

Report of the Head of Planning, Sport and Green Spaces

Address 4 VICTORIA ROAD RUISLIP
Development: Change of use from retail (Use Class A1) to a nail bar (Sui Generis)
LBH Ref Nos: 34090/APP/2017/3428
Drawing Nos: Existing Floor Plan
Location Plan
Proposed Floor

Date Plans Received: 20/09/2017 **Date(s) of Amendment(s):** 20/09/0017
Date Application Valid: 16/10/2017

1. SUMMARY

The application seeks planning permission for the change of use from a vacant unit within Use Class A1 to Sui-Generis Use for a 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.

However it should be noted that the existing use of the unit when last occupied was used as a printing shop, as the fascia signs illustrate. It is therefore considered that the existing use was in fact A2 professional services and not necessarily A1. Furthermore the proposal would not involve any external alterations and thus would not result in a material impact on the appearance of the street scene. Furthermore it 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.

Accordingly, the development is considered to comply with national, regional and local policies and is 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).

3 NONSC Non Standard Condition

The premises shall not be open for customers outside the following hours: -
[0800 to 2100], Mondays - Fridays
[0800 to 2100] Saturdays
[1000 to 1800] Sundays, Public or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

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 (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.

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 (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
LPP 2.15	(2016) Town Centres
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
NPPF2	NPPF - Ensuring the vitality of town centres
OE1	Protection of the character and amenities of surrounding properties and the local area
S1	New retail development within the shopping hierarchy
S6	Change of use of shops - safeguarding the amenities of shopping

S7 areas
Change of use of shops in Parades

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 may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

5 147 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).

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 Residents 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 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 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.

8

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

9

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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site relates to a mid-terrace ground floor unit at the corner of Victoria Road at the junction with Pembroke Road. The unit was previously in use as a printing shop and has now been vacant for several months. The vacant unit is within a three storey building forming one half of the bull nose at the South Western corner fronting the cross-junction of Victoria Road, Pembroke Road, Windmill Hill and Parkway. The three storey building has commercial and retail units at ground floor level fronting along Victoria Road and Pembroke Road with mainly residential units above on the second and third storey. The unit to the immediate North West, no.2 Victoria Road is currently a hair salon and to the other side is a commercial retail unit.

There is a wide footway to the front of the property, together with a service/access road to the rear off Pembroke Road. The site is located on Victoria Road, a classified highway within Ruislip Manor Town Centre and the Secondary Shopping Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for the change of use from a vacant unit within Use Class A1 to Sui-Generis Use for a nail bar.

The proposal would not involve any external alterations only alterations to the internal layout.

3.3 Relevant Planning History

34090/83/9137

Ruislip Sign & Stationers, 4 Victoria Road Ruislip

Installation of a projecting sign.

Decision: 06-01-1984 Approved

Comment on Relevant Planning History

None directly relevant to this application.

34090/83/9137 - Installation of a projecting sign. Approved

4. Planning Policies and Standards

The Local Planning Authority seeks to retain the retail function of all shopping areas to meet the needs of the area which they serve. Shops grouped conveniently together assist the process of search for and comparison of goods and hence attract shoppers. As such the Local Planning Authority exercises strict control over the loss of shops to other uses.

Saved Policy S6 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 will not cause unacceptable loss of amenity to nearby residential properties; and would not have a harmful effect on road safety or worsen traffic congestion.

The proposal would not involve any external alterations to the property. It is considered that the proposal would not lead to an increased demand for parking within the vicinity and is considered not to have an adverse effect on highway safety. It is also considered that the proposed use would compliment the immediately adjoining unit which is being used as a hair salon. Therefore the proposal would comply with the criteria listed in policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

LPP 2.15 (2016) Town Centres

LPP 4.8 (2016) Supporting a Successful and Diverse Retail Sector and related facilities and services

NPPF2 NPPF - Ensuring the vitality of town centres

OE1 Protection of the character and amenities of surrounding properties and the local area

S1 New retail development within the shopping hierarchy

S6 Change of use of shops - safeguarding the amenities of shopping areas

S7 Change of use of shops in Parades

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Neighbouring properties along with Ruislip Residents Association were consulted on 18.10.2017 and a site notice was displayed to the front of the site on 27.10.2017.

No comments or objections have been received.

Internal Consultees

EPU - No comments.

Highways - No comments.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The relevant policies and standards that are to be considered in the determination of this application have been provided in the relevant section above. The principle of the development is essentially whether the loss of A1 use within a protected shopping parade could be supported, and whether the change of use can be justified in this instance.

However it should be noted that the existing use of the unit when last occupied was used as a printing shop, as the fascia signs illustrate. It is therefore considered that the existing use was in fact A2 professional services and not necessarily A1.

In addition the proposal would not involve any external alterations to the property. It is considered that the proposal would not lead to an increase demand for parking within the vicinity and is considered not to have an adverse effect on highway safety and as a sufficient number of shops would be retained to provide a range and choice of shops appropriate to the size of the parade.

7.02 Density of the proposed development

Not applicable.

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

Not applicable.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

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. Policies BE13 and BE19 resist any development which would fail to harmonise with the existing street scene or complement or improve the character of the area.

The proposal is a change of use only and is therefore considered acceptable in this regard.

The applicant should note that any proposals for a replacement shopfront or display of advertisements would have to be subject to further separate planning applications.

7.08 Impact on neighbours

The proposed development is a change of use only and there are no external alterations proposed. As a result this would not cause an adverse impact on the neighbours' amenity. The nearest residential units are set above the application site and as such, there would be no loss of outlook, no loss of privacy or light, nor any overshadowing or visual intrusion.

The hours of operation are likely to be consistent with the existing uses in the vicinity and as such, the proposal is considered to have no material impact on the 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

Policy AM2 and AM7 states that all proposals for development will be assessed against their contribution to traffic generation and their impact on congestion and the present and potential availability of public transport and its capacity to meet increased demand.

Given the site's location in a town centre, it is considered the change of use would not affect the current parking provision. The use would also not generate additional parking demand which would be significant or to the detriment to the area or safety.

7.11 Urban design, access and security

These issues have been dealt with elsewhere in the report.

This is a change of use only. There are no changes to the building itself.

7.12 Disabled access

The proposal makes no changes to access arrangements.

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

No comments or objections received.

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

The application seeks planning permission for the change of use from a vacant unit within Use Class A1 to Sui-Generis Use for a 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.

However it should be noted that the existing use or the unit when last occupied was used as a printing shop, as the fascia signs illustrate. It is therefore considered that the existing use was in fact A2 professional services and not necessarily A1. Furthermore the proposal would not involve any external alterations and thus would not result in a material impact on the appearance of the street scene. Furthermore it 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.

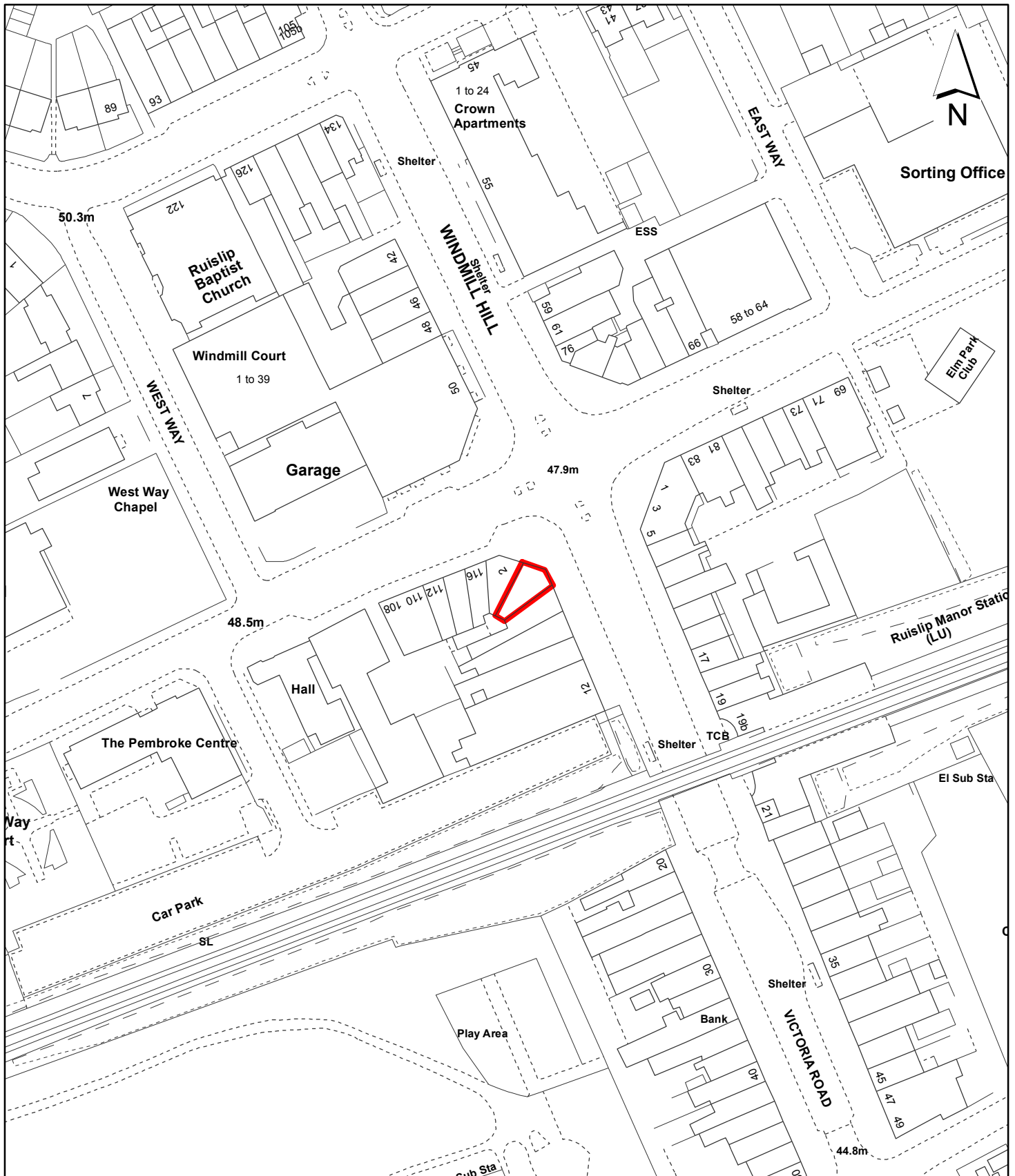
Accordingly, the development is considered to comply with national, regional and local policies and is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Hardeep Ryatt

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>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.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;">4 Victoria Road</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">34090/APP/2017/3428</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>	
	<p>Planning Committee</p> <p style="text-align: center;">North Application</p>	<p>Date</p> <p style="text-align: center;">January 2017</p>	
		 HILLINGDON <small>LONDON</small>	