

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

**Address** 12 AND 12A BROADWAY PARADE COLDHARBOUR LANE HAYES

**Development:** Conversion of single shop to two shops, use of one part as a newsagents (Use Class A1) and one part as beauty treatment (Use Class Sui Generis) and alterations to shopfront (Retrospective)

**LBH Ref Nos:** 5549/APP/2019/1975

**Drawing Nos:** Pre-Existing Ground Floor Plan and Elevations  
Existing Ground Floor Plan and Elevations  
Location Plan (1:1250)

**Date Plans Received:** 11/06/2019      **Date(s) of Amendment(s):**  
**Date Application Valid:** 27/08/2019

### 1. SUMMARY

The application seeks retrospective planning permission for the conversion of a single shop to two separate shops, use of one part as a newsagents (Use Class A1) and one part as beauty treatment (Use Class Sui Generis) and alterations to shopfront. There is no objection in principle to the scheme as the proposal does not involve a complete loss of an A1 Use. The proposed alterations are minor and would not detract from the character of the existing building or the wider area. It is also considered that the use would not unacceptably impact on the shopping frontage and as the overall retail element within the secondary shopping area would still be at 56.5%, the proposed development would not harm the retail function of the Secondary Shopping Area.

### 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, Existing Ground Floor Plan and Elevations 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 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
BE13	New development must harmonise with the existing street scene.
BE28	Shop fronts - design and materials
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
DMTC 2	Primary and Secondary Shopping Areas
DMHB 13	Shopfronts
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
NPPF- 7	NPPF-7 2018 - 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 (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.

### **4            I2                            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            I25                            Consent for the Display of Adverts and Illuminated Signs**

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 2007. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

## **3.            CONSIDERATIONS**

### **3.1        Site and Locality**

The application property comprises a ground floor commercial unit situated within the

secondary shopping area of Hayes Town Centre on Coldharbour Lane.

### 3.2 Proposed Scheme

The application seeks retrospective planning permission for the conversion of a single shop to two separate shops, use of one part as a newsagents (Use Class A1) and one part as beauty treatment (Use Class Sui Generis) and alterations to shopfront.

### 3.3 Relevant Planning History

5549/ADV/2006/61            12 Broadway Parade Coldharbour Lane Hayes

INSTALLATION OF AN INTERNALLY ILLUMINATED ATM SIGN (RETROSPECTIVE APPLICATION)

**Decision:** 13-09-2006    Approved

5549/APP/2003/2305        12 Broadway Parade Coldharbour Lane Hayes

ERECTION OF A TWO STOREY REAR EXTENSION AND CONVERSION OF ROOFSPACE TO HABITABLE ACCOMMODATION WITH REAR DORMER WINDOW AND FRONT FACING GABLE WINDOW

**Decision:** 27-11-2003    Approved

5549/APP/2006/2126        12 Broadway Parade Coldharbour Lane Hayes

INSTALLATION OF AN ATM IN FRONT SHOP WINDOW (RETROSPECTIVE APPLICATION)

**Decision:** 13-09-2006    Approved

5549/B/81/9087            12 Broadway Parade Coldharbour Lane Hayes

Advertisement (P)

**Decision:** 13-08-1981    Approved

5549/D/84/3057            12 Broadway Parade Coldharbour Lane Hayes

Advertisement (P)

**Decision:** 07-06-1984    Approved

#### Comment on Relevant Planning History

The relevant planning history is listed above.

### 4. Planning Policies and Standards

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a

Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 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:

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

S12 Service uses in Secondary Shopping Areas

BE13 New development must harmonise with the existing street scene.

BE28 Shop fronts - design and materials

LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
DMTC 2	Primary and Secondary Shopping Areas
DMHB 13	Shopfronts
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
NPPF- 7	NPPF-7 2018 - 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**

16 neighbouring properties were consulted by letter dated 4.9.19 and a site notice was displayed to the front of the site which expired on 4.10.19.

No consultation responses have been received.

### **Internal Consultees**

No internal consultations.

## **7. MAIN PLANNING ISSUES**

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

Paragraph 8.24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) defines secondary shopping areas as peripheral to the primary areas and in which shopping and service uses are more mixed although Class A1 shops should still be the majority use. Paragraph 8.26 states that as a guideline, the Council will normally seek to prevent a separation or an increase in the separation of Class A1 units of more than about 12m, that is broadly the width of two typical shop fronts. Class A1 shops should remain the predominant use in secondary areas and the Local Planning Authority will expect at least 50% of the frontage to be in class A1 use.

Policy S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) establishes that the change of use from Class A1 to non Class A1 uses in secondary frontages where there remains adequate retail facilities to accord with the character and function of the shopping centre in order to maintain the vitality and viability of the town centre will be acceptable.

Emerging Policy DMTC2 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) states that in secondary shopping areas, the Council will support the ground floor use of premises for retail; financial and professional activities; restaurants, cafes, pubs and bars; launderettes and other coin operated dry cleaners; community service offices, including doctor's surgeries provided that:

- i) a minimum of 50% of the frontage is retained in retail use; and
- ii) Use Class A5 hot food takeaways the uses specified in policy DMTC4 are limited to a

maximum of 15% of the frontage;

iii) the proposed use will not result a separation of more than 12 metres between A1 retail uses; and

iv) the proposed use does not result in a concentration of non retail uses which could be considered to cause harm to the vitality and viability of the town centre

The Local Planning Authority's aim is to retain the retail function of all shopping areas to meet the needs of the area each serves. Shops grouped conveniently together assist the process of search for and comparison of goods and hence attract shoppers. As such the Local Planning Authority will exercise strict control over the loss of shops to other uses.

The proposal would not reduce the number of retail units within Hayes Town Centre.

When assessed against the Council's survey data for uses within the secondary shopping frontage of Hayes Town Centre, the proposed change of use would result in the loss of a further 1.35m of retail frontage which would bring the total A1 use down to 382.7m. This would result in the retention of 56.5% of the total secondary shopping frontage in retail use and as such, would remain above the 50% threshold as advised within paragraph 8.26 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). Furthermore, the development does not create a separation of more than 12m between class A1 units.

The proposal would thus maintain the retail function and attractiveness of the secondary shopping area of the Hayes Town Centre and its vitality and viability. The proposal is therefore in accordance with Policy S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Emerging Policy DMTC2 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

#### **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**

Policy BE13 ensures development harmonises with the existing street scene or other features of the area which are considered desirable to retain or enhance. Furthermore BE19 ensures new development complements or improves the amenity and character of the area. The proposal involves the replacement of the pre-existing glazed window with a glazed door to gain access to the beauty parlour. It is considered that the alterations to the shop front are in keeping with the commercial appearance of this parade of shops.

#### **7.08 Impact on neighbours**

It is considered that the proposed beauty treatment business would not result in any loss of amenity to occupants of first floor residential properties. Its use is considered similar in terms of noise and disturbance to the authorised retail use.

#### **7.09 Living conditions for future occupiers**

Not applicable to this application.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan

Policies (November 2012) considers whether the traffic generated by the proposed development is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

Given the site's location in a local centre, it is considered the change of use would not affect the current parking provision. The use would not generate additional parking demand over and above the previous use.

**7.11 Urban design, access and security**

Not applicable to this application.

**7.12 Disabled access**

No accessibility concerns 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**

Not applicable to this application.

**7.19 Comments on Public Consultations**

No comments have been received.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control.

**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**

Not applicable to this application.

### **10. CONCLUSION**

There is no objection in principle to the scheme as the proposal does not involve a complete loss of an A1 Use. The proposed alterations are minor and would not detract from the character of the existing building or the wider area. It is also considered that the



use would not unacceptably impact on the shopping frontage and as the overall retail element within the secondary shopping area would still be at 56.5%, the proposed development would not harm the retail function of the Secondary Shopping Area.

## **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019)  
The London Plan (2016)  
Hillingdon Design and Accessibility Statement: Shopfronts  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
National Planning Policy Framework

**Contact Officer:** Nicola Taplin

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**12 and 12A Broadway Parade**

Planning Application Ref:  
**5549/APP/2019/1975**

Planning Committee:  
**Central & South**

Scale:  
**1:1,250**

Date:  
**November 2019**

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

