

Report of the Corporate Director of Planning & Community Services

Address 29A SWAKELEYS ROAD ICKENHAM

Development: Change of use of building from Class B1 (Office) use to a mixed use of Class B1, Class A1 (hairdressing), Class D1 (osteopathy, chiropody, acupuncture, physiotherapy, homeopathy, chiropracty, aromatherapy, reflexology and herbaltherapy) and Sui Generis Use (tattooing, manicures, depilation, botox and teeth whitening)

LBH Ref Nos: 30377/APP/2009/650

Drawing Nos: Design & Access Statement
01
02

Date Plans Received: 30/03/2009 **Date(s) of Amendment(s):**

Date Application Valid: 08/04/2009

1. SUMMARY

Planning permission is sought to enable a detached single storey building to be used as either B1 (Business) or a mixture of uses comprising hairdressing, osteopathy, chiropody, acupuncture, physiotherapy, homeopathy, chiropracty, aromatherapy, reflexology, herbaltherapy, manicures, depilation, botox and teeth whitening. The building is situated to the rear of the main shopping parade and accessed via an alleyway between the two storey units fronting the commercial parade. The building already has a B1 use and the applicant would like the option of being able to revert back to a B1 use should the alternative proposed use fail to be viable. It is not possible to provide on-site parking for the proposal. Given the type of use and estimated staffing and customers that would be involved in the range of proposed uses, it is considered it would result in an unacceptable increase in vehicle movements and on-street parking to the detriment of the other highway users. Furthermore, the proposed access to the building and the proposed WC facility within the unit is unsuitable for disabled users and the proposals are therefore unacceptable on these grounds as well.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The alleyway forming the access route to the building is considered to be unacceptable as the sole means of access to the building for a building that would be open to the general public in terms of its limited size, width and lack of lighting. The proposal would therefore be contrary to Policies Pt 1.31 and R16 of the adopted Unitary Development Plan Saved Policies September 2007, London Plan Policy 4B.5 and the Council's adopted Supplementary Planning Guidance HDAS: Accessible Hillingdon.

2 NON2 Non Standard reason for refusal

The proposed range of uses is considered to result in increased parking demand

which cannot be provided on site and therefore it is considered that the proposal would result in a significant increase in demand for on street parking to the detriment of other highway and pedestrian users and therefore contrary to Policies AM7 and AM14 of the UDP (Saved Policies September 2007).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to REFUSE 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 REFUSE 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.

BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
S6	Change of use of shops - safeguarding the amenities of shopping areas
S10	Change of use of shops in Local Centres - criteria for permitting changes of use outside core 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.
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
R16	Accessibility for elderly people, people with disabilities, women and children
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south side of Swakeleys Road immediately behind Barclays Bank and comprises a single storey building, located to the rear of a two-storey retail parade with flats above. The building is accessed via a narrow alleyway between units 29 and 31 Swakeleys Road and is surrounded by residential properties to the north and east. The application site lies within Ickenham Conservation Area and a Local Centre, as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Polices, September 2007).

3.2 Proposed Scheme

The proposal involves the change of use of the building from use of the premises as Class B1 (offices) to a mixed use of either B1 or a range of uses which fall into Class A1 (hairdressing), Class D1 (osteopathy, chiropody, acupuncture, physiotherapy, homeopathy, chiropracty, aromatherapy, reflexology and herbalththerapy) or are Sui Generis (tattooing, manicures, depilation, botox and teeth whitening). No external alterations are proposed as part of this application.

3.3 Relevant Planning History

30377/APP/2000/1038 29a Swakeleys Road Ickenham

CHANGE OF USE FROM STORAGE BUILDING TO CLASS B1 (OFFICES)

Decision: 02-08-2000 Not Determined **Appeal:** 26-09-2000 Withdrawn

30377/APP/2000/1807 29a Swakeleys Road Ickenham

CHANGE OF USE FROM STORAGE BUILDING TO CLASS B1 (OFFICES)(DUPLICATE APPLICATION)

Decision: 25-10-2000 Approved

30377/APP/2001/517 29a Swakeleys Road Ickenham

INSTALLATION OF A NEW TILED ROOF TO EXISTING SINGLE STOREY OFFICE BUILDING

Decision: 30-05-2001 Approved

30377/APP/2001/583 29a Swakeleys Road Ickenham

ERECTION OF A SINGLE STOREY CLASS B1 (OFFICE) EXTENSION TO EXISTING BUILDING

Decision: 04-07-2001 Approved

30377/C/96/0629 29a Swakeleys Road Ickenham

Retention of a change of use from ancillary storage to office accommodation (Class B1)

Decision: 04-09-1996 ALT

30377/E/96/0817 29a Swakeleys Road Ickenham

Erection of a single storey storage building

Decision: 04-09-1996 Refused

Comment on Relevant Planning History

The site originally comprised a storage building to 27/29 Swakeleys Road (Barclays Bank), however change of use was granted to B1 (office) use in October 2000 (2000/1807). The summary provided to the officers' report in relation to this application stated, 'It is not possible to provide on-site parking, however, the low intensity of the proposed use would not cause serious on street parking.'

A further application was approved (2001/583) in July 2001, for an extension to the building, providing an additional 46m² of office floor space.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.31 To encourage the development and support the retention of a wide range of local services, including shops and community facilities, which are easily accessible to all, including people with disabilities or other mobility handicaps.

Part 2 Policies:

BE4 New development within or on the fringes of conservation areas
BE13 New development must harmonise with the existing street scene.
BE15 Alterations and extensions to existing buildings
S6 Change of use of shops - safeguarding the amenities of shopping areas
S10 Change of use of shops in Local Centres - criteria for permitting changes of use outside core 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.
LPP 3D.1 London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3
LPP 4B.5 London Plan Policy 4B.5 - Creating an inclusive environment.
R16 Accessibility for elderly people, people with disabilities, women and children
AM13 AM13 Increasing the ease of movement for frail and elderly people and people with

- disabilities in development schemes through (where appropriate): -
- (i) Dial-a-ride and mobility bus services
 - (ii) Shopmobility schemes
 - (iii) Convenient parking spaces
 - (iv) Design of road, footway, parking and pedestrian and street furniture schemes

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **20th May 2009**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

23 neighbours were consulted and 4 responses have been received including a petition of 136 signatures, making the following comments:

1. We object on the grounds there is no proper access for the public, more traffic congestion, and surplus to requirements;
2. I am concerned about the noise and do not think the village needs these extra facilities, that are available in nearby Uxbridge;
3. If this is approved then a possible future change of use could be submitted that will adversely affect nearby residents, we already have considerable noise and disturbance from the village hall and home guard club;
4. The site was originally garden land, and the original storage shed has been massively enlarged and converted into Offices (B1). The conversion to a D1 is not appropriate and may significantly increase noise from the site and disruption due to public visitors to the building;
5. If the use is allowed, I am concerned the site may be used for other uses, such as day nursery, day centre, meeting hall, etc which would be permitted by D1 consent;
6. There has been consistent and steady progression in the use of the site, further applications may be made for conversion to D2 or C3 use;
7. Noise nuisance is already a problem in neighbouring properties, for which complaints have been made;
8. The plan submitted is not correct, due to boundary fences and buildings missing and the council should ensure accurate and up to date information is submitted before considering this application;
9. The access is very limited (restricted to 82cm width). If an accident was to occur emergency services would have limited access to the site. Also if a fire were to occur in either property, anyone in no.29a may not be able to exit the site;
10. The access path is not a public right of way;
11. Having looked at the companies web site, I see it offers services for both men and women, and also a `Glamour lingerie and sex toys, which leads me to question exactly what type of massage services they will offer, or is this just a front for a more sort of unsavoury business, eg x-rated adults only massage parlour;
12. I have a nine year old son, so am concerned about what sort of people will be working there and the type of people visiting, my son enjoys playing in the garden and I need to know he is safe;

Officer comment: Any future applications would be judged on their own merit and determined in line with adopted advice and guidance at that time. Point 10 is not a material planning consideration, and the remaining points are addressed in the full report.

Ickenham Residents Association:

A considerable number of traders and residents have expressed their concerns about this proposal. The traffic and parking implications are a serious consideration and would add to the congestion and existing parking problems.

Internal Consultees

PEP

Application is acceptable with conditions. The site is to the rear of the Core Retail Area of Ickenham Local Centre and is located in the Ickenham Village Conservation Area. There is no specific policy resisting the re-use of offices outside Industrial and Business Areas. Saved Policy S9 specifically refers to loss of retail in Local Centre Cores. However, the opportunity to enhance local employment opportunities and service provision at an appropriate scale is welcomed as it would contribute to improving the vitality of the centre in accordance with PPS6 and Priority 5:A Thriving Economy of the Hillingdon Partners Sustainable Communities Strategies 2008-2018. If minded to grant approval site specific issues including access and security would need to be adequately addressed to the satisfaction of officers.

CONSERVATION AND URBAN DESIGN OFFICER

This part of the conservation area is characterised by a variety of retail and other commercial uses. Therefore, there would be no objection to the proposed use.

HIGHWAYS ENGINEER

It is physically not possible to provide on site parking.

The change of use to B1 (office) was granted in October 2000 on the understanding that it was for a limited use. Although not conditioned, the application form stated that there would be only 2 vehicle movements to the site. The committee report referred to the applicant's supporting statement that secretarial work would be carried out off the premises, thereby resulting in only two people on the premises at any time with occasional visitors. Therefore, at that time, on balance it was considered unlikely that the proposed use would result in additional parking in surrounding streets.

The current application will result in increased parking demand which cannot be provided on site. As such the application cannot be supported.

ACCESS OFFICER

It is appreciated that this application relates to a change of use and only minor building works are proposed, however, attention should be brought to the applicant's obligations under the Disability Discrimination Act 1995, Part III (Goods, Facilities, Services and Premises).

The proposed facility would be subject to the Disability Discrimination Act 1995 because it would provide a service to the public. It should be noted that reasonable adjustments to practices, policies and procedures, auxiliary aids, and physical features will need introducing to ensure that disabled people receive the same level of service.

The following observations are provided:

1. Accessible car-parking bays (Private or on street) should be available within 40m of the entrance.
2. A safe and welcoming access route to the building should be provided. The alleyway forming the access route should be a minimum of 1.5m wide, feature a non-slip smooth surface, be well lit and

clearly defined using texture and visual contrasts. The existing access arrangement is considered to be unacceptable as the sole means of access to the building that would be open to the general public.

3. Although suggested on plan, the building does not feature a correctly sized and designed accessible toilet for use by disabled people. Given the proposed change of use and likelihood of customers remaining in the building for prolonged periods, it may be legally unacceptable not to provide an accessible toilet.

WASTE STRATEGY

The waste strategy has no specific comments to make regarding this application.

EPU

Do not wish to object to this development, however should approval be recommended I would recommend conditions relating to hours of use, hours of delivery and waste collection and a restriction on air handling units be applied.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The London Plan (2008), Policy 3D.1, states boroughs should enhance access to goods and services and strengthen the wider role of town centres and policies should encourage retail, leisure and other related uses in town centres. In addition to this, policies should support a wide role for town centres as locations for leisure and cultural activities, as well as business and housing, and require the location of appropriate health, education and other public and community services in town centres. Policy 3D.2 comments that, UDP policies should relate the scale of retail, commercial and leisure development to the size and role of a centre and its catchment and encourage appropriate development on sites in town centres. Thus, given the opportunity to enhance local employment opportunities and service provision at an appropriate scale the principle of the use is considered acceptable in compliance with local, regional and national policies as set out in The London Plan and PPS6.

Policy S6 states changes of use applications will be granted where;

- i) A frontage design appropriate to the surrounding area is maintained or provided;
- ii) The use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and
- iii) Would have no harmful effect on road safety or worsen traffic congestion.

There are no external alterations proposed as part of this application and the site is set back and not visible from the Swakeleys Road frontage, and therefore would be acceptable. The site is in a commercial area, with the consequent activity associated with such an area and whilst it is located to the rear of the commercial premises it is sufficient distance not to result in an undue affect in terms of noise and disturbance. Highway issues have been assessed below and are not considered acceptable. Therefore, in this respect, the proposal would fail to comply with criteria (iii) listed in Policy S6 of the UDP (Saved Polices September 2007).

7.02 Density of the proposed development

Not applicable to this application.

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

The application site is within Ickenham Village Conservation Area. This part of the conservation area is characterised by a variety of retail and other commercial uses and no external alterations are proposed. Furthermore, the site is located to the rear of existing premises and is not visible from public vantage points. As such the proposal is considered to comply with Policy BE4 of the UDP (Saved Polices September 2007).

7.04 Airport safeguarding

The application site is not within a safeguarding area

7.05 Impact on the green belt

The application site is not within the Green Belt

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

There are no external alterations proposed as part of this application and the existing frontage will be retained. Therefore the proposal would comply with Policy BE13 of the UDP (Saved Polices 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 unit does not object to the application subject to conditions relating to the hours of operation, delivery times and control of noise resulting from any air handling units. The site is in a commercial area, with the consequent activity associated with such an area. Whilst it is accepted that patrons coming and going to and from the unit could result in some impact, given the location of the access to the unit this is likely to be restricted to the front of the site and the actual unit is sufficient distance from adjoining residential occupiers to the rear not to result in an undue impact in terms of noise and disturbance. As such, the proposal would comply with policies OE1 and OE3 of the Unitary Development Plan (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The site is situated to the rear of a two storey commercial parade with residential flats at first floor level. The current authorised use of the premises is B1 (offices) and the parking requirement for such a use would be 1 space per 100m². The floor space at the site is 127m² and there is currently no off street parking available to the unit. The change of use to B1 (office) granted in October 2000 was on the understanding that it was for a limited use. Although not conditioned, the application form stated that there would be only 2 vehicle movements to the site. The committee report referred to the applicant's supporting statement that secretarial work would be carried out off the premises, thereby resulting in only two people on the premises at any time with occasional visitors. Therefore, at that time, on balance it was considered unlikely that the proposed use would result in additional parking in surrounding streets.

The current application seeks to broaden the authorised use to also allow for the unit to be used for a whole range of uses including Class B1 (Office), Class A1 (hairdressing), Class D1 (osteopathy, chiropody, acupuncture, physiotherapy, homeopathy, chiropractic, aromatherapy, reflexology and herbaltherapy) and Sui Generis Use (tattooing, manicures, depilation, botox and teeth whitening). The Councils Adopted Parking Standards state that parking for such uses should be assessed on an individual basis, based on a submitted travel plan. A travel plan has not been submitted as part of the application. However, the application forms state that the proposed use would employ approximately 6/7 people. The floor plans show 4/5 treatment rooms and a reception area. As such, this could involve up to an estimated 14/15 people in the building at any one time (due to the crossover of appointments). The current application is considered to result in increased parking demand which cannot be provided on site and therefore it is considered that the proposed uses would result in a significant increase in demand for on street parking to the detriment of other highway users and therefore contrary to Policies 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

It is appreciated that this application relates to a change of use and only minor building works are proposed, however, the proposed facility would be subject to the Disability Discrimination Act 1995 because it would provide a service to the public. Of primary importance in this respect is the actual access to the building. For disability access purposes, the alleyway forming the access route to the unit should be, a minimum of 1.5m wide, feature a non-slip smooth surface and well lit and clearly defined using texture and visual contrasts. The existing access arrangement, in terms of its size is considered to be unacceptable as the sole means of access to the building that would be open to the general public.

Furthermore, although suggested on plan, the building does not feature a correctly sized and designed accessible toilet for use by disabled people. Given the proposed change of use and likelihood of customers remaining in the building for prolonged periods, this is also considered unacceptable.

Therefore the proposal would not comply with Policies Pt 1.31 and R16 of the adopted Unitary Development Plan Saved Policies September 2007, London Plan Policy 4B.5 and the Council's adopted Supplementary Planning Guidance 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

The application is for change of use only and the waste and recycling officer had no specific comments to make regarding this application, as such, it is not considered the proposed use would have an adverse affect on waste management issues.

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

See Section 6.1

7.20 Planning Obligations

None

7.21 Expediency of enforcement action

N/A

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

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

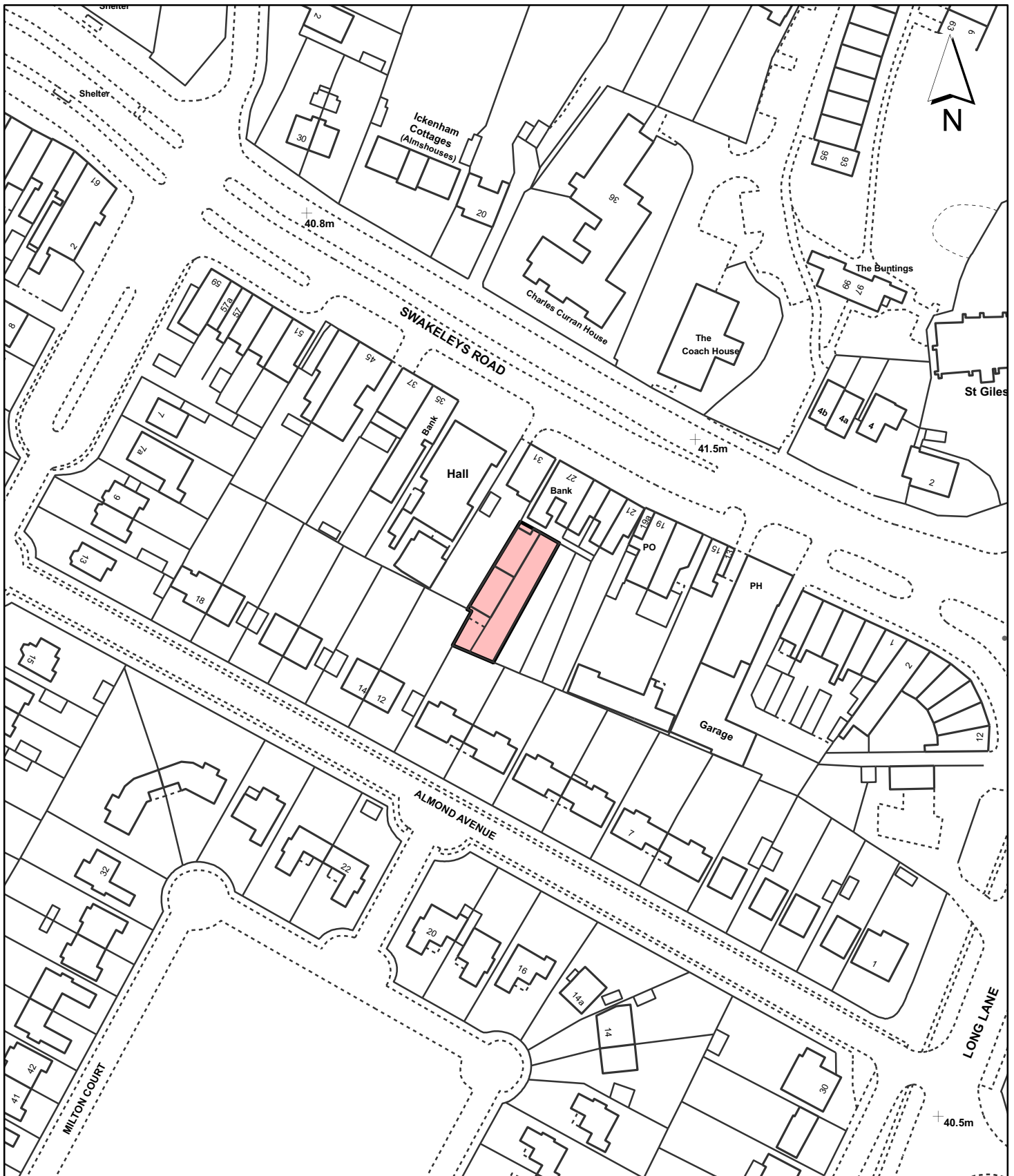
The application site is to the rear of the core retail area of Swakeleys Road and comprises a single storey office building currently with a B1 use. The application seeks to extend this use to include a range of uses. The pedestrian access is restricted via a narrow alley way between the two storey commercial units fronting Swakeleys Road and is unsuitable for disabled users and there is no off street parking available for the unit and it is considered that the proposed uses would result in increased pressure for on street parking in an area already heavily parked. As such the application is recommended for refusal.



11. Reference Documents

Hillingdon Unitary Development Plan Saved Polices September 2007
The London Plan (2008)

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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. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p align="center">29A Swakeleys Road Ickenham</p>		<p align="center">LONDON BOROUGH OF HILLINGDON</p> <p align="center">Planning & Community Services</p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center">30377/APP/2009/650</p>	<p>Scale</p> <p align="center">1:1,250</p>	
	<p>Planning Committee</p> <p align="center">North</p>	<p>Date</p> <p align="center">July 2009</p>	
		 <p align="center">HILLINGDON LONDON</p>	