

## Report of the Corporate Director of Planning & Community Services

**Address** 3 HIGH ROAD EASTCOTE

**Development:** Change of use of ground floor from Class A1 (Retail) to Class B1/ D1 (Manufacture and Fitting of Dentures).

**LBH Ref Nos:** 14719/APP/2009/1589

**Drawing Nos:** 1:1250 Scale Location Plan  
Un-numbered Existing Floor Plan  
Un-numbered Proposed Floor Plan

**Date Plans Received:** 21/07/2009      **Date(s) of Amendment(s):**

**Date Application Valid:** 27/07/2009

### 1. SUMMARY

This application seeks permission for the change of use of a vacant retail shop with the Eastcote Village Parade to a centre for the manufacturer and fitting of dentures (Class B1/D1). Although the proposal is strictly contrary to policy S7 of the saved UDP in that the parade does not contain 3 separate shop units in essential use, it does contain a local convenience store occupying two former units which does provide a wide range of goods which comprise 4 categories of essential goods, namely grocer, greengrocer, baker and newsagent. This approach is advocated by a report prepared on behalf of the Council to inform the preparation of the Local Development Framework and furthermore, recommends that this unit should not form part of the designated parade. No external alteration of the building is proposed, the use would not be detrimental to the amenities of surrounding occupiers, subject to conditions and the existing car parking arrangements on site would not change. The scheme is recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 T8 Time Limit - full planning application 3 years

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

#### REASON

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

#### 2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the approved plans unless consent to any variation is first obtained in writing from the Local Planning Authority.

#### REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**3 HLC5 Industrial and Commercial Development**

The premises shall not be used except between 08:00 hours and 18:00 hours Mondays to Fridays, between 08:00 hours and 13:00 hours on Saturdays and at no time on Sundays and Bank and 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 Saved Policies (September 2007).

**4 N13 Sound insulation of commercial/entertainment premises**

The development shall not begin until a sound insulation scheme for the control of noise transmission to the adjoining dwellings/premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

**5 NONSC Non Standard Condition**

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

**REASON**

To safeguard the amenity of surrounding areas, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

**6 MCD4 Shop Window Display (Service Uses etc)**

A window display appropriate to a shopping parade shall be provided prior to the commencement of the use for which permission is hereby granted and shall be permanently retained thereafter.

**REASON**

To ensure the appearance of the frontage is appropriate to the shopping area and assists in maintaining its vitality in accordance with Policy S6 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 3D.3.

**7 DIS2 Access to Buildings for People with Disabilities**

Notwithstanding the detail shown on the un-number proposed floor plan, received on 23/07/09, development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) and a toilet facility 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 that people with disabilities have adequate access to the development in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

## INFORMATIVES

### **1 I52 Compulsory Informative (1)**

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

### **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance

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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
BE4	New development within or on the fringes of conservation areas
R16	Accessibility for elderly people, people with disabilities, women and children
HDAS	'Accessible Hillingdon'
BE13	New development must harmonise with the existing street scene.

### **3 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

### **4 I3 Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least

6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

## **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 Planning & Community 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 should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **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 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

**9**            I43                    **Keeping Highways and Pavements free from mud etc**

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

**10**            I45                    **Discharge of Conditions**

Your attention is drawn to conditions 4 and 7 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

**11**            I46                    **Renewable Resources**

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO<sub>2</sub>) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

**12**            I47                    **Damage to Verge**

You are advised that 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).

**3.            CONSIDERATIONS**

**3.1        Site and Locality**

The application site is located on the south eastern side of High Road, Eastcote, some 30m to the west of its junction with Azalea Walk and forms part of a retail parade which comprises detached, semi-detached and terraced buildings of varying age.

The application property forms a two storey detached property which has been extended at the rear with a two storey extension. It currently comprises a vacant Class A1 retail unit on the ground floor, previously used as a wine merchants and two self-contained first floor flats with separate entrances, known as Nos.3A and 3B on the first floor, with a small yard area at the rear. There is forecourt parking for three vehicles at the front. A side access adjoins the property to the south west which provides access to one of the flats (the other entrance being to the left of the shopfront) and a detached single storey outbuilding at the

end of the access, known as No.3C, which is in use as a separate office. To the east of the application property are a pair of semi-detached properties, which also form part of the parade and a detached garage and Listed Old Barn building adjoin the site to the west, beyond which is the three storey Black Horse Parade.

The application property forms part of the Eastcote Village Parade and also forms part of the Eastcote Village Conservation Area.

### **3.2 Proposed Scheme**

This application seeks permission to change the use of the ground floor from retail (Class A1) to a unit for the manufacture and fitting of dentures (Class B1/D1).

No external works are proposed. The proposal would involve the internal subdivision of the retail floor space to provide a reception/retail/waiting room, consultation/surgery room, sterilisation room, working area, W.C, workroom and staff kitchen and W.C area.

### **3.3 Relevant Planning History**

#### **Comment on Relevant Planning History**

N/A to this application.

## **4. Planning Policies and Standards**

### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
BE4	New development within or on the fringes of conservation areas
R16	Accessibility for elderly people, people with disabilities, women and children
HDAS	'Accessible Hillingdon'
BE13	New development must harmonise with the existing street scene.

## **5. Advertisement and Site Notice**

**5.1 Advertisement Expiry Date:- 9th September 2009**

**5.2 Site Notice Expiry Date:- 9th September 2009**

## **6. Consultations**

### **External Consultees**

The application has been advertised as affecting the Eastcote Village Conservation Area and 14 neighbouring properties, Eastcote Residents' Association have been consulted. No responses have been received.

Eastcote Village Conservation Panel:

No objections in principal to the change of use, but ask that as the building concerned is part of the Black Horse Shopping Parade, any change to the shop frontage be in keeping with a 'parade of shops' and that the working hours of the practice are kept within reasonable limits, so as not to disturb the residents living in the accommodation above.

### **Internal Consultees**

Environmental Protection Unit:

No objections, subject to conditions controlling hours of use to a daytime use between 9am to 6pm Mondays to Saturdays and no use on Sundays and Bank Holidays, sound insulation scheme between ground and first floors and no deliveries between the hours of 23:00 and 07:00 hours on Mondays to Saturdays and at no time on Sundays and Bank Holidays.

Waste Services:

The waste division has no specific comments to make on this application.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) (UDP) seeks to maintain the retail hierarchy in the Borough and local parades are viewed as being vital in providing daily food shopping for the local community. Policy S7 of the UDP advises that permission will only be granted for the change of use of retail uses within parades where:-

- (i) The parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and its function,
- (ii) The surrounding area is not deficient in essential shop uses, and
- (iii) It accords with Policy S6.

Policy S6 advises that changes of use of Class A1 shops should:-

- (i) Not be detrimental to visual amenity in the case of a Listed Building or within a conservation area,
- (ii) Retain an appropriate frontage,
- (iii) Be compatible with neighbouring uses, and
- (iv) Not be harmful to road safety.

The Eastcote Village Parade comprises the following uses:-

- 1A High Road - Architects (Class B1)
- 1 High Road - Estate Agents (Class A2)
- 2 High Road - Accountants (Class A2)
- 3 High Road (Application Site) - Vacant (former wine merchants) (Class A2)
- Detached Garage - Car valeting (Class B1)
- Old Barn House - Offices (Class B1)
- Unit 1, Old Barn House - Betting Shop (Class A2)
- Unit 2, Old Barn House - Opticians (Class A1)
  
- 1 Black Horse Parade - Vacant (former clothes shop) (Class A1)
- 2 and 3 Black Horse Parade - Convenience Store (Class A1)
- 4 Black Horse Parade - Chinese Takeaway (Class A3)
- 5 Black Horse Parade - Hairdressers (Class A1)
- 6 Black Horse Parade - Indian Takeaway (Class A3)

The proposal is therefore strictly contrary to policy as the parade currently only contains 1 shop which provides an essential use, which does occupy two units, namely the convenience store at No. 2/3 Black Horse Parade when normally small parades are expected to provide 3 shop units in essential use.

However, the Council is in the early stages of preparing its Local Development Framework which will eventually replace the UDP. As part of this process, a report has been produced titled 'Background Technical Report: Local Parades September 2006'. The report seeks to inform the preparation of the Local Development Framework and therefore its recommendations have not been agreed by the Council and may not be taken up. However, it is considered that some regard should be had to its recommendations. In this respect, at 10.4 on p.33, the report recommends that Nos.1, 2, 3 and 3C High Road, Eastcote be removed from the parade designation. It also goes on to suggest that due to changes in retailing activity, particularly the growth of local convenience stores, it is the range of goods on offer in a parade that is important and not the overall number of essential shops.

Officers are sympathetic to the views expressed in this document and the recommendations made. In this parade, the local convenience store at No.2/3 Black Horse Parade does offer a wide range of goods, including 4 essential uses, namely grocery, greengrocery, bakery and newsagent goods. It also provides a small off-license.

Given the range of essential goods on offer in the parade, it is considered that the parade does provide a suitable range of essential goods, albeit within a single shop. Furthermore, a new A1 use for the application property would be difficult to secure in the foreseeable future given this range, particularly as No.1 Black Horse Parade is also currently vacant. It is therefore concluded that the proposal would not be detrimental to the retail offer provided by this parade and the change of use would not compromise the aims and objectives of the relevant policies contained within the adopted Hillingdon Unitary Development Plan.

#### **7.02 Density of the proposed development**

N/A to this proposal.

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

No external alterations are proposed to the building and the proposal is likely to improve th



character of the Eastcote Village Conservation Area by bringing a vacant ground floor unit back into use. The proposal is therefore considered to comply with policy BE4 of the adopted Hillingdon Unitary Development Plan Saved Policies, September 2007).

#### **7.04 Airport safeguarding**

N/A to this application.

#### **7.05 Impact on the green belt**

N/A to this application.

#### **7.06 Environmental Impact**

N/A to this application.

#### **7.07 Impact on the character & appearance of the area**

See section 7.03 above.

#### **7.08 Impact on neighbours**

Policy S6 states that to safeguard the amenities of shopping areas, the Local Planning Authority will only grant permission for changes of use of class A1 shops if the proposed use will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking.

OE1 states that proposed uses should not have a detrimental impact on the character of an area or the amenities of neighbouring properties by reason of noise and vibration or the emission of dust, smell or other pollutants.

There are residential occupiers on the first floor of this building. In terms of the potential for disturbance, it is recommended that a sound insulation scheme be provided between the two floors of the building and that the hours of use and deliveries/collections are controlled. With such controls in place, it is considered that the proposal would be compatible with neighbouring uses and would not result in an unacceptable loss of amenity to adjoining residential properties. It is considered that the proposal would comply with Policies S6 and OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

#### **7.09 Living conditions for future occupiers**

N/A to this application.

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

Policy S6 states that to safeguard the amenities of shopping areas, the Local Planning Authority will only grant permission for changes of use of class A1 shops if the proposed use will not cause unacceptable traffic related problems.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted car parking standards. The proposal would not alter the existing forecourt parking arrangements on site.

The Council's car parking standards do not stipulate a specific figure for medical or other health care practices (Class D1), but comparing the Council's car parking standards for Class A1 and B1 uses, the B1 use is less onerous (1 space per 100m<sup>2</sup> of floor space as

compared to 1 space per 15m<sup>2</sup> to 75m<sup>2</sup> of retail floorspace). This proposal would involve a unit with 104sqm of floor space and has three existing off-street car parking spaces on the forecourt and a side drive. It is considered that the proposal would not have a harmful effect on road safety as it would not generate any additional demand for off-street parking over and above the existing use of the premises as a retail shop. In light of the above it is considered that the proposed change of use would accord with policies S6, AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **7.11 Urban design, access and security**

N/A to this application.

#### **7.12 Disabled access**

A condition has been added to ensure that disabled access is provided to the building. As such, the proposal complies with policy R16 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **7.13 Provision of affordable & special needs housing**

N/A to this application.

#### **7.14 Trees, Landscaping and Ecology**

N/A to this application.

#### **7.15 Sustainable waste management**

N/A to this application.

#### **7.16 Renewable energy / Sustainability**

N/A to this application.

#### **7.17 Flooding or Drainage Issues**

N/A to this application.

#### **7.18 Noise or Air Quality Issues**

N/A to this application.

#### **7.19 Comments on Public Consultations**

No neighbour responses have been received. The comments of the Eastcote Conservation Panel have been taken into account in the report.

#### **7.20 Planning Obligations**

N/A to this application.

#### **7.21 Expediency of enforcement action**

N/A to this application.

#### **7.22 Other Issues**

N/A to this application.

## **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**

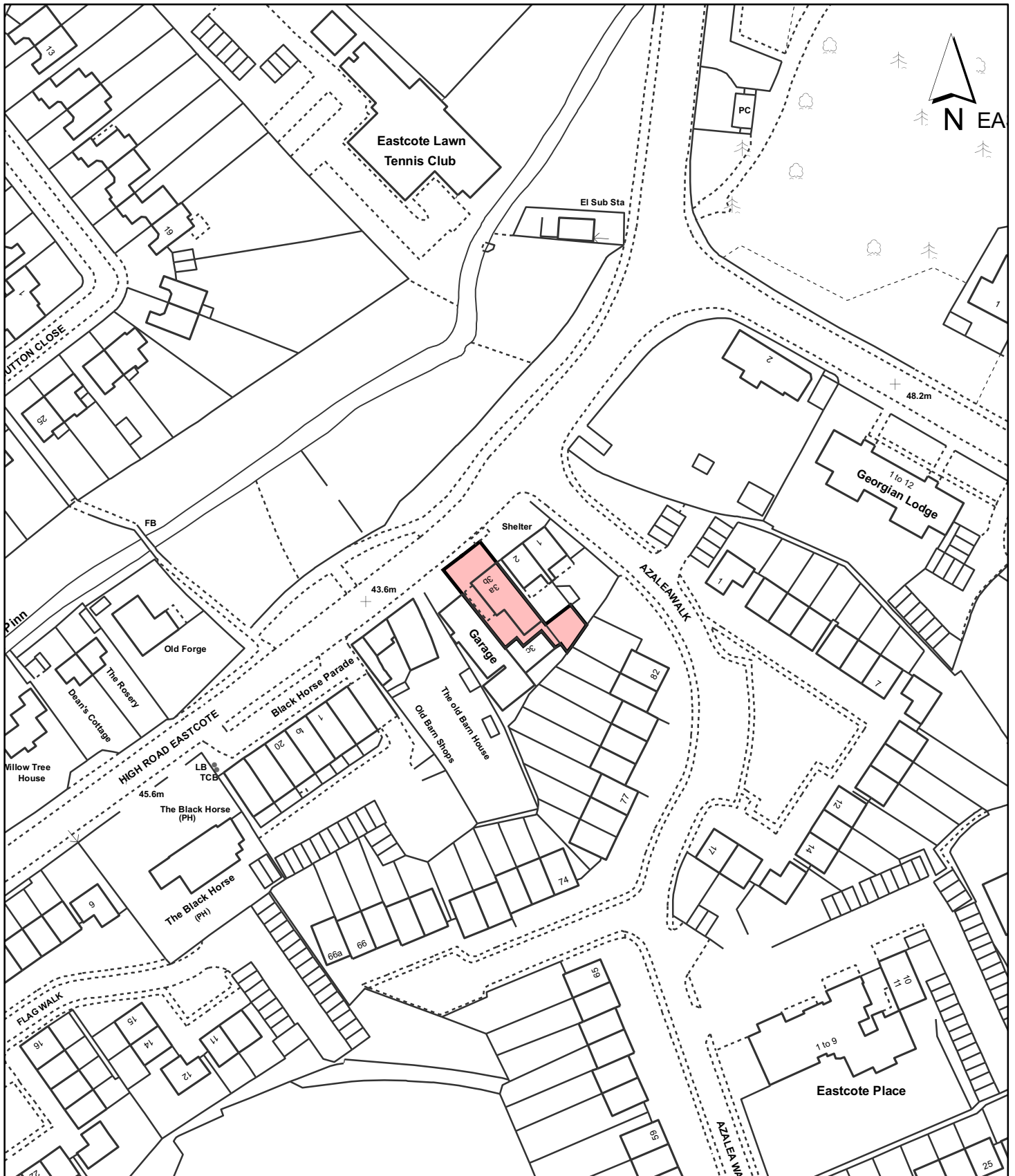
The change of use is considered acceptable.



## **11. Reference Documents**

- (a) Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)
- (b) London Plan (February 2008)
- (c) Background Technical Report: Local Parades September 2006.
- (d) HDAS: 'Accessible Hillingdon'.
- (e) Consultation Responses.

**Contact Officer:** Richard Phillips

**Telephone No:** 01895 250230



<p><b>Notes</b></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 style="text-align: center;"><b>3 High Road Eastcote</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Planning &amp; Community Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;"><b>14719/APP/2009/1589</b></p>	<p>Scale</p> <p style="text-align: center;"><b>1:1,250</b></p>	 <p><b>HILLINGDON</b> LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;"><b>North</b></p>	<p>Date</p> <p style="text-align: center;"><b>September 2009</b></p>	