

Report of the Head of Planning, Sport and Green Spaces

Address 254 YEADING LANE HAYES

Development: Change of use from a mixed use comprising shop/vehicle repair workshop (Use Class A1/B2) to a mixed use comprising alternative therapy centre (Use Class D1/D2) and beauty salon (Sui Generis) involving installation of new shopfront and alterations to elevations

LBH Ref Nos: 73287/APP/2017/3974

Drawing Nos: YL/HC/01
YL/HC/02 (Existing Floor Plan and Elevations)
YL/HC/02 (Proposed Floor Plan and Elevations)
Planning, Design and Access Statemer
YL/HC/00

Date Plans Received: 01/11/2017 **Date(s) of Amendment(s):**

Date Application Valid: 20/11/2017

1. SUMMARY

The application seeks planning permission for the change a mixed use comprising shop/vehicle repair workshop (Use Class A1/B2) to a mixed use comprising alternative therapy centre (Use Class D1/D2) and beauty salon (Sui Generis) involving installation of new shopfront and alterations to elevations. The physical alterations to the building to include a new shopfront and alterations to the rear elevation are considered to relate satisfactorily to the architectural integrity of the host building and locality. Subject to an hours of use condition, the proposals will have little or no noise impacts, compared to the existing uses and would not detract from highway safety.

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 number YL/HC/02 Proposed 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).

3 COM12 Use Within Same Use Class

The premises shall be used for yoga/therapy centre, beauty salon and retail and for no other purpose (including any other purpose in Classes A1, D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

REASON

Specify, in accordance with Policies S6, S7 and OE1 of Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 COM23 Hours of Use (Restaurant etc.)

The premises shall not be open for customers outside the hours of 0900 to 2100 Mondays - 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)

5 HO4 Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the 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 (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.

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.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
S6	Change of use of shops - safeguarding the amenities of shopping areas
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
LPP 4.9	(2016) Small Shops

4

Plans submitted would suggest that this building and its facilities would be inaccessible to disabled people using wheelchairs. Whilst it is appreciated that this is an existing building, the Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. Although this proposal is essentially for a 'change of use' planning permission, it is noted that substantial reconfiguration of the internal layout is proposed and would likely happen if planning permission was granted. The Equality Act 2010 states that service providers should think ahead and take steps to address barriers that impede disabled people. Following any successful grant of planning permission, it is recommended that the applicant takes full advantage of the opportunity to make the premises and service fully accessible to older and disabled people by heeding the following informatives: 1. Internal passageways should be a minimum of 1200 mm wide. Door widths should provide a minimum clear opening width of 900 mm to facilitate adequate access for wheelchair users into therapy rooms. Internal doors should also have 300mm unobstructed space to the side of the leading edge. 2. The proposed plan does not currently include any WC provision for disabled people and at least one accessible unisex toilet is required. It may be more beneficial to provide one large cubicle that would be accessible to everybody, as opposed to the 3. Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance. 4. Care must be taken to ensure that overspill and/or other interference from induction loops in different/adjacent areas does not occur. 5. Flashing beacons/strobe lights linked to the fire alarm should be carefully selected to ensure they remain within the technical thresholds not to adversely affect people with epilepsy.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a retail unit with a residential flat above and car repair

workshop to the rear in a local parade of shops on Yeading Lane which lies within the Developed Area as identified within the Hillingdon Local Plan - saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for the change a mixed use comprising shop/vehicle repair workshop (Use Class A1/B2) to a mixed use comprising alternative therapy centre (Use Class D1/D2) and beauty salon (Sui Generis) involving installation of new shopfront and alterations to elevations.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no planning history of relevance to 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:

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.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

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

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

LPP 4.9 (2016) Small Shops

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The Willow Tree Lane Area Residents Association and 9 neighbouring properties were consulted by letter dated 22.11.17 and a site notice was displayed to the front of the site which expired on 21.12.17.

1 letter of comment was received requesting that the use does not interfere with this A1 parade of shops.

Internal Consultees

Highways Officer:

The site has a low PTAL of 2. There are 2 buses serving the area. Three dedicated car parking spaces are provided at the rear. Retention of these spaces for the lifetime of the development ought to be Conditioned. The floor area of 111.5 sq. m is modest and the unit is located in a parade with parking available in the service road. No transport statement has been provided. The proposed specific uses as indicated on plans are not considered to result in a material difference to the vehicular trips generated in comparison with the existing approved use.

Access Officer:

Plans submitted would suggest that this building and its facilities would be inaccessible to disabled people using wheelchairs. Whilst it is appreciated that this is an existing building, the Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. Although this proposal is essentially for a 'change of use' planning permission, it is noted that substantial reconfiguration of the internal layout is proposed and would likely happen if planning permission was granted. The Equality Act 2010 states that service providers should think ahead and take steps to address barriers that impede disabled people. Following any successful grant of planning permission, it is recommended that the applicant takes full advantage of the opportunity to make the premises and service fully accessible to older and disabled people by heeding the following informatives: 1. Internal passageways should be a minimum of 1200 mm wide. Door widths should provide a minimum clear opening width of 900 mm to facilitate adequate access for wheelchair users into therapy rooms. Internal doors should also have 300mm unobstructed space to the side of the leading edge. 2. The proposed plan does not currently include any WC provision for disabled people and at least one accessible unisex toilet is required. It may be more beneficial to provide one large cubicle that would be accessible to everybody, as opposed to the 3. Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance. 4. Care must be taken to ensure that overspill and/or other interference from induction loops in different/adjacent areas does not occur. 5. Flashing beacons/strobe lights linked to the fire alarm should be carefully selected to ensure they remain within the technical thresholds not to adversely affect people with epilepsy. Conclusion: a suitable planning condition, requiring the facility to be accessible to older and disabled people, should be attached to any grant of planning permission, and the informative outlined above included in the decision notice.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The Local Planning Authority seeks to protect vulnerable parades which are particularly important to the community and to provide opportunities for the establishment of new essential shop uses in existing A1 premises.

Policy S6 states changes of use applications 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 have no harmful effect on road safety or worsen traffic congestion.

Policy S7 states changes of uses in parades will only be permitted if the parade retains sufficient essential shops to provide a choice appropriate to the size of the parade, the surrounding area is not deficient in essential shop uses, and the proposal accords with policy S6 (above).

The proposal involves the retention of an A1 use within this parade of shops and the parade as a whole would retain sufficient variety of retail uses. Thus, the proposed change of use is considered to be appropriate in terms of its essential retail function within the parade. It is therefore considered that the proposal would not undermine the retail function of this parade of shops.

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 (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'.

The physical alterations to the building to include a new shopfront and alterations to the rear elevation are considered to relate satisfactorily to the architectural integrity of the host building and locality. As a result it is considered that it would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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.

There are residential properties at first floor level above the retail units and to the rear in Reynolds Road. It is recognised that the current authorised use of application site could result in a significant level of noise and disturbance due to the unrestricted car repair workshop. The applicant has indicated that the 1-2-1 therapy session will be a closed door cubicle space and will not generate more noise than the existing use of the site, especially the car repair workshop. Furthermore the applicant has agreed to an hours of operation condition for the hours of 9am - 9pm Mon-Sun. It is considered that subject to the hours of

use condition, the proposals will have little or no noise impacts, compared to the existing uses. The proposal would not therefore be harmful to the amenities of the surrounding occupiers in accordance with Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not relevant to the consideration of 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.

The site has a low PTAL of 2. There are 2 buses serving the area. Three dedicated car parking spaces are provided at the rear. The floor area of 111.5 sq. m is modest and the unit is located in a parade with parking available in the service road. No transport statement has been provided. The proposed specific uses as indicated on plans are not considered to result in a material difference to the vehicular trips generated in comparison with the existing approved use. The proposal does not seek permission for a general unrestricted D1 and D2 and it is considered that it would be reasonable to impose conditions to restrict hours of operation to ensure compliance with policies AM7 and AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and to the Hillingdon's Adopted Parking Standards (Hillingdon UDP, Saved Policies, September 2007).

7.11 Urban design, access and security

No issues raised.

7.12 Disabled access

Plans submitted would suggest that this building and its facilities would be inaccessible to disabled people using wheelchairs. Whilst it is appreciated that this is an existing building, the Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. Although this proposal is essentially for a 'change of use' planning permission, it is noted that substantial reconfiguration of the internal layout is proposed and would likely happen if planning permission was granted. The Equality Act 2010 states that service providers should think ahead and take steps to address barriers that impede disabled people. Following any successful grant of planning permission, it is recommended that the applicant takes full advantage of the opportunity to make the premises and service fully accessible to older and disabled people by heeding the following informatives: 1. Internal passageways should be a minimum of 1200 mm wide. Door widths should provide a minimum clear opening width of 900 mm to facilitate adequate access for wheelchair users into therapy rooms. Internal doors should also have 300mm unobstructed space to the side of the leading edge. 2. The proposed plan does not currently include any WC provision for disabled people and at least one accessible unisex toilet is required. It may be more beneficial to provide one large cubicle that would be accessible to everybody, as opposed to the 3. Induction loops should be specified to comply with BS 7594 and BS EN 60118-4, and a term contract planned for their maintenance. 4. Care must be taken to ensure that overspill and/or other interference from induction loops in different/adjacent areas does not occur. 5. Flashing beacons/strobe lights linked to the fire alarm should be

carefully selected to ensure they remain within the technical thresholds not to adversely affect people with epilepsy. The Council's Access Officer has advised that a suitable planning condition, requiring the facility to be accessible to older and disabled people, could be attached to any grant of planning permission, and the informative outlined above included in the decision notice.

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

The issues are addressed in the sections above.

7.19 Comments on Public Consultations

The issues are addressed in the sections above.

7.20 Planning obligations

Not relevant to the consideration of this application.

7.21 Expediency of enforcement action

Not relevant to the consideration of 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 Probitry 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 relevant to the consideration of this application.

10. CONCLUSION

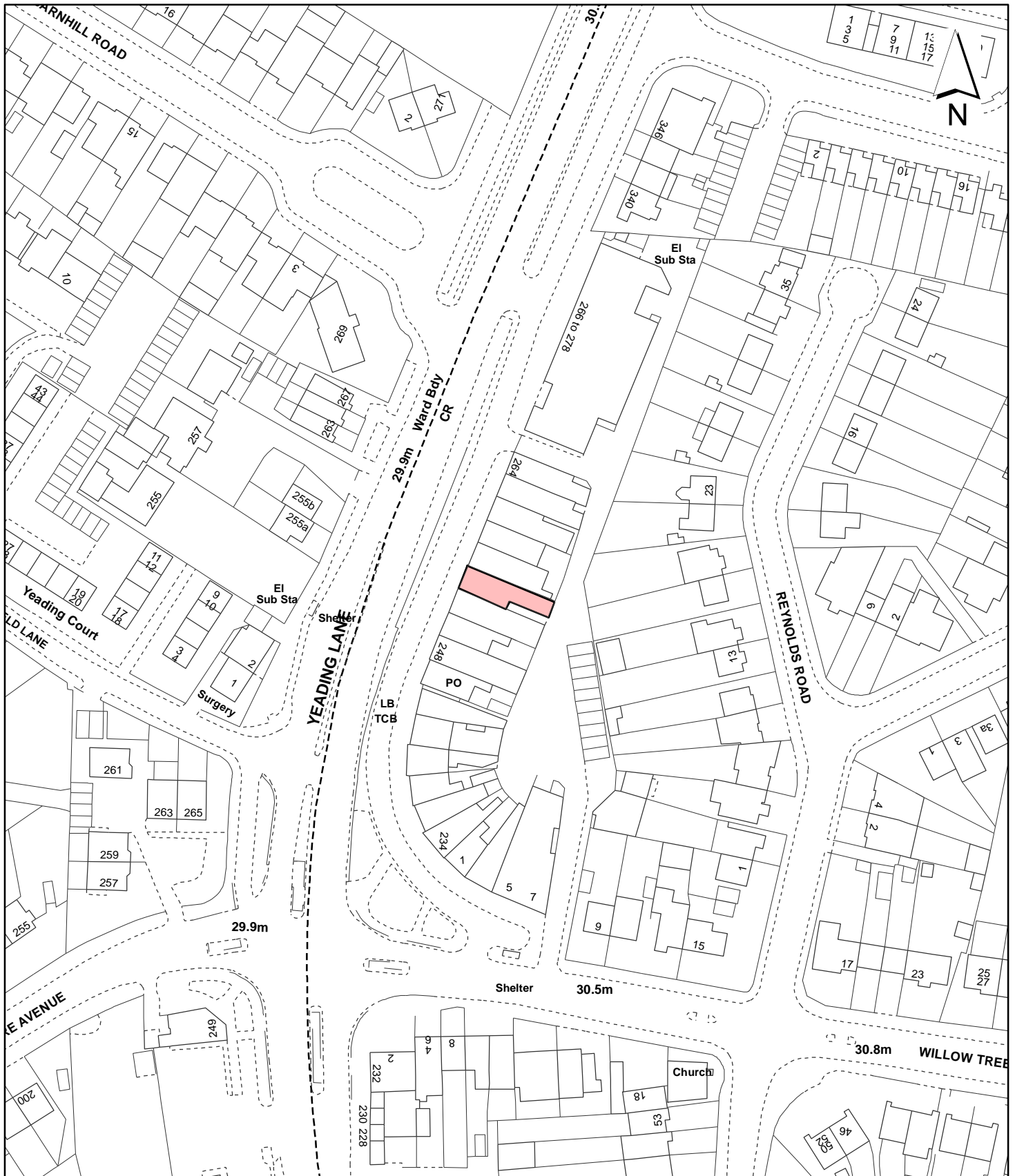
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11. Reference Documents

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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<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;">254 Yeading Lane</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;">73287/APP/2017/3974</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>	
	<p>Planning Committee</p> <p style="text-align: center;">Central and South</p>	<p>Date</p> <p style="text-align: center;">February 2018</p>	

