

Report of the Corporate Director of Planning & Community Services

Address 43 SALISBURY ROAD EASTCOTE PINNER
Development: Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services).
LBH Ref Nos: 33427/APP/2009/1680
Drawing Nos: Un-numbered Floor Plan
1:1250 Location plan

Date Plans Received: 30/07/2009 **Date(s) of Amendment(s):**
Date Application Valid: 26/08/2009

1. SUMMARY

The application relates to the change of use of an existing retail unit (Class A1) to financial and professional services (Class A2). No exterior alterations are proposed.

The parade comprises 8 units, one of which is split into two smaller units and should this application receive consent, 4.5 of the 8 units on this frontage would remain in retail use (although one is a split unit). It is therefore considered an adequate choice of facilities would remain and subject to appropriate conditions, the proposal is not considered to result in conflict with the relevant policies within the Hillingdon Unitary Development Plan (Saved Policies September 2007).

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 plans hereby approved 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 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC **Restricted delivery times**

The premises shall not be used for deliveries and collections, including waste collections, outside the hours of 0700 hrs and 2300 hrs, Monday to Fridays, 0800 to 1300 on

Saturdays and not at all on Sundays or Bank Holidays.

REASON

To safeguard the amenity of surrounding areas in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

4 NONSC Air handling units

No air handling units shall be used on the premises until a scheme which specifies the provisions to be made for the control of noise emanating from the site or to other parts of the building, has been submitted to, and approved by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. The said scheme shall include such secure provision as will ensure that the said scheme and all of it endures for use and that any and all constituent parts are repaired and maintained and replaced in whole or in part so often as occasion may require.

REASON

To safeguard the amenity of surrounding areas in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

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
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.

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 12 **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

5 13 **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).

6 15 **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.

7 115 **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 and 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the south east side of Salisbury Road and comprises a ground floor mid terrace unit in a parade with residential maisonettes above. The site has a footway and an access/service road to the front providing street side parking. There is a further access road to the rear providing delivery access to the commercial uses. The site is within a Developed Area as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

The proposal involves the change of use of the ground floor from a retail unit (Use Class A1) to Financial and Professional Services (Use Class A2). No external alterations are proposed as part of this application.

3.3 Relevant Planning History

Comment on Relevant Planning History

None

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
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.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

32 neighbours consulted and one response received, which made the following comments:

- i) The use will bring no real benefit to the parade, which is already dying due to lack of retail business. Out of the seven shops only 3 bring trade to the parade, the other uses do not serve the local population.
- ii) Granting an A2 use will put another nail in the coffin of the parade, we are already struggling to keep local people shopping locally;
- iii) It proposes to open only between 10am to 4pm Monday to Friday, which shows you who will benefit from it;
- iv) Keep it A1 or A3 to benefit the community or us small retailers will all be forced to close our doors.

Northwood Hills Residents Association - No comments received

Eastcote Residents Association - No comments received.

Internal Consultees

EPU

No objection subject to conditions relating to hours of use, hours of delivery and waste collections, submission of details of any air handling units and a construction site informative.

Officer Comments: Whilst conditions relating to hours of delivery and waste collections, submission of details of any air handling units and a construction site informative are attached, the proposed use is not considered to be a noise generating use and thus a condition relating to hours of use is not considered to be justified.

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 Parade comprises the following uses:-

- 41 Salisbury Road - Pharmacy (Class A1)
- 43 Salisbury Road (Application Site) - Business Supplies/Printers (Class A1)
- 45 Salisbury Road - Clock Restoration (Class B1)
- 47 Salisbury Road - Insurance Agent (Class A2)
- 49 Salisbury Road - Business Supplies (Class A1)
- 51 Salisbury Road - Off-Licence (Class A1)
- 53 Salisbury Road - Newsagents/general store (Class A1)
- 55 Salisbury Road - (Split into two units) - Takeaway/Hairdresser (Class A3/A1)

Thus, the site comprises one unit in a parade of 8 commercial units at ground floor level with residential above, of which, 5.5 units are in retail use, one is an insurance use, 0.5 is a takeaway and the other is the clock restorer. As such, the proposal would result in 4.5 of the existing units on this frontage still remaining in retail use. Furthermore, in this parade the units at 51 and 53 offer grocery items as well. 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

Not applicable to this application

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

Not applicable to this application

7.04 Airport safeguarding

Not applicable to this application

7.05 Impact on the green belt

Not applicable to this application

7.06 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 therefore the existing frontage will be retained. As such the proposal is considered to comply with Policy S6 of the UDP (Saved Policies 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 has suggested a number of conditions should be applied relating to hours of use, hours of delivery and waste collections, submission of details of any air handling units and a construction site informative. Whilst conditions relating to hours of delivery and waste collections, submission of details of any air handling units and a construction site informative are attached, the proposed use is not considered to be a noise generating use and thus a condition relating to hours of use is not considered to be justified. Therefore subject to the appropriate conditions the proposal is considered to accord with policies OE1 and OE3 of the UDP (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 on Salisbury Road, and is located within a small retail parade which fronts a dedicated service road. It is not considered that the traffic generation or parking

requirements between retail and financial and professional service uses is so different as to result in an undue impact on the surrounding road network. The proposal would therefore comply with 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

The site currently has level access to the unit and a WC within which complies with disabled requirements. As the application is for change of use only and does not involve any alterations to the building, this situation will not change.

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 due to the type of use proposed it is not considered that there would be 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

None

7.20 Planning Obligations

Not applicable to this application

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

None

8. Observations of the Borough Solicitor

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 relates to the change of use of an existing retail unit (Class A1) to financial and professional services (Class A2). No exterior alterations are proposed.

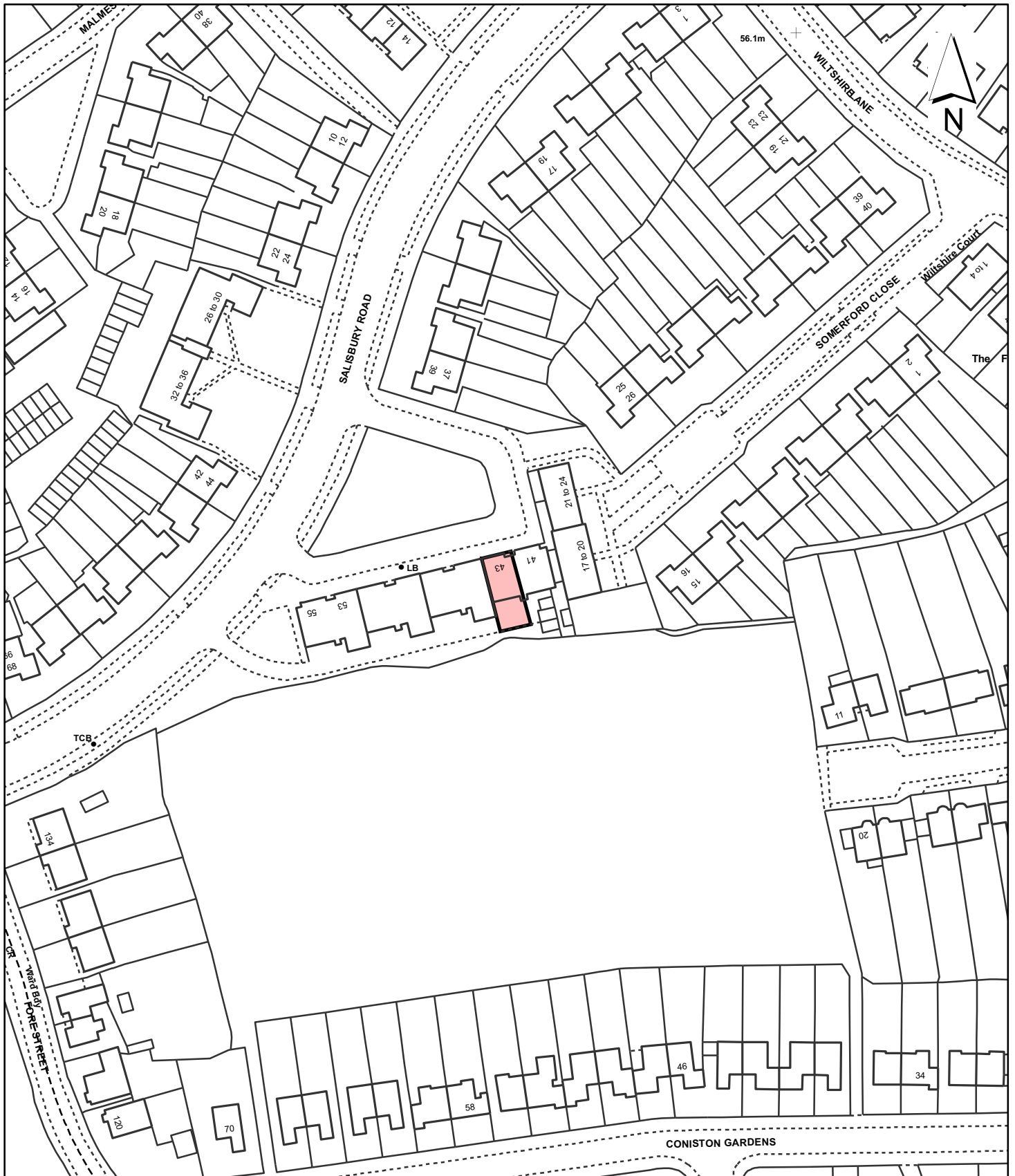
The parade comprises 8 units and should this application receive consent, 4.5 of the 8 units on this frontage would remain in retail use. It is therefore considered an adequate choice of facilities would remain and subject to appropriate conditions, the proposal is not considered to result in conflict with the relevant policies within the Hillingdon Unitary Development Plan (Saved Policies September 2007).

11. Reference Documents


Unitary Development Plan (Saved Policies September 2007)
London Plan Policies (2008)

Contact Officer: Catherine Hems

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Notes

 Site boundary

For identification purposes only.

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Site Address

**43 Salisbury Road
Eastcote**

Planning Application Ref:
33427/APP/2009/1680

Planning Committee
North

Scale
1:1,250

Date
October 2009

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

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