

Report of the Head of Planning, Sport and Green Spaces

Address 198 FIELD END ROAD EASTCOTE

Development: Change of use from retail (Use Class A1) to a hairdresser/beauty salon (Sui Generis)

LBH Ref Nos: 12955/APP/2015/1143

Drawing Nos: 2355
Location Plan (1:1250)
Block Plan (1:500)
Design and Access Statemen

Date Plans Received: 27/03/2015 **Date(s) of Amendment(s):**

Date Application Valid: 22/04/2015

1. SUMMARY

The application relates to a ground floor double unit which formerly sold bathroom tiles. The building is three storey's high and comprises a commercial unit on the ground floor with residential above. The site is is part of a corner terrace of 6 retail units located at the junction with Elm Avenue on the south-eastern side of Field End Road. A small shared service yard area is located to the rear of the site accessed from Elm Avenue. The frontage and entrance of the property is also located on Elm Avenue. The site lies just outside the Morford Way Conservation Area.

The application site lies within the Secondary Shopping Area of Eastcote Minor Town Centre and is part of the Developed Area as identified in the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Part of the shop is to be used as a hairdressers which would not require planning permission as it is within Use Class A1 (Retail) and it is proposed to use the adjoining unit as a beauty salon subject of this application.

The proposed change of use from retail within the designated Secondary Shopping Area of the Eastcote Town Centre would result in the loss of a retail unit and would undermine the attractiveness of the Secondary Shopping Area which has been defined to identify the minimum number and range of shops needed to carry out its function. The proposal would thus be harmful to the vitality and viability of the shopping area and would be contrary to Policy S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed change of use from retail within the designated Secondary Shopping Area of the Eastcote Town Centre would result in the loss of a retail unit and would undermine the attractiveness of the Secondary Shopping Area which has been defined to identify the minimum number and range of shops needed to carry out its function. The proposal would thus be harmful to the vitality and viability of the shopping area and would be contrary to

Policy S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the National Planning Policy Framework.

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 Local Plan: (November 2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping 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.
NPPF2	NPPF - Ensuring the vitality of town centres

3 I59 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a ground floor double retail unit which formerly sold bathroom tiles. The building is three storey's high with residential above. The site is part of a corner terrace of 6 retail units located at the corner junction with Elm Avenue on the south-eastern side of Field End Road. A small shared rear service yard area is located to the rear of the site accessed from Elm Avenue. The frontage and entrance of the property is also located on Elm Avenue. The site lies just outside the Morford Way Conservation Area.

The application site lies within the Secondary Shopping Area of Eastcote Minor Town

Centre and is part of the Developed Area as identified in the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application is retrospective and relates to a double unit. Part of the shop is to be used as a hairdressers which would not require planning permission as it is within Use Class A1 (Retail) and it is proposed to use the adjoining unit as a beauty salon subject of this application. It is proposed not to provide any parking due to the bus routes available and nearby Eastcote Underground Station.

There would be one full time employee and the beauty salon hours of operation are 0930-1900 Monday to Friday and 0930-1930 on Saturday. The beauty salon would be closed on Sundays and bank holidays.

The application is a resubmission with the main difference being that the unit was vacant in the previous scheme.

3.3 Relevant Planning History

12955/APP/2012/3089 198 Field End Road Eastcote Pinner

Change of use of ground floor from retail (Use Class A1) to spa treatment use (Sui Generis)

Decision: 13-02-2013 Refused **Appeal:** 28-10-2013 Dismissed

12955/APP/2014/4160 198 Field End Road Eastcote

Change of use from sui generis to A1 (hair salon)

Decision: 15-01-2015 NFA

12955/APP/2015/469 198 Field End Road Eastcote

Change of use from A1 to A2 to be used as hairdresser and beauty salon

Decision: 17-03-2015 NFA

Comment on Relevant Planning History

12955/APP/2012/3089: Change of use of ground floor from retail (Use Class A1) to spa treatment use (Sui Generis) was refused for the following reason:

The proposed change of use from retail within the designated Secondary Shopping Area of the Eastcote Town Centre would result in the loss of a retail unit and would undermine the attractiveness of the Secondary Shopping Area which has been defined to identify the minimum number and range of shops needed to carry out its function. The proposal would thus be harmful to the vitality and viability of the shopping area and would be contrary to Policy S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

An appeal against this decision was dismissed on the 28th October 2013.

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.BE1 (2012) Built Environment

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.
S6 Change of use of shops - safeguarding the amenities of shopping areas
S12 Service uses in Secondary Shopping 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.
NPPF2 NPPF - Ensuring the vitality of town centres

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

9 neighbours and Eastcote Residents Association were consulted and a site notice was also erected on 9 April 2015. One response received from Eastcote Chamber of Commerce supporting the application:

"We understand that the lady who runs the above premises wishes to continue being a beauty salon, and change the premises from a Class A1 to Sui Generis.

The Chamber of Commerce for Eastcote supports the change of use as we wish her to be able to continue to trade as the beauty salon is a popular salon. The double unit had been empty for two years previously and we do not wish to have any more closed shops or takeaways coming into Eastcote."

A Ward Councillor has requested that the application be determined at committee.

Internal Consultees

Highways:

There are no highway objections to this proposal.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S12 states that permission will be granted for the change of use from Class A1 in Secondary Shopping Areas provided that the remaining retail facilities are adequate for the Shopping Area to function; and the proposed development would not result in a separation of A1 uses or a concentration of non-retail uses. Should the above be satisfied then a change of use on the ground floor would be acceptable subject to meeting the requirements of Policy S6 which refers to considerations relating to visual amenity; shop frontage design; compatibility and road safety.

Eastcote has a total frontage of 1041.5m within its boundary made up of 323.5m (47 units) in primary and 718m (101 units) in secondary shopping areas. A shopping survey was carried out by the Council in 2014/2015 which demonstrated that the share of A1 frontages within the Secondary Shopping Area has fallen to 41.3% (43.6% A1 units) in 2014 which is below the 50% threshold. Thus, effort should be made to balance this and resist any further loss of retail (A1 use) frontages in order to preserve its retail function. The Inspector, in dismissing the appeal relating the change of use of from retail to spa treatment (Ref: 12955/APP/2012/3089) at this site in October 2013, on this issue stated:

"7. The Council, in support of its case, has provided evidence to demonstrate that the share of A1 within Eastcote Minor Town Centre had fallen to 42.1% in 2012. This is below the 50% threshold. No evidence has been presented to suggest that the level has risen from 42.1% since 2012. In this regard, were the appeal to be allowed, the share of A1 uses in the Shopping Area would fall even further below the 50% threshold. I find that this would serve to weaken the retail function of Shopping Area.

8. In addition to the above, the proposal, were it to go ahead, would lead to a concentration of non-retail units in one location. This would fail to preserve and serve to weaken the defined Shopping Area's retail function.

9. Taking all of the above into account, I find that the proposed development would harm the retail function of the Eastcote Minor Town Centre Secondary Shopping Area. This would be contrary to Local Plan: Part 2 policy S12."

Therefore it is considered that should the change of use from A1 be permitted, the remaining retail facilities would be inadequate for the Shopping Area, contrary to Policy S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policy BE13 resists any development which would fail to harmonise with the existing streetscene or complement or improve the character of the area. No alterations to the premises or shopfront are proposed as part of the development.

Therefore the proposed development would not impact upon the visual amenities of the streetscene or the character and appearance of the surrounding area.

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that become detrimental to the amenity of the adjoining occupiers or surrounding area will not be approved. Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

The change of use from A1 (Retail) to hairdresser/beauty salon is not considered to result in any additional noise and disturbance over the current situation and therefore is considered to comply with Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

No parking is provided as part of the proposed development, however the Highways Officer has no objections to this, therefore, the development would accord with Policies AM7, AM9 and AM14 of the adopted Hillingdon Local Plan, 2012, Part 2.

7.11 Urban design, access and security

Urban design issues have been covered elsewhere in the report and with regard to access and security, conditions would ensure compliance with these requirements.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

There are no trees or landscaping issues.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

The site does not fall within a Flood Zone and therefore the proposed development is not at potential risk of flooding.

7.18 Noise or Air Quality Issues

The issue of noise is covered in Section 7.08.

7.19 Comments on Public Consultations

The Eastcote Chamber of Commerce raised the issue of the unit being vacant for two years. The Inspector also considered this issue in his decision and stated:

11. The appellant, also in support of her case, states that the unit had been vacant for almost two years and that the freeholder had been unable to secure a retail leaseholder during this period. However, I find that this vacancy could have been for a number of reasons and there is no evidence before me to demonstrate how the premises were marketed during the vacancy period."

No evidence of the marketing for for the premises during the vacancy period has been provided with this current application.

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

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken

into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application site lies within the Secondary Shopping Area of Eastcote Minor Town Centre and is part of the Developed Area as identified in the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Part of the shop is to be used as a hairdressers which would not require planning permission as it is within Use Class A1 (Retail) and it is proposed to use the adjoining unit as a beauty salon, subject of this application.

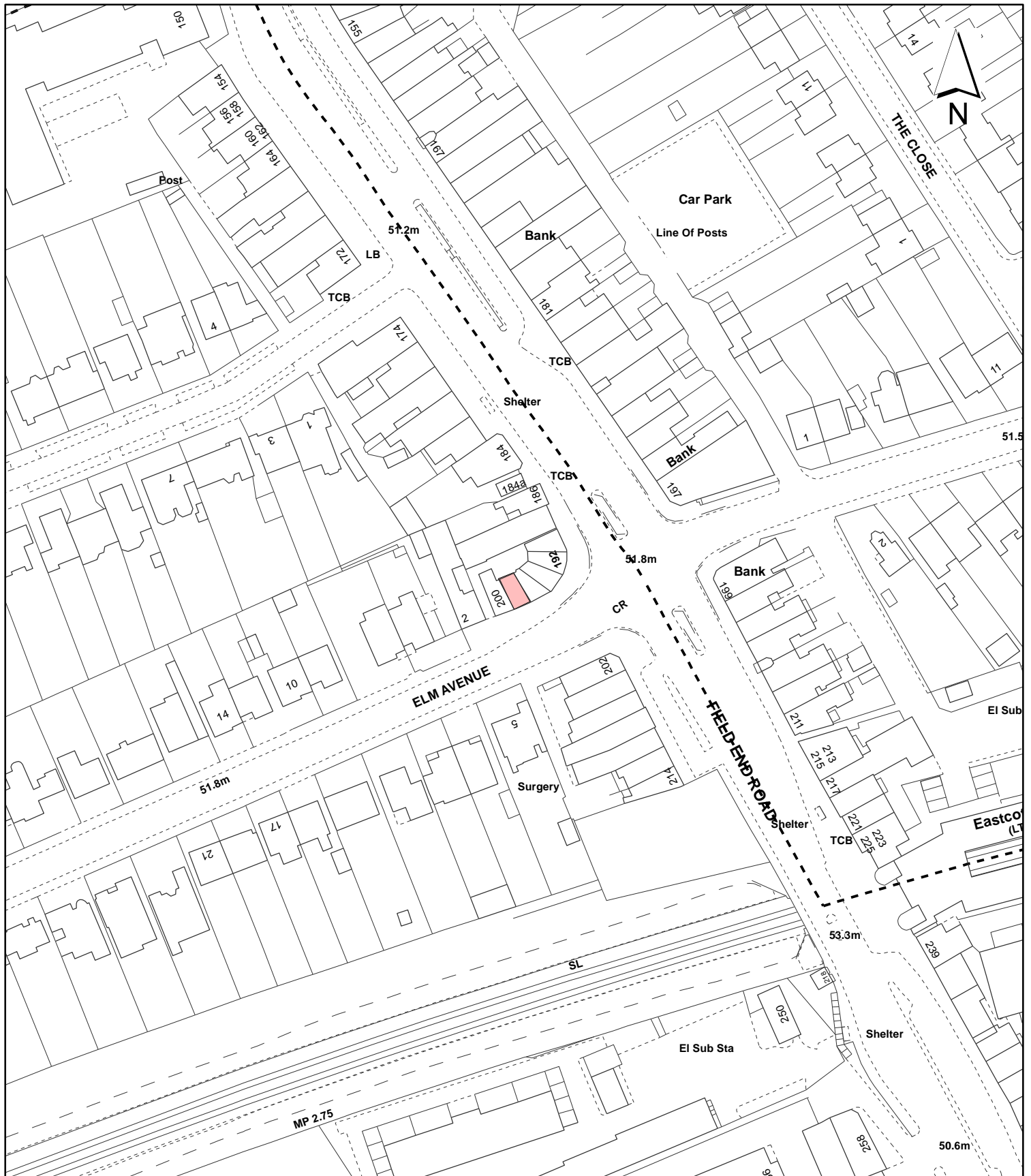
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

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
Hillingdon Design and Access Statement 'Residential Layouts'
The London Plan 2015
Supplementary Planning Document 'Accessible Hillingdon'
National Planning Policy Framework

Contact Officer: Mandeep Chaggar

Telephone No: 01895 250230



<p>Notes:</p> <p> Site boundary</p> <p>For identification purposes only. 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. © Crown copyright and database rights 2015 Ordnance Survey 100019283</p>	<p>Site Address:</p> <p style="text-align: center;">198 Field End Road Eastcote</p>		<p style="text-align: center;">LONDON BOROUGH OF HILLINGDON Residents Services Planning Section Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p> <p style="text-align: center;"> HILLINGDON LONDON</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">12955/APP/2015/1143</p>	<p>Scale:</p> <p style="text-align: center;">1:1,250</p>	
	<p>Planning Committee:</p> <p style="text-align: center;">North</p>	<p>Date:</p> <p style="text-align: center;">June 2015</p>	