

Report of the Head of Planning, Sport and Green Spaces

Address 26 COLDHARBOUR LANE HAYES

Development: Change of use of ground floor from Use Class A1 (Shops) to Use Class A2 (Financial and Professional Services) for use as an estate agents. (Retrospective).

LBH Ref Nos: 72611/APP/2017/3569

Drawing Nos: Location Plan
Site Photos
0228-01-00

Date Plans Received: 03/10/2017 **Date(s) of Amendment(s):**

Date Application Valid: 05/10/2017

1. **SUMMARY**

The application seeks retrospective planning permission for the change of use of ground floor from Use Class A1 (Shops) to Use Class A2 (Financial and Professional Services) for use as an estate agents. The proposal is not considered to undermine the vitality of the shopping area and would constitute permitted development under the provisions of Schedule 2 Part 3 Class D of the GPDO. The application is recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 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 number 0228-01-00 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 (2016).

INFORMATIVES

1 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 (2016). 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.

2 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).

3 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
NPPF	National Planning Policy Framework
S11	Service uses in Primary Shopping Areas

3. CONSIDERATIONS

3.1 Site and Locality

The application site relates to a unit on the corner of Coldharbour Lane with Mount Road. The application site is located within Hayes Town Centre and a Primary Shopping Frontage as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks retrospective planning permission for the Change of use of ground floor from Use Class A1 (Shops) to Use Class A2 (Financial and Professional Services) for use as an estate agents.

3.3 Relevant Planning History

72611/ADV/2017/60 26 Coldharbour Lane Hayes

Installation of 2 internally illuminated fascia signs, 1 externally illuminated hoarding sign and 1 internally illuminated hanging sign

Decision: 17-07-2017 Refused

72611/APP/2017/2331 26 Coldharbour Lane Hayes

Use of the ground floor as a shop (Class A1) (Application for a Certificate of Lawful Development for an Existing Use)

Decision: 24-08-2017 Refused

72611/APP/2017/632 26 Coldharbour Lane Hayes

Use of the ground floor as a shop (Use Class A1) (Application for a Certificate of Lawful Development for an Existing Use)

Decision: 19-04-2017 Refused

Comment on Relevant Planning History

72611/ADV/2017/60 - Installation of 2 internally illuminated fascia signs, 1 externally illuminated hoarding sign and 1 internally illuminated hanging sign - Refused for the following reasons:

1. The projecting sign, by reason of its position, above the fascia signage and out of line with the remaining signage in the street scene, results in visually intrusive and discordant feature out of keeping with the prevailing pattern of shop signage in this locality. This sign therefore fails to ensure the character and appearance of the street scene is protected, as such, it would be contrary to policies BE27 and BE29 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Shopfronts.

2. The proposed hoarding sign, by reason of its illuminated nature would appear as an unduly prominent feature in the street scene and to surrounding residential properties. As such, the sign would be detrimental to the visual amenities of the street scene and the wider area contrary to policies BE27 and BE29 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Shopfronts.

72611/APP/2017/2331 - Use of the ground floor as a shop (Class A1) (Application for a Certificate of Lawful Development for an Existing Use) was refused for the following reason:

The existing development does not constitute Lawful Development under Section 191 of Town and Country Planning Act 1990, as amended by Section 10 of the Planning and Compensation Act 1991 as the Applicant has not demonstrated that, on the balance of probability, the use has existed and been continuous for at least a period of ten years, prior to the date of 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:

- | | |
|------|--|
| AM14 | New development and car parking standards. |
| AM7 | Consideration of traffic generated by proposed developments. |
| NPPF | National Planning Policy Framework |
| S11 | Service uses in Primary Shopping Areas |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

10 neighbouring properties were consulted by letter dated 13.10.17 and a site notice was displayed to the front of the site which expired on 14.11.17

Internal Consultees

Access Officer - No Comments.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 23 of the National Planning Policy framework (NPPF) states the requirement to promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The application is located within Hayes Town Centre within primary shopping frontage where adopted policy S11 aims to prevent the loss of retail facilities when their loss would undermine the vitality of the retail shopping area.

Policy S6 of the Local Plan states that:

To safeguard the amenities of shopping areas, the local Planning authority will grant permission for changes of use of Class A1 shops if:

(i) the proposal will not be detrimental to visual amenity where the premises form part of a statutory or locally listed building or are located within a conservation area;

(ii) a frontage of a design appropriate to the surrounding area is maintained or provided (the local planning authority may impose conditions to ensure retention or installation of an appropriate frontage); and

(iii) the proposed use is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems;

(iv) has no harmful effect on road safety and does not worsen traffic congestion or disrupt bus operations.

The local authority may impose conditions covering restrictions on uses, opening hours, sound proofing, ducting, car parking, or other matters necessary to make the development acceptable.

Policy S 11 states:

In primary shopping areas, the local planning authority will grant permission for the service uses set out below where it is satisfied that:

(a) the remaining retail facilities are adequate to accord with the character and function of

the shopping centre and to provide for the needs of modern retailing including consumer interests; and

(b) the proposed use will not result in a separation of class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre. It will regard the following uses as acceptable at ground floor level within the shopping frontages of primary shopping areas, subject to the considerations set out in policy S6:-

- (i) class a1 shops;
- (ii) banks and building societies (but not other class A2 uses);
- (iii) class A3 food and drink uses.

The local planning authority may impose conditions on permissions for changes to class A3 uses and to banks and building societies, restricting future changes of use to the uses listed at (i), (ii) and (iii) above.

The proposed use is an estate agents (A2). The unit has an active frontage and is on the corner of Mount Road. The unit adjoins a chemists (A1 use) and the entrance to Mount Road. The A2 use is not therefore contributing towards a cluster of non A1 units or creating a dead frontage. The proposal is therefore considered to be policy compliant.

The proposal involves a retrospective change of use of this retail unit to A2 use which is not considered to undermine the vitality of the shopping area. The principle of the change of use is therefore considered acceptable.

7.02 Density of the proposed development

Not relevant to the consideration of this application.

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

Not relevant to the consideration of this application.

7.04 Airport safeguarding

Not relevant to the consideration of this application.

7.05 Impact on the green belt

Not relevant to the consideration of 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.

The application does not propose any external alterations to the unit and is therefore considered acceptable in this respect.

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) 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 application site is located within Hayes Town centre and its use as an A2 Estate

Agents is not considered to have any impact upon residential amenity.

7.09 Living conditions for future occupiers

Not relevant to the consideration of this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The Council's Parking Standards (Annex 1, Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires 1 space per 25 sq.m for non-shop uses. This requirement is the same for shop uses.

Also, this part of the Hayes Town Centre has good public transport links. The application site is within walking distance of Hayes & Harlington Station and there are good bus links on Coldharbour Lane. As such, no additional parking would be required.

The proposal would not result in a significant increase in on-street parking and would comply with Policies AM7(ii) and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Parking Standards (Annex 1, Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)).

7.11 Urban design, access and security

No issues raised.

7.12 Disabled access

No accessibility issues have been raised.

7.13 Provision of affordable & special needs housing

Not relevant to the consideration of this application.

7.14 Trees, landscaping and Ecology

Not relevant to the consideration of this application.

7.15 Sustainable waste management

Not relevant to the consideration of this application.

7.16 Renewable energy / Sustainability

Not relevant to the consideration of this application.

7.17 Flooding or Drainage Issues

Not relevant to the consideration of this application.

7.18 Noise or Air Quality Issues

Not relevant to the consideration of this application.

7.19 Comments on Public Consultations

No comments have been received from external consultees.

7.20 Planning obligations

Not relevant to the consideration of this application.

7.21 Expediency of enforcement action

There is advertisement signage on site which is the subject of ongoing enforcement investigations, these are not considered relevant to the retrospective change of use.

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

10. CONCLUSION

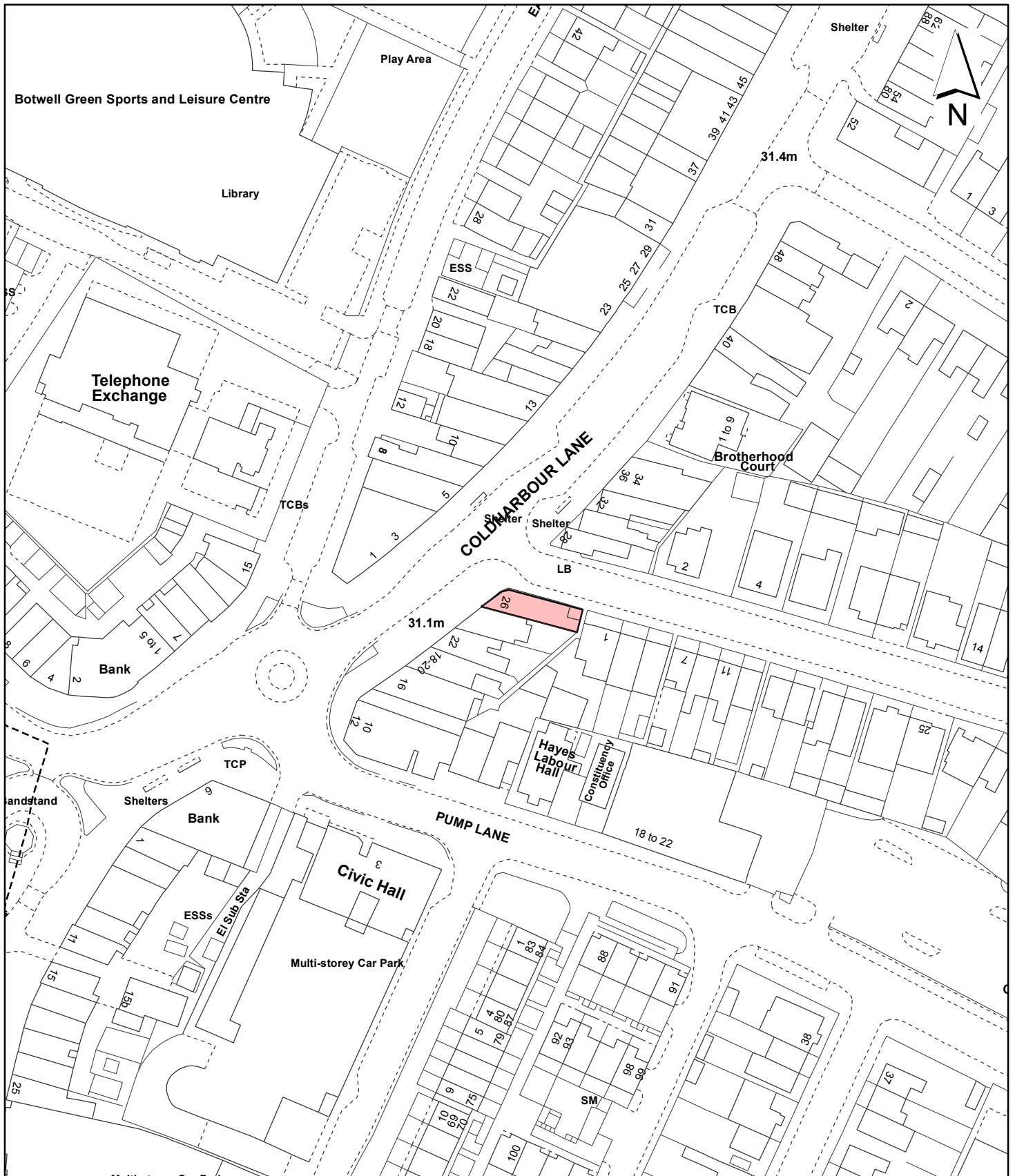
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11. Reference Documents


Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Nicola Taplin

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Notes

 Site boundary

For identification purposes only.

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Site Address

26 Coldharbour Lane

LONDON BOROUGH OF HILLINGDON
Residents Services

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

Planning Application Ref:
72611/APP/2017/3569

Scale
1:1,250

Planning Committee
Central and South

Date
December 2017



HILLINGDON
LONDON