retail unit (Class A1) to a tattoo parlour (Sui Generis).

The change of use of the site is considered to be acceptable in principle, given that that over 50% of the existing parade remains in A1 use. The use does not harm the character and appearance of the existing property, the surrounding area or to the amenity of nearby residents and occupants

Accordingly, the application is recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 HO2 **Accordance with approved**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan no. 3034/01A.

REASON

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

2 COM22 **Operating Hours**

The premises shall not be used except between the hours of 0800 and 19:00 Mondays-Fridays and 0800 and 18:00 Saturdays. The premises shall not operate on Sundays or Bank/Public Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

3 COM21 **Sound insulation /mitigation**

A scheme for the control of noise transmission to the adjoining dwellings shall be submitted within three months of the date of this consent and shall be approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Thereafter, the scheme

shall be implemented and maintained in full compliance with the approved measures.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

4 COM25 Loading/unloading/deliveries

There shall be no loading or unloading of vehicles, including the collection of waste outside the hours of 08:00 and 19:00, Monday to Friday, and between the hours of 08:00 and 13:00 on Saturdays. The premises shall not be used on Sundays or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

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 (July 2011) and national guidance.

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE27	Advertisements requiring express consent - size, design and location
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
OE1	Protection of the character and amenities of surrounding properties and the local area
OE13	Recycling facilities in major developments and other appropriate sites
OE5	Siting of noise-sensitive developments

3 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 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 Councils 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.

4

You are advised that separate planning consent is required for the signage to the site. Failure to regularise this breach in planning control may result in the Council taking formal enforcement action.

3. CONSIDERATIONS

3.1 Site and Locality

The application site forms part of a three storey block located on the southern side of Sutton Court Road near the junction with Snowden Avenue to the south and Burleigh Road to the north. It comprises of a ground floor commercial unit in use as a tattoo parlour (Sui Generis) with a maisonette on the first and second floors. The site forms part of a designated parade as identified in the Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) which comprises thirteen units.

To the rear there is a private road which leads from Sutton Court Road and runs parallel with the rear of the whole parade. To the rear of the property there is an enclosed service yard.

The neighbouring property to the east of the site No. 26 Sutton Court Road comprises of a take-away (Class A5) on the ground floor with residential above and the neighbouring property to the west (Nos. 20 & 22) comprises a double fronted retail unit (Class A1) which also has residential above.

3.2 Proposed Scheme

Retrospective planning consent is sought for the change of use of the ground floor of the site from a retail unit (Class A1) to a tattoo parlour (Sui Generis). The site was formally used as a butcher shop.

3.3 Relevant Planning History

38271/86/0462 24 Sutton Court Road Hillingdon
Installation of new shopfront.

Decision: 13-05-1986 Approved

Comment on Relevant Planning History

No comments.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE27	Advertisements requiring express consent - size, design and location
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
OE1	Protection of the character and amenities of surrounding properties and the local area
OE13	Recycling facilities in major developments and other appropriate sites
OE5	Siting of noise-sensitive developments

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Twenty Seven neighbouring occupiers were consulted on the 13/2/12. No comments were received.

National Air Traffic Services: The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal. Please be aware that this response applies specifically to the above consultation based on the information supplied at the time of this application.

If any changes are proposed to the information supplied to NERL in regard to this application (including the installation of wind turbines) which become the basis of a full, revised, amended or further application for approval, then as a statutory consultee. NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Ministry of Defence (MOD): No objection.

Internal Consultees

Environmental Protection Unit:

I do not wish to object to this proposal, subject to the following conditions:

Operating hours

I would recommend suitable hours of use be applied, however, I am concerned as this is a

retrospective application yet the applicant has stated opening hours to be 'unknown'.

(Officer Comment: Although the application is retrospective, a condition can be imposed upon the planning consent restricting the hours of operation in order to prevent harm to the amenity of nearby residents).

Loading/unloading/deliveries

There shall be no loading or unloading of vehicles, including the collection of waste outside the hours of 08:00 and 19:00, Monday to Friday, and between the hours of 08:00 and 13:00 on Saturdays. The premises shall not be used on Sundays or Bank Holidays.

REASON: To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

Sound insulation/mitigation

The development shall not begin until a scheme for the control of noise transmission to the adjoining dwellings or premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

(Officer Comment: Given that this is a retrospective application, the above condition will be amended accordingly).

Please add the construction informative (I15). The applicant is advised to seek the guidance of the Food, Health & Safety Team in respect of satisfying the licensing requirements for the proposed use.

Highways and Transportation: No objection.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Local shopping parades serve an important role in providing convenience shopping that caters for the needs of local residents. Paragraph 8.22 and policy S7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) seeks to ensure that all residential areas are within half a mile of at least five essential shop uses, although not necessarily within the same parade.

For some local shopping areas the closure of just one essential shop may be so significant as to precipitate the closure of other shops and the ultimate demise of the centre as a whole. The LPA seeks to protect vulnerable parades and corner shops which have a particularly important role for the local community and to provide opportunities for the establishment of new essential shop uses in existing class A1 premises. Ideally there should be no less than 3 (essential shops) in the smaller parades and a choice of essential shops in the larger parades.

The application site was one of 8, Class A1 retail units within the parade (a large parade of 13 units). This equated to 61.5% of the parade in retail use. The change of use of this site has resulted in 53.8% of the parade now in Class A1 retail. This equates to 7 Class A1 units and over half of the parade continuing in Class A1 use which is considered to be an

acceptable level within a local shopping parade.

Moreover, out of the remaining A1 units, three are considered to be essential shops comprising of a bakery and a double fronted mini-market which adjoins the application site

As such, it is considered that the loss of this retail unit does not cause harm to the local convenience shopping provision in the area and is in compliance with UDP policy S7.

7.02 Density of the proposed development

This is not applicable to this application.

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

This is not applicable to this application.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

This is not applicable to this application.

7.06 Environmental Impact

This is not applicable to this application although noise issues are dealt with at paragraph 7.08.

7.07 Impact on the character & appearance of the area

UDP policy BE13 states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features in the area which the Local Planning Authority considers it desirable to retain or enhance.

The applicant has confirmed in an email dated 10th February 2012 that there have been no alterations to the existing shop front, apart from the signage. The Council have no evidence to suggest that any changes have occurred to the shop front in the last 10 years. The applicant intends to apply for retrospective advertisement consent separately for the signage.

Given that the change of use has not resulted in alterations to the existing shop front, notwithstanding the signage, the development has not caused any harm to the appearance of the site or the street scene.

7.08 Impact on neighbours

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, odour and general disturbance. UDP policies OE1, OE3 and OE5 strongly resist development which would have an adverse impact upon the amenity of residents through increased noise and odour.

The nearest residential properties are above the application site. The change of use of the property has not resulted in any external alterations other than the signage (to be dealt with separately). The nature of the use means that there would be no requirement to install a ventilation duct to the rear of the site.

It is considered that the number of patrons using the tattoo parlour and the level of noise generated would be similar to that of a hair salon (Class A1). Likewise it is considered that such a use would generate very little odour and general disturbance.

The application fails to stipulate the hours of operation, however, this can be controlled by way of a condition. It is recommended that the hours of operation should be 08:00 to 19:00 Mondays to Fridays, 08:00 to 18:00 Saturdays and not on Sundays, public or bank holidays.

This would be compatible with the hours of operation for the adjoining uses.

As stated above the Council's Environmental Protection Unit has no objection to the change of use subject to compliance with various safeguarding conditions as highlighted above.

It is also noted that given that the unit falls under a Sui Generis use, full planning consent would be required for any future change of use to the property and therefore issues relating to noise and disturbance and odour can be strictly controlled by the Local Planning Authority.

As a result it is considered that the use of the site does not have a negative impact upon the amenity of nearby residents and occupants through increased noise and disturbance and odour. The development therefore complies with UDP policies OE1, OE3 and OE5.

7.09 Living conditions for future occupiers

This is not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The site is located within a sustainable location with bus stops being located within walking distance of the site where nearby customers are likely to walk to the tattoo parlour.

There are no parking standards relating to the use of the site as a tattoo parlour. However, it is noted that the development has not resulted in the loss of any off-street parking. The servicing arrangements for the building also remain unaltered which is considered to be acceptable, given that the tattoo parlour has not resulted in a greater intensification of the site requiring a significant increase in deliveries or servicing.

The Council's Highways and Transportation have no objection to the change of use. It is therefore considered that the development is in compliance with UDP Policy AM14.

7.11 Urban design, access and security

This is not applicable to this application.

7.12 Disabled access

The Council's Access Officer considers the development to be acceptable.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, landscaping and Ecology

This is not applicable to this application.

7.15 Sustainable waste management

This is not applicable to this application.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

Issues relating to noise are addressed within section 7.08 of this report. The application does not raise any strategic air quality implications.

7.19 Comments on Public Consultations

None received.

7.20 Planning obligations

This is not applicable to this application.

7.21 Expediency of enforcement action

This is not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

9. Observations of the Director of Finance

None.

10. CONCLUSION

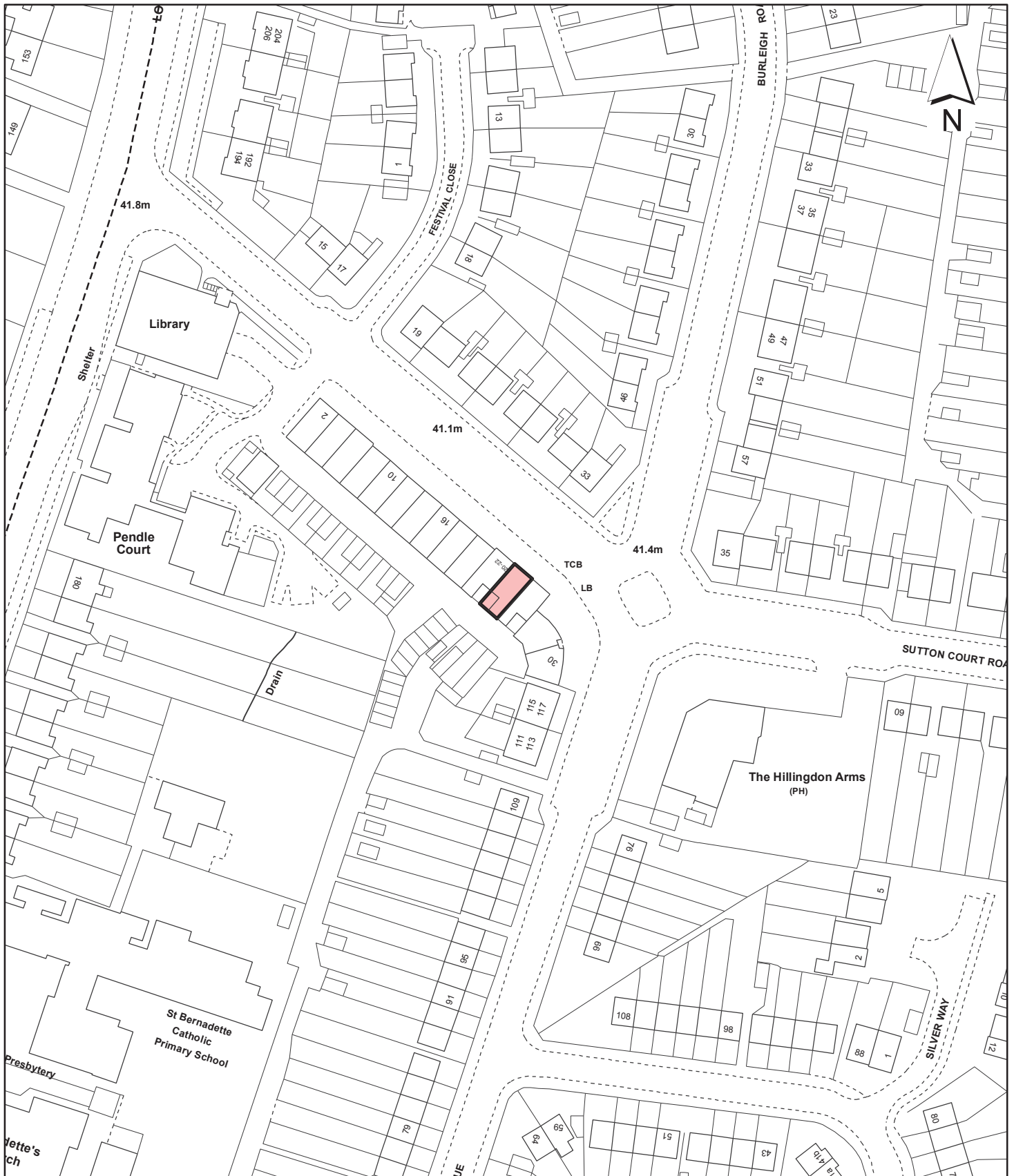
The change of use of the site is considered to be acceptable in principle, given that over 50% of the parade remains in A1 use. It is also considered that the use does not result in harm to nearby residents and that the existing parking and waste storage provision is appropriate for the existing use of the site as a tattoo parlour. The change of use of the site, therefore complies with UDP policies S7, BE13, BE27, OE1, OE3 and OE5. Approval is recommended.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies (September 2007)

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<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2012 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center">24 Sutton Court Road Hillingdon</p>		<p align="center">LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services</p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
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	<p>Planning Committee</p> <p align="center">Central and South</p>	<p>Date</p> <p align="center">May 2012</p>	



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