

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

**Address** 22 HIGH STREET RUISLIP

**Development:** Change of use from retail (Use Class A1) to use as a Beauty Treatment/Nail Bar (Sui Generis)

**LBH Ref Nos:** 10250/APP/2016/2839

**Drawing Nos:** Existing Floorplan  
Proposed Floorplan  
Location Plan

**Date Plans Received:** 22/07/2016      **Date(s) of Amendment(s):** 10/08/2016  
**Date Application Valid:** 10/08/2016

### 1. **SUMMARY**

Planning permission is sought to change the use of vacant A1 retail unit in Ruislip Town Centre to a Beauty Treatment/Nail Bar (Sui Generis use).

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.

A shopping survey was published on 21st October 2016 which demonstrated that the share of A1 frontages within the Secondary Shopping Area is currently 57.1%. (52% of total units) In secondary areas in which shopping and service uses are more mixed, Class A1 shops should still be the majority use. Therefore the proposal would comply with the criteria listed in Policies S6 and S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

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 and traffic generation from the proposed use would not be significantly different from the previous use.

It is recommended that planning permission be granted.

### 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 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.

AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE26	Town centres - design, layout and landscaping of new buildings
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 2.15	(2016) Town Centres
LPP 4.7	(2016) Retail and town centre development
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 4.9	(2016) Small Shops
S1	New retail development within the shopping hierarchy
S10	Change of use of shops in Local Centres - criteria for permitting changes of use outside core areas
S11	Service uses in Primary Shopping Areas
S12	Service uses in Secondary Shopping Areas
S2	Location of retail warehouse and superstore developments and retail developments on sites that do not meet the requirements of policy S1
S3	Increasing the attractiveness of town centres

S4	Retention of retail markets in town centres
S5	Proposals for new or expanded markets or other retail use of open land
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
S8	Change of use of corner shops
S9	Change of use of shops in Local 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 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            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 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.

### **5**

The applicant is advised to seek advertisement consent for any outdoor advertising and planning permission if any changes to the shopfront are proposed.

### **6**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

In this case, no pre-application discussions were sought by the applicant. However, as the planning issues under consideration were straightforward no negotiation was considered necessary in this case.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site comprises a three-storey end of terrace property. The ground floor is currently vacant and the upper floors are occupied by a single residential unit. The application is located on the South-Western side of High Street, Ruislip.

The neighbouring properties comprise similar secondary parade units with residential above. To the rear of the site is an access road and rear service yard. Some of the properties have access via external staircases, with the entrance to the upper floor flats being from a door at first floor level in the rear elevation.

The site forms part of Ruislip Town Centre, Ruislip Village Conservation Area, a Secondary Shopping Parade and is within a Archaeological Priority Areas as identified in the Local Plan Part Two Saved UDP Policies (November 2012).

#### 3.2 Proposed Scheme

Change of use from retail (Use Class A1) to use as a Beauty Treatment/Nail Bar (Sui Generis). The internal arrangements comprise an open plan treatment area, store room and WC. It will have a total floor area of approximately 75 square metres.

#### 3.3 Relevant Planning History

10250/C/85/1674                      22 High Street Ruislip  
Alterations to elevation (P)

**Decision:** 13-11-1985    Approved

#### Comment on Relevant Planning History

Nothing to note.

### 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

PT1.E5            (2012) Town and Local Centres

Part 2 Policies:

AM13              AM13 Increasing the ease of movement for frail and elderly people and people with

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

- AM14 New development and car parking standards.
- BE13 New development must harmonise with the existing street scene.
- BE18 Design considerations - pedestrian security and safety
- BE26 Town centres - design, layout and landscaping of new buildings
- DAS-SF Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 2.15 (2016) Town Centres
- LPP 4.7 (2016) Retail and town centre development
- LPP 4.8 (2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
- LPP 4.9 (2016) Small Shops
- S1 New retail development within the shopping hierarchy
- S10 Change of use of shops in Local Centres - criteria for permitting changes of use outside core areas
- S11 Service uses in Primary Shopping Areas
- S12 Service uses in Secondary Shopping Areas
- S2 Location of retail warehouse and superstore developments and retail developments on sites that do not meet the requirements of policy S1
- S3 Increasing the attractiveness of town centres
- S4 Retention of retail markets in town centres
- S5 Proposals for new or expanded markets or other retail use of open land
- S6 Change of use of shops - safeguarding the amenities of shopping areas
- S7 Change of use of shops in Parades
- S8 Change of use of corner shops
- S9 Change of use of shops in Local Centres

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

**5.1** Advertisement Expiry Date:- **21st September 2016**

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Neighbours were notified on 12/08/2016 and site notices were displayed on 17/08/2016.

By the end of the notification/consultation periods one comment was received. This is considered below.

## **Internal Consultees**

Highways and Traffic - There is a row of existing shops adjacent to the site with pedestrian access from the High Street. The site has a PTAL value of 3 (moderate) which is a result of nearby bus services. There is a bus stop immediately outside of the site. There are public parking spaces within easy walking distance of the site. There are parking restrictions outside the site on the High Street. The shop is a single fronted shop. The proposals involve changing the use from existing A1 uses to a beauty treatment/nail bar (Sui Generis) and that is unlikely to cause significant changes to traffic generation and demand for car parking.

Conservation and Urban Design - No objections but advises that advertisement consent will be required for signage.

## **7. MAIN PLANNING ISSUES**

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

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 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. Ruislip High Street has a total frontage of 1,295 m within its boundary. A shopping survey was published by the Council in October 2016 which demonstrated that the share of A1 frontages within the Secondary Shopping Area stands at 57.1% (52.3% A1 units).

In this regard, if planning permission was to be granted, the share of A1 uses in the Shopping Area would remain as the majority use.

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

Not applicable.

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

No operational development is involved. As such no archaeological issues arise. The site is within the Ruislip Village Conservation Area. The change of use raises no issues. However, if an application for a shopfront or an application for advertisement consent were to be submitted, the impact on the conservation area will be considered. The Council's Conservation and Urban Design Officer has no objections.

### **7.04 Airport safeguarding**

Not applicable.

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

The site is not within the Green Belt.

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

The proposal is a change of use only. Any proposals for a replacement shopfront or display of advertisements will be subject of further applications in due course.

### **7.08 Impact on neighbours**

The proposed development is a change of use. The hours of operation are likely to be

consistent with the existing use and as such, the proposal is considered to have no material impact on the residential amenity of the neighbouring occupiers, in compliance with Policy OE1 of the Hillingdon Local Plan (November 2012).

**7.09 Living conditions for future occupiers**

Not applicable.

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

The traffic generation and car/cycle parking requirements are unlikely to be materially altered by the proposal. As such, no adverse issues arise. No adverse pedestrian safety issues arise.

**7.11 Urban design, access and security**

The proposal makes no changes to the external appearance or raises any adverse access or security issues.

**7.12 Disabled access**

The proposal makes no changes to access arrangements. The Council's Access Officer has no objections.

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

Not applicable.

**7.14 Trees, Landscaping and Ecology**

Not applicable.

**7.15 Sustainable waste management**

Not applicable.

**7.16 Renewable energy / Sustainability**

Not applicable.

**7.17 Flooding or Drainage Issues**

Not applicable.

**7.18 Noise or Air Quality Issues**

Not applicable.

**7.19 Comments on Public Consultations**

One comment was received. This was from the adjoining occupier which is a hairdressing business. The writer is concerned that hairdressing will take place which would be in competition with her business. This is a commercial matter which is not a relevant planning consideration.

**7.20 Planning Obligations**

None.

**7.21 Expediency of enforcement action**

Not applicable.

**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**

None.

### **10. CONCLUSION**

Planning permission is sought to change the use of the unit from Use Class A1 (Shops) to



Sui Generis use as a Beauty Treatment/Nail Bar.

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.

A shopping survey was published on 21st October 2016 which demonstrated that the share of A1 frontages within the Secondary Shopping Area is currently 57.1%. (52% of total units) In secondary areas in which shopping and service uses are more mixed, Class A1 shops should still be the majority use. Therefore the proposal would comply with the criteria listed in Policies S6 and S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

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 and traffic generation from the proposed use would not be significantly different from the previous use.

It is recommended that planning permission be granted.

#### **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 2016.  
National Planning Policy Framework (March 2012).  
Shopping Survey Ruislip October 2016

**Contact Officer:** Cris Lancaster

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**22 High Street  
 Ruislip**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:

**10250/APP/2016/2839**

Scale:

**1:1,000**

Planning Committee:

**North**

Date:

**December 2016**



**HILLINGDON**  
 LONDON