

Report of the Head of Planning, Transportation and Regeneration

Address 121 HIGH STREET RUISLIP
Development: Change of use from Hairdressers (Use Class A1) to Nail Bar (Sui Generis).
LBH Ref Nos: 543/APP/2019/1989
Drawing Nos: Plan 1
Plan 2
Dimension Plan

Date Plans Received: 12/06/2019 **Date(s) of Amendment(s):**
Date Application Valid: 03/09/2019

1. SUMMARY

The application seeks permission for the change of use from Hairdressers (A1) to Nail Bar (Sui Generis).

There is no objection in principle to the scheme as the majority of the parade would remain in A1 use. 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 and traffic generation from the proposed use would not be significantly different from the previous use. It is therefore recommended that the proposal is approved.

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 plans, Plan 2 (Proposed Use) and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016).

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 147 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).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

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The application site is located within the Ruislip Village Conservation Area. Whilst there are no objections from a conservation perspective to the proposed change of use, any alterations to the shop front and/or signage would likely require planning permission and/or advertisement consent.

For further information and advice contact - London Borough of Hillingdon Planning Department, Civic Centre, High Street, Uxbridge, Middlesex, UB8 1UW.

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This use will require a licencing application. You should contact the Council's Licencing Team for further information.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is a mid terrace two and a half storey property located on the eastern side of High Street, Ruislip, just north of the junction with Brickwall Lane. The parade dates from the 1920's and is typically retail at ground floor level and residential above.

The site is situated within the Ruislip Village Conservation Area and the Secondary Shopping Area of the Ruislip Town Centre, as identified in the policies of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012). The site has PTAL rating of 4.

3.2 Proposed Scheme

This application seeks permission for the change of use of the ground floor from a hairdressers (Use Class A1) to a Nail Bar (Use Class Sui Generis).

3.3 Relevant Planning History

Comment on Relevant Planning History

None.

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

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

BE4 New development within or on the fringes of conservation areas

BE13 New development must harmonise with the existing street scene.

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

BE20 Daylight and sunlight considerations.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

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

S12 Service uses in Secondary Shopping Areas

DMHB 11 Design of New Development

DMHB 4 Conservation Areas

DMTC 1 Town Centre Development

DMTC 2 Primary and Secondary Shopping Areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **9th October 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

9 neighbours and the Ruislip Residents Association were consulted for a period of 21 days expiring on the 25 September 2019. There were no responses.

Ruislip Village Conservation Panel - No response

Internal Consultees

Conservation and Urban Design - From a conservation perspective there would be no objections to the proposed change of use however any alterations to the shop front and/or signage is likely to require planning permission and/or advertisement consent. This would need to be applied for prior to

works commencing.

Planning Policy

This unit was formerly an hairdressers but is currently empty. Nail bars do not fall with the A1 use class definition of shops and hence are a sui generis use. However, they do share many of the same characteristics of uses such as a hairdressers and would continue to contribute to the vitality of the parade. Furthermore, the evidence from the retail survey shows that the change of use to a nail bar would not result in an over concentration of non-retail uses in the secondary shopping area, and overall the proportion of A1 uses would remain above the 50% threshold set out in emerging policy DMTC 2.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Ruislip High Street has a total frontage of 1,412m within its boundary made up of 433.5m (65 units) in primary and 620.5m (95 units) in secondary shopping areas. A shopping survey was carried out by the Council in June 2019 which demonstrated that the share of A1 frontages within the Secondary Shopping Area was 56% including 4 vacant units.

Policy S6 states that changes of use applications will be granted where i) a frontage of design appropriate to the surrounding area is maintained or provided; ii) the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and iii) would have no harmful effect on road safety or worsen traffic congestion.

Policy S12 states that in Secondary Shopping Areas applications will be granted where i) the remaining retail facilities are adequate to accord with the character and function of the shopping centre and ii) the proposed use will not result in a separation of Class A1 uses or a concentration on non retail uses which might harm the viability or vitality of the centre. The LPA will need to be satisfied that the use is appropriate to the role and function of the shopping area and is likely to contribute to its attractiveness for shoppers.

Policy DMTC 1 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) advises the Council will support main town centre uses where the development proposal is consistent with the scale and function of the centre.

Policy DMTC 2 advises that in secondary shopping areas the Council will support ground floor uses of premises for retail, financial and professional activities and restaurants, cafes, pubs and bars, and other community services providing that a minimum of 50% of the frontage is retained as A1 and the proposed use will 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.

This unit was formerly an hairdressers but is currently empty. Nail bars do not fall with the A1 use class definition of shops and hence are a sui generis use. However, they do share many of the same characteristics of uses such as a hairdressers and would continue to contribute to the vitality of the parade. Furthermore, the evidence from the retail survey shows that the change of use to a nail bar would not result in an over concentration of non-retail uses in the secondary shopping area, and overall the proportion of A1 uses would remain above the 50% threshold set out in emerging policy DMTC 2.

Finally, it is not considered the proposed use as a nail bar would be out of keeping with the surrounding area or would impact on the amenity of the neighbouring occupiers or impact

on traffic congestion. Accordingly the proposed change of use is considered to comply with Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and emerging policy DMTC 2 of the Local Plan Part 2 (with Main Modifications, March 2019).

7.02 Density of the proposed development

Not relevant to this proposal.

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

Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) specifies that new development within or on the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities; development should avoid the demolition or loss of such features. As such, there will be a presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. This policy reflects the relevant legal duties.

DMHB 4 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) also advises new development within or on the fringes of conservation areas will be expected to preserve or enhance the character and appearance of the area. It should sustain and enhance its significance and make a positive contribution to the local character and distinctiveness.

The proposed change of use does not include any external alterations. Therefore, the proposed scheme will not be harmful to the character and appearance of the Conservation Area.

7.04 Airport safeguarding

Not relevant to this proposal.

7.05 Impact on the green belt

Not relevant to this proposal.

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.

Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space.

The proposed change of use does not include any external alterations. Therefore, the proposed scheme will not be harmful to the character and appearance of the street scene. As such the proposed scheme complies with Policy BE13 of the Hillingdon Local Plan Part 2 Saved Policies (November 2012) and Policy DMHB 11 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and is considered to have an acceptable impact upon the character and appearance of the area.

7.08 Impact on neighbours

There are no physical alterations to the building and the proposed use is similar in nature to the previous use. As such it is not considered that the proposal, it would not have an adverse impact on the neighbours' amenity.

As such, the application proposal would not represent an unneighbourly form of development and in this respect would be in compliance with policies BE20 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not relevant to this proposal.

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. These require a provision of 1.5 spaces per dwelling.

The site is relatively sustainable on transport grounds therefore reducing the dependency on travelling to the location by private motor car. Private car usage is also deterred by the extensive waiting restrictions in the locality whereby 'uncharged for' parking is unavailable with local customer patronage being forced to utilise the abundant pay & display facilities in the area if they choose to travel by private motor car.

A proportion of patrons to the address are therefore expected to be reliant on other sustainable modes of travel such as walking, cycling and the convenient and efficient public transport services that serve the town centre reflected by the abundance of bus services and neighbouring LU train station.

Hence there are no specific concerns with this CoU due also to the small scale of the proposal and the existing retail/commercial mix of the local district centre which is likely to contribute to linked trips to the site given these established use attractions. This would also inherently reduce the potential for any new vehicular activity generated by the proposal. Even if this were not to be the case, the small scale of the proposal limits the potential for measurable detrimental highway related impacts.

The only parking requirement in this case is related to providing 1 secure and accessible cycle space which has not been demonstrated as part of the submission and should therefore be secured by condition.

7.11 Urban design, access and security

Not relevant to this proposal.

7.12 Disabled access

Not relevant to this proposal.

7.13 Provision of affordable & special needs housing

Not relevant to this proposal.

7.14 Trees, Landscaping and Ecology

Not relevant to this proposal.

7.15 Sustainable waste management

Not relevant to this proposal.

7.16 Renewable energy / Sustainability

Not relevant to this proposal.

7.17 Flooding or Drainage Issues

Not relevant to this proposal.

7.18 Noise or Air Quality Issues

Not relevant to this proposal.

7.19 Comments on Public Consultations

None.

7.20 Planning Obligations

Not relevant to this proposal.

7.21 Expediency of enforcement action

Not relevant to this proposal.

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

10. CONCLUSION

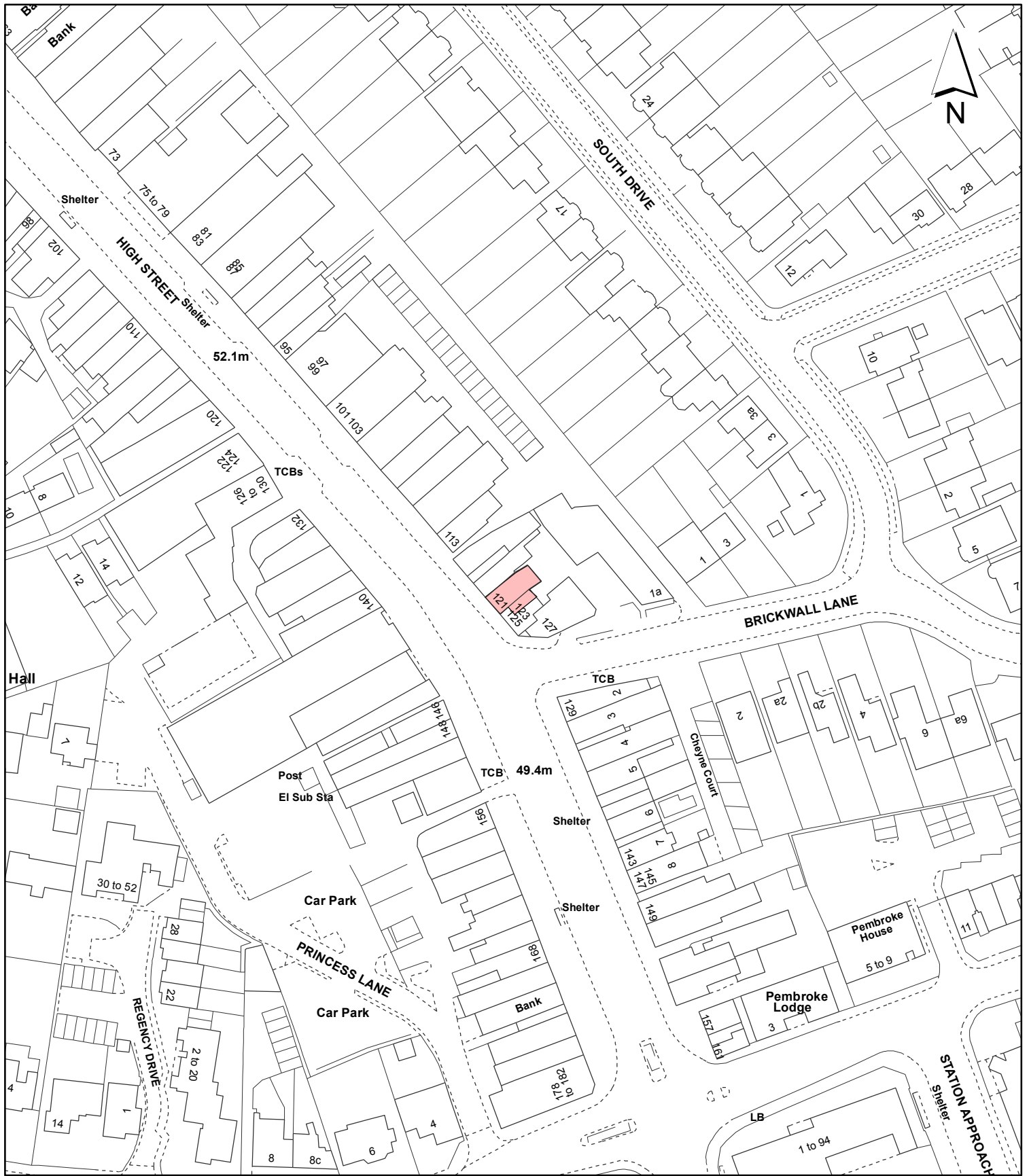
There is no objection in principle to the scheme. The change of use is not considered to result harm to the vitality and viability of Ruislip town centre and would not have an adverse impact upon highway safety or parking and would not detract from the residential amenities of nearby properties, in accordance with Policy S6 and OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy DMTC of the draft Local Plan Part 2 (with Modifications, March 2019).

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).
Hillingdon Local Plan Part 2.
Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019)
The London Plan (2016).
Supplementary Planning Document 'Accessible Hillingdon'.
National Planning Policy Framework.

Contact Officer: Liz Arnold

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**121 High Street
 Ruislip**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

543/APP/2019/1989

Scale:

1:1,250

Planning Committee:

North

Date:

November 2019



HILLINGDON
 LONDON