

## Report of the Head of Planning, Transportation and Regeneration

**Address** UNIT 1, SWAN WHARF WATERLOO ROAD UXBRIDGE

**Development:** Change of use of ground floor from light industrial/office use (B1) to tattoo parlour (Sui Generis)

**LBH Ref Nos:** 41449/APP/2018/930

**Drawing Nos:** Location Plan (1:1250)  
Block Plan (1:500)  
Drainage Strategy & Impact Assessment  
SW 01  
SW 02  
SW 03  
SW 05  
SW 04  
Planning Statement

**Date Plans Received:** 12/03/2018 **Date(s) of Amendment(s):**

**Date Application Valid:** 27/03/2018

### 1. SUMMARY

Planning permission is sought to change the use of a ground floor commercial unit from light industrial/office use (Use Class B1) to a tattoo parlour which is a sui generis use.

The principle of development, is considered to be acceptable as the loss of the light industrial/office use is not protected within the local plan or within any designated site. 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 would not be significantly different from the previous use. Use as a Tattoo parlour is also covered by a Special Treatments Licence which covers a number of matters including hours of operation and control of potential nuisance.

The application 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 COM22 Operating Hours

The premises shall not be used except between 0800 and 2000 Mondays-Saturdays and 0800 and 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)

**3 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 plans numbers SW 01, SW 02, SW 03, SW 04 and SW 05 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.

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
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
S6	Change of use of shops - safeguarding the amenities of shopping areas
NPPF2	NPPF - Ensuring the vitality of town 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 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 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.

## **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 site is one of 7 units located around a yard at Swan Wharf in Uxbridge.

The overall application building is currently used for a B1 light industrial/office use, and has a floor area of 271 m<sup>2</sup> over 2 floors. There are 7 parking spaces within the yard that are allocated to the unit.

To the North and East of Swan Wharf lie residential properties on Waterloo Road. To the West is the canal with residential properties in Andover Close beyond that.

To the South, on the other side of Cowley Mill Road, are industrial and commercial premises on either side of the canal, including a public house, and then residential properties with further commercial development behind.

The site lies within the 'developed area' as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).

#### **3.2 Proposed Scheme**

The proposal involves partial change of use from light industrial/office use (Use Class B1) to use as a Tattoo Parlour (Sui Generis). The proposal involves physical separation through closure of an internal link between the two parts of the unit. No external alterations are proposed.

#### **3.3 Relevant Planning History**

41449/APP/2008/2186 Unit 1, Swan Wharf Waterloo Road Uxbridge

Elevation alterations comprising the installation of 2 windows on the first floor front elevation and additional windows and alterations to windows on both the side and rear elevations.

**Decision:** 08-10-2008 Approved

#### **Comment on Relevant Planning History**

None.

### **4. Planning Policies and Standards**

See below.

#### **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.
BE13	New development must harmonise with the existing street scene.
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
S6	Change of use of shops - safeguarding the amenities of shopping areas
NPPF2	NPPF - Ensuring the vitality of town centres

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

**5.1** Advertisement Expiry Date:- Not applicable

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

## **6. Consultations**

### **External Consultees**

Neighbours were notified on 23/05/2016 and a site notice was displayed on 20/06/2016.

By the end of the notification period 8 objections or comments were received from occupiers of neighbouring properties. Their comments relate to the following:

1. Hours of use.
2. Noise and disturbance.
3. Parking competition and anti social behaviour.

Ward Councillor: Requests that the application is reported to committee.

### **Internal Consultees**

Environmental Health:

There are no environmental effects in relation to this development so therefore I do not have any objections to the application or comment thereof.

Highways:

The proposal from the existing B1(a) office/storage to tattoo parlour does not give rise to any specific concern on transport/highway grounds. This is due to the fact that a very marginal increase in day time use profile/intensity would be expected in comparison with the B1 use which is considered de-minimis in highway impact terms. It is also noted that the site currently has 4 car parking spaces serving both the ground and first floor office units. These spaces are to be retained for the change of use of the ground floor to the tattoo parlour. There are no parking standards for this type of Sui Generis use but Hillingdon's adopted parking standards for B1a office uses require 1 car parking space per 100 sq.m of floor space and 1 cycle parking space per 50 sq.m. Against these standards the existing office use for both the ground and first floor (with a combined floor area of approximately 136 sq.m) would be in the order of 2 car parking spaces and 3 cycle spaces. On the premise that the proposed development retains the existing site parking arrangement with a total of 4 off-street car parking spaces, it is considered that the on-site parking provision (which is a current over-provision) is adequate to cater for the change of use of the ground floor unit. The proposal also retains the existing cycle provision of 4 cycle spaces located adjacent to the car parking spaces which is considered acceptable as the provision accords with the Council's cycle parking standard.

In summary there is no objection to the proposal on Transport/Highway grounds.

## **7. MAIN PLANNING ISSUES**

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

The site is not within a defined shopping or business/industrial area. Thus policies relating to the protection of uses within shopping frontages or within any other designation are not applicable. The unit is not located in an area where the loss of the existing /light industrial/office would be considered unacceptable.

Policy S6 concerns the protection of retail areas and whilst not directly applicable, it states that changes 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 have no harmful effect on road safety or worsen traffic congestion. The proposal would not result in any alterations to the exterior of the building, is considered to be compatible with the other uses within Swan Wharf, and the unit is sufficiently removed from adjoining residential premises to ensure that there would be no undue impact on residential amenities that would be such as to warrant refusal of the application. Neither would the road safety or traffic congestion impacts be unacceptable. Thus, in principle the proposed use is considered acceptable.

### **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**

There are no external changes.

### **7.08 Impact on neighbours**

The parking demand for this use is likely to be extremely low and is unlikely to have a detrimental impact on amenities of neighbouring properties, as confirmed by the highways officer comments above. The hours of operation are covered by a Special Treatments Licence which also places the onus on the operator not to cause nuisance, but the operating hours can be the subject of a planning condition. The proposed use is unlikely to have a greater impact on adjoining occupiers than the existing authorised use of the property. As such the proposal is considered to be acceptable in terms of 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**

The site is situated on the West side of Waterloo Road and is located in small industrial area within mixed use residential street. 4 off-street car parking spaces have been specified for the proposed development, which maintains the current level. The scheme will generate its own parking demand. However, given the extremely small nature of the proposed unit, the traffic generation is likely to be insignificant and little different from the existing use.

Therefore, it is concluded that the proposal complies with policies AM7, AM9 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

There are no external alterations proposed as part of this application and therefore the existing frontage will be retained. As such the proposal is considered to comply with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.12 Disabled access**

The site has level access. No adverse issues are raised.

#### **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**

Tattoo parlours are subject to licensing (Special Treatments Licence). The Licence must be displayed. The License covers matters including potential nuisance being caused in the area. The STL also imposes opening hours conditions.

#### **7.19 Comments on Public Consultations**

The issues raised have been covered in the main body of the report.

#### **7.20 Planning obligations**

Not applicable to this application.

#### **7.21 Expediency of enforcement action**

Not applicable to this application.

#### **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**

Not applicable to this application.

## **10. CONCLUSION**

The principle of development, is considered to be acceptable as the loss of the light industrial/office use is not protected within the local plan or within any designated site. 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 would not be significantly different from the previous use. Use as a Tattoo parlour is also covered by a Special Treatments Licence which covers a number of matters including hours of operation and control of potential nuisance.

The application is recommended for approval.

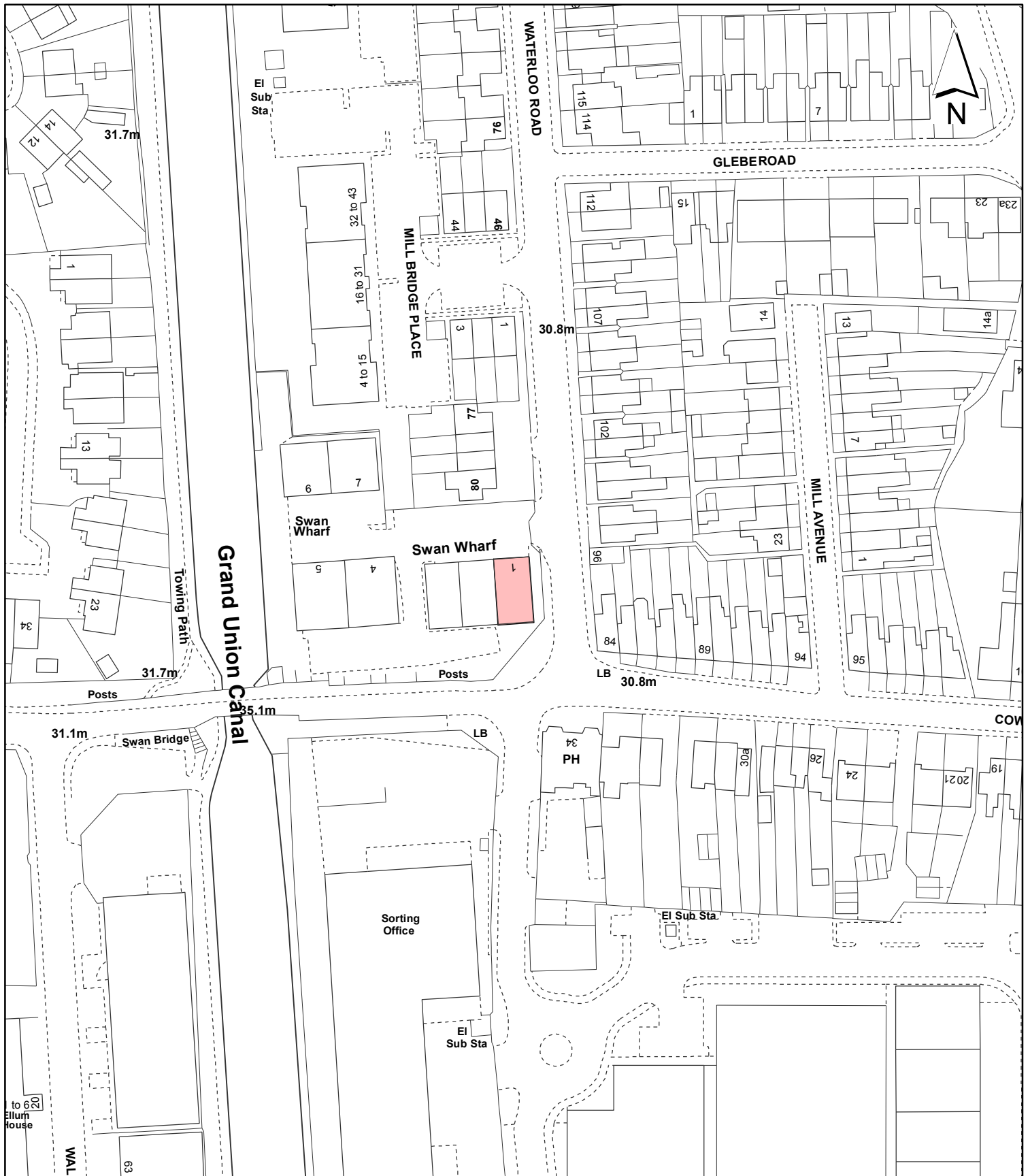


## **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan (2016)  
National Planning Policy Framework  
National Planning Policy Guidance

**Contact Officer:** Amit Patel

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**Unit 1  
 Swan Wharf  
 Waterloo Road**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**41449/APP/2018/930**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**June 2018**

