

## Report of the Head of Planning, Sport and Green Spaces

**Address** 141 NORTH HYDE ROAD HAYES

**Development:** Change of use of ground floor from travel agents (Use Class A1) to a tattoo studio (Sui Generis)

**LBH Ref Nos:** 14727/APP/2016/1183

**Drawing Nos:** Location Plan (1:1250)  
Existing Ground Floor Plan  
Proposed Ground Floor Plan

**Date Plans Received:** 22/03/2016 **Date(s) of Amendment(s):**

**Date Application Valid:** 19/04/2016

### 1. SUMMARY

The application seeks planning permission for the change of use from ground floor from travel agents (Use Class A1) to a tattoo studio (Sui Generis). The principle of development and loss of this retail unit would not harm local convenience shopping provision or the vitality and function of this shopping parade, in accordance with policy S7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Furthermore the proposal would not result in a material impact on the appearance of the street scene, would not result in a loss of residential amenity and the demand for parking for the proposed use would not be significantly different from the previous use. The application is therefore recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 COM3 Time Limit

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 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan reference Proposed Ground Floor Plan and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

### 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
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
OE5	Siting of noise-sensitive developments
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

## **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 September 2007), then London Plan Policies (2015). 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.

## **4            I47            Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

## **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 Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **6 16 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.

## **7 115 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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application property comprises of a ground floor retail unit located within a local parade of shops on the southern side of North Hyde Road which lies within the Developed Area as identified within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The property fronts Wyre Grove and its most recent use was as a travel agents (A1).

### 3.2 Proposed Scheme

The application seeks planning permission for the change of use from travel agents (Use Class A1) to a tattoo studio (Sui Generis).

### 3.3 Relevant Planning History

14727/APP/2007/1707 141b North Hyde Road Hayes

TO BE CLARIFIED

**Decision:** 12-09-2008 Withdrawn

14727/APP/2009/2272 141a North Hyde Road Hayes

Conversion of existing roof space into habitable accommodation, including 1 number rear dormer window and two number pitched roof dormers to front elevation.

**Decision:** 21-01-2010 NFA

14727/APP/2010/11 141 North Hyde Road Hayes

Conversion of roof space to habitable use involving the erection of 2 front and a rear dormer windows.

**Decision:** 01-03-2010 Refused

14727/APP/2015/3307 141b North Hyde Road Hayes

Change of use from tyre fitting shop (Sui Generis) to a minicab office (Sui Generis).

**Decision:** 12-11-2015 Withdrawn

14727/APP/2015/4218 141b North Hyde Road Hayes

Change of use from tyre fitting shop (Sui Generis) to a minicab office (Sui Generis) (Resubmission)

**Decision:** 09-02-2016 Withdrawn

#### Comment on Relevant Planning History

There is no recent planning history in relation to the ground floor retail use of the application property.

## 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:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
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
OE5	Siting of noise-sensitive developments
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

8 neighbouring properties were consulted by letter dated 21.4.16 and a site notice was displayed to the front of the site which expired on 23.5.16. No response received.

BAA Safeguarding - No objection

### Internal Consultees

Highways:

There are currently no off street parking spaces and none have or can be provided. It is not considered that the demand for parking for the proposed use would be significantly different from the previous use. No objections are raised on highway grounds.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

The application site forms part of a local shopping parade. Local shopping parades serve an important role in providing convenience shopping that caters for the needs of local residents.

Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that change of use will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and would not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion.

Policy S7 establishes the criteria where service uses would be permitted in parades and states that change of use from A1 will only be granted if the parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and to its function in the Borough and that the surrounding residential area is not deficient in essential shop uses.

The supporting text to this policy comments that the Local Planning Authority seeks to protect vulnerable parades which are particularly important for the local community and provide opportunities for the establishment of new essential shop uses in existing Class A1 premises. Therefore, as many essential shop uses as possible will be protected, and ideally there should be no less than three in smaller parades and a choice of essential shops in larger parades and in local centres should be retained.

Paragraph 8.22 and policy S7 seeks to ensure that all residential areas are within half a mile of a least 5 essential shop uses, although not necessarily within the same parade. For some local shopping areas the closure of just one essential shop may be so significant as to precipitate the closure of other shops and the ultimate demise of the centre as a whole. The LPA seeks to protect vulnerable parades and corner shops which have a particularly important role for the local community and to provide opportunities for the establishment of new essential shop uses in existing class A1 premises. Ideally there should be no less than 3 (essential shops) in the smaller parades and a choice of essential shops in the larger parades.

The shopping parade comprises the following uses:

- 143 - Take Away (A5)
- 145 - Electrical Store (A1)
- 147 - Grocer (A1)
- 149 - Newsagent (A1)
- 151 - Butcher (A1)
- 153 - Off Licence (A1)
- 155 - Salon (A1)
- 157 - Driving School (Sui Generis)
- 159 - Takeaway (A5)
- 161 - Takeaway (A5)
- 163 - Betting Office (A2)
- 165 - PA Hire (A1)
- 167-169 - Solicitors (A2)
- 171 - Vacant (A1)

As can be seen from the above, there are at least 3 essential shop uses in the centre. As such, the loss of this retail unit would not harm local convenience shopping provision or the vitality and function of this shopping parade, in accordance with policy S7 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. Furthermore Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

No alterations are proposed on the front elevation of the unit and therefore the proposal would not harm the appearance of the street scene.

There are no material changes to the bulk and massing of this building and the open look shopfront would be maintained to the street and therefore it is considered the change of use of the ground floor of the building would not result in a material impact on the appearance of the street scene.

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

Policy OE1 of the UDP (Saved Policies September 2007) 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. Discussions have taken place with the Council's EPU Officer who has advised that no objection is raised to the proposal. Furthermore the operation would be controlled by way of a licence for the tattoo parlour use. As such the proposal is considered acceptable in accordance 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**

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

There are currently no off street parking spaces and none have or can be provided. It is considered that the demand for parking for the proposed use would not be significantly different from the previous use. The Highways Officer has raised no objection to the proposed change of use on highway grounds and the application is therefore considered acceptable in accordance with policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

See Section 7.02.

#### **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**

Not applicable to this application.

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

Not applicable to this application.

#### **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 received.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

No other issues raised.

**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 seeks planning permission for the change of use from ground floor from travel agents (Use Class A1) to a tattoo studio (Sui Generis). The principle of development and loss of this retail unit would not harm local convenience shopping provision or the vitality and function of this shopping parade, in accordance with policy S7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). Furthermore the proposal would not result in a material impact on the appearance of the street scene, would not result in a loss of residential amenity and the demand for parking for the proposed use would not be significantly different from the previous use. The application is therefore recommended for approval.

#### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).  
Supplementary Planning Document Noise.  
The London Plan 2015.  
National Planning Policy Framework (March 2012).

**Contact Officer:** Nicola Taplin

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