

Report of the Head of Planning, Transportation and Regeneration

Address 171 NORTH HYDE ROAD HAYES

Development: Change of use from retail (Use Class A1) to dental manufacture (Use Class B1(c))

LBH Ref Nos: 11980/APP/2019/2957

Drawing Nos: 2123/P201/B
2123_E201
Noise Assessment
Design and Access Statement
2123-L201
2123/E202
2123/P202

Date Plans Received: 05/09/2019 **Date(s) of Amendment(s):** 26/09/2019
Date Application Valid: 26/09/2019 05/09/2019

1. SUMMARY

The application seeks planning permission for a change of use from A1 retail to B1(c) dental manufacture. The principle of the change of use is considered acceptable given that it would not harm local convenience shopping provision or the vitality and function of this shopping parade, in accordance with policy S7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). Furthermore, the proposal would, subject to appropriate conditions, not have an unacceptable impact upon residential amenity or highway safety. 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 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 2123/P201/B and 2123/P202 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 NONSC Non Standard Condition

The premises shall be used for the manufacture of dental appliances and for no other

purpose (including any other purpose in Class B1(c) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 NONSC Non Standard Condition

Machinery shall be operated, processes shall be carried out and deliveries shall be taken at or despatched from the site only between 08:00 and 18:00 Mondays to Saturdays, and not at any time on Sundays or on Bank or Public Holidays.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 NONSC Non Standard Condition

Before any machinery is used on the premises, a scheme for protecting the living conditions of surrounding residential occupiers from noise shall have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any machinery is used on the premises, and shall be retained thereafter.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

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.

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.

Protection of the character and amenities of surrounding properties

OE1	and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
S7	Change of use of shops in Parades
DMTC 3	Maintaining the Viability of Local Centres and Local Parades
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

3 159 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south side of North Hyde Road, on a corner location between the junctions of Roseville Road and Wyre Grove and forms part of a terrace of around 16 units forming a parade of shops, comprising ground floor commercial units with first floor residential units above, some accessed from the rear, and some with single and two storey rear extensions. The application property comprises a ground floor commercial unit. The property has been indicated to be previously in use A1 although is currently vacant.

The adjoining property is currently in use as B1(c) dental manufacture.

The submitted plans indicate a single parking space to the rear served by the service road.

This part of North Hyde Road is predominantly residential in character and appearance, with the parade of shops providing convenience shopping for local residents, and the application site lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for a change of use from A1 retail to B1(c) dental manufacture.

3.3 Relevant Planning History

11980/A/81/0364 171 North Hyde Road Hayes
Office development - 148 sq.m. (Outline)(P)

Decision: 19-05-1981 Refused

11980/APP/2006/902 171 North Hyde Road Hayes

CONVERSION AND ALTERATION OF EXISTING FIRST FLOOR TWO-BEDROOM FLAT TO PROVIDE A TWO-BEDROOM FLAT AT FIRST FLOOR LEVEL AND STUDIO FLAT IN ROOFSPACE INCORPORATING 2 FRONT AND 1 REAR DORMER WINDOWS AND ALTERATION OF EXISTING SHOP FRONT TO CREATE A NEW ENTRANCE DOOR

Decision: 06-06-2006 Approved

11980/APP/2009/1521 171 North Hyde Road Hayes

Single storey detached outbuilding to rear for use as garage/store, involving demolition of existing single storey detached outbuilding to rear (Part retrospective application)

Decision: 07-09-2009 Approved

11980/APP/2009/746 171 North Hyde Road Hayes

Single storey detached garage to rear, involving demolition of existing detached outbuilding (Part retrospective application).

Decision: 15-06-2009 Approved

11980/APP/2011/1634 171 North Hyde Road Hayes

Two storey building to include a ground floor shop and 1 x 2 - bed flat at first floor level with associated parking

Decision: 26-09-2011 Refused

11980/APP/2011/2963 171 North Hyde Road Hayes

Two storey end-of-terrace building to include a ground floor shop and 1 x two-bed flat at first floor level with associated parking (Resubmission)

Decision: 31-01-2012 Refused

11980/APP/2012/708 Land Adjacent To 171 North Hyde Road Hayes

Erection of two storey building comprising ground floor shop, two bedroom flat at first floor level and associated parking

Decision: 28-05-2012 Approved

11980/APP/2015/1160 Land Adjacent To 171 North Hyde Road Hayes

Erection of two storey building comprising ground floor shop, two bedroom flat at first floor level and associated parking (Part Retrospective)

Decision: 04-06-2015 Approved

11980/APP/2015/2600 171 North Hyde Road Hayes

Conversion of existing 3-bed flat into 1 x 2-bed and 1 x studio self contained flats involving

alterations to rear dormer (Retrospective)

Decision: 15-09-2015 Refused

11980/APP/2015/3670 171a North Hyde Road Hayes

Use of first floor as 1 x 2 bedroom self-contained flat (Application for a Certificate of Lawful Development for an Existing Development)

Decision: 30-11-2015 Approved

11980/APP/2015/3732 Land Adjacent To 171 North Hyde Road Hayes

Details pursuant to conditions 3 (Landscape Scheme) and 9 (Removal of existing elements) of planning permission Ref: 11980/APP/2015/1160 dated 04/06/2015 (Erection of two storey building comprising ground floor shop, two bedroom flat at first floor level and associated parking (Part Retrospective))

Decision: 08-12-2015 Approved

11980/APP/2015/4554 171 North Hyde Road Hayes

Conversion of roof space to habitable use to create 1 x 1 Person occupancy studio flat.

Decision: 10-02-2016 Approved

11980/APP/2016/1628 171 North Hyde Road Hayes

Details pursuant to conditions 5 (Road Traffic Noise) and 6 (Sound Insulation) of planning permission Ref: 11980/APP/2015/1160 dated 04/06/2015 (Erection of two storey building comprising ground floor shop, two bedroom flat at first floor level and associated parking (Part Retrospective))

Decision: 21-06-2016 Approved

11980/APP/2016/2129 171 North Hyde Road Hayes

Details pursuant to condition 3 (Sound Insulation) of planning permission ref: 11980/APP/2015/4554 dated 10/02/2016 (Conversion of roof space to habitable use to create 1 studio flat).

Decision: 09-09-2016 Approved

11980/APP/2016/944 171 North Hyde Road Hayes

Details pursuant to condition 3 (Sound Insulation) of planning permission Ref: 11980/APP/2015/4554 dated 10/02/2016 (Conversion of roof space to habitable use to create 1 studio flat)

Decision: 27-04-2016 Refused

11980/APP/2018/3890 171 North Hyde Road Hayes

CHANGE OF USE OF GROUND FLOOR FROM RETAIL TO B1, DENTAL LABORATORY AND
CONSTRUCTION OF SINGLE STOREY REAR EXTENSION

Decision: 15-11-2018 NFA

11980/B/81/1195 171 North Hyde Road Hayes

Mixed development on 0.0300 hectares (outline)(P)

Decision: 20-11-1981 Refused

11980/C/84/3049 171 North Hyde Road Hayes

Advertisement (P)

Decision: 31-05-1984 Approved

11980/D/84/0587 171 North Hyde Road Hayes

Alterations to elevation (P)

Decision: 29-05-1984 Approved

11980/PRE/2002/110 171 North Hyde Road Hayes

TP PRE CORRES: USE CLASS

Decision:

Comment on Relevant Planning History

The relevant planning history is listed above. It is noted that planning permission was granted at appeal for the Change of use from financial and professional services (Use Class A2) to dental manufacture (Use Class B1(c)) at the adjoining property under application reference 19868/APP/2015/315 which has been implemented.

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:

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.

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

S7 Change of use of shops in Parades

DMTC 3 Maintaining the Viability of Local Centres and Local Parades

LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

8 neighbouring properties were consulted by letter dated 30.9.19 and a site notice was displayed to the front of the site which expired on 30.10.19.

There have been no responses from external consultees.

Internal Consultees

Conservation Officer - Taking into account the location of the site and nature of the development, we have no comments to make in this instance.

Access Officer -

1. The proposed plan does not currently include any WC provision for disabled people and at least one accessible unisex toilet should be provided. It would be more appropriate from an accessibility standpoint to provide one large cubicle that would be accessible to everybody, as opposed to two smaller toilet compartments, which would exclude wheelchair users. 2. The accessible toilet should be designed in accordance with the guidance given in Approved Document M to the Building Regulations 2010 (2015 edition). 3. The accessible toilet should be signed either "Accessible WC" or "Unisex". Alternatively, the use of the "wheelchair" symbol and the words "Ladies" and "Gentlemen" or "Unisex" would be acceptable. 4. The Equality Act 2010 seeks to protect people accessing goods, facilities and services from 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. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

Policy Officer -

The site is located within a designated Local Parade. The unit is currently vacant appear from the Council's surveys and most March 2019 Google Street View photos to have been most recently in use as carpet shop up until approximately mid-2018. Policy S7 of the UDP saved policies and policy DMTC 3 of the emerging Local Plan Part 2 seek to maintain the vitality and viability of designated Local Parades by retaining uses that support their continued viability and attractiveness to the locality they serve. The existing use as an A1 shop contributes to the contributes to the existing proportion of A1 uses within the parade which is 19/19 units - 47%. This data is based on the council's most recent survey of the parade carried out in October 2019. The proposed change of use would reduce the proportion of A1 shops in the parade further below 50%. Policy DMTC 3 (which can be afforded significant weight in accordance with para 48. of the NPPF) states that in considering changes of use within existing shops in the local parades, the Council will ensure that the parade retains sufficient essential shops to provide choice; that 50% of the shops in the parade remain in use as A1 shops; and that the surrounding residential area is not deficient in essential shops uses. The proposed change of use would reduce the overall proportion of A1 shops in the parade to below 42% which would be contrary to policy DMTC 3. However it is also important to take other material considerations into account which include whether the change of use would have an impact on the range of shops and local services. The Council's retail survey shows that application sites is currently vacant with the most recent use being a carpet shop. The surveys also show that

there are a range of shops on the parade including a butchers, grocer and off licence as well as GP surgery. This proposed change of use would not impact on the availability of these services. The proposal would also enable the relocation of the existing Dental lab which is currently in the adjacent unit but which is required to move due to expansion of the GP surgery. The proposed change of use would enable the dental lab to remain on the parade. Taking these material considerations into account, on balance, although the proposed change of use would be contrary to policy, it is considered acceptable in this instance subject to meeting the requirements of other policies in the development plan.

EPU -

No objection subject to the use being restricted to the manufacture of dental appliances only and details of noise mitigation measures be secured by condition.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site forms part of a local shopping parade. Local shopping parades serve an important role in providing convenience shopping that caters for the needs of local residents.

Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that change of use will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and would 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 establishes the criteria where service uses would be permitted in parades and states that change of use from A1 will only be granted if the parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade and to its function in the Borough and that the surrounding residential area is not deficient in essential shop uses.

The supporting text to this policy comments that the Local Planning Authority seeks to protect vulnerable parades which are particularly important for the local community and provide opportunities for the establishment of new essential shop uses in existing Class A1 premises. Therefore, as many essential shop uses as possible will be protected, and ideally there should be no less than three in smaller parades and a choice of essential shops in larger parades and in local centres should be retained.

Paragraph 8.22 and policy S7 seeks to ensure that all residential areas are within half a mile of a least 5 essential shop uses, although not necessarily within the same parade. For some local shopping areas the closure of just one essential shop may be so significant as to precipitate the closure of other shops and the ultimate demise of the centre as a whole. The LPA seeks to protect vulnerable parades and corner shops which have a particularly important role for the local community and to provide opportunities for the establishment of new essential shop uses in existing class A1 premises. Ideally there should be no less than 3 (essential shops) in the smaller parades and a choice of essential shops in the larger parades.

Policy DMTC3 in the emerging Local Plan reinforces Policy S7.

The shopping parade comprises the following uses:

- 143 - Take Away (A5)
- 145 - Butchers(A1)
- 147 - Grocer (A1)
- 149 - Plumbing/electrical supplies (A1)
- 151 - Plumbing/electrical supplies(A1)
- 153 - supermarket (A1)
- 155 - Salon (A1)
- 157 - Driving School (Sui Generis)
- 159 - Takeaway (A5)
- 161 - Takeaway (A5)
- 163 - Betting Office (A2)
- 165 - retail (A1)
- 167- Doctors surgery (D1)
- 169 - Dental manufacture (B1C)
- 171 - Vacant (A1)

The existing use as an A1 shop contributes to the contributes to the existing proportion of A1 uses within the parade which is 19/19 units - 47%. This data is based on the council's most recent survey of the parade carried out in October 2019. The proposed change of use would reduce the proportion of A1 shops in the parade further below 50%. Policy DMTC 3 (which can be afforded significant weight in accordance with para 48. of the NPPF) states that in considering changes of use within existing shops in the local parades, the Council will ensure that the parade retains sufficient essential shops to provide choice; that 50% of the shops in the parade remain in use as A1 shops; and that the surrounding residential area is not deficient in essential shops uses. The proposed change of use would reduce the overall proportion of A1 shops in the parade to below 42% which would be contrary to policy DMTC 3. However it is also important to take other material considerations into account which include whether the change of use would have an impact on the range of shops and local services. The Council's retail survey shows that application sites is currently vacant with the most recent use being a carpet shop. The surveys also show that there are a range of shops on the parade including a butchers, grocer and off licence as well as GP surgery. This proposed change of use would not impact on the availability of these services. The proposal would also enable the relocation of the existing Dental lab which is currently in the adjacent unit but which is required to move due to expansion of the GP surgery. The proposed change of use would enable the dental lab to remain on the parade. Taking these material considerations into account, on balance, although the proposed change of use would be contrary to policy, it is considered acceptable in this instance subject to meeting the requirements of other policies in the development plan.

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

No alterations are proposed on the front elevation of the unit and therefore the proposal

would not harm the appearance of the street scene. Indeed the proposal relates to a change of use only.

There are no material changes to the bulk and massing of this building and the existing shopfront would be maintained to the street and therefore it is considered that the change of use of the ground floor of the building would not result in a material impact on the appearance of the street scene.

The proposal would be in accordance with Policies BE13 and BE19 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. The proposal relates to the change of use to B1(c) Light industrial. Details have been provided as to the details/modus-operandi of the manufacturing facilities proposed and a noise assessment submitted. It is considered that appropriate conditions can be imposed to ensure that the occupants of the upper floor flats would not be adversely affected by the proposed use of the ground floor premises.

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.

It is noted that the submitted plans confirm that a single parking space is located to the rear. The appeal at adjoining number 169 was allowed on parking grounds. The appeal Inspector concluded:

"I consider that the change of use results in a reduction in visitor parking and a consequential easing of pressure on the parking in the surrounding streets. On the evidence before me, it provides at least one space for parking a car in front of the shop, with space to spare for motorcycle courier parking. Given the size of the unit, it provides sufficient off-street parking for servicing and staff, as well as safe vehicle manoeuvring and access. "

The B1(c) dental manufacturing use does not provide a service to the general public and the existing business has established that the low intensity use does not create a level of vehicular movements in the area that could not be accommodated at the site or upon the adjacent highway. As described the business employs only two full time employees as well as a parttime motorcycle courier who only visits the site once a day to collect/deliver items and whose vehicle can be accommodated to the front of the premises. Larger items and waste would be serviced less frequently to the rear of the property and as a result would not impact upon highway movements upon North Hyde Road or Roseville Road.

The current proposal is similar to that considered at appeal by the Inspector and it is

- considered, would not give rise to concerns in relation to parking and highway safety.
- 7.11 Urban design, access and security**
The issues are addressed in the sections above.
- 7.12 Disabled access**
Amended plans have been submitted throughout the course of the application to address the Access Officers concerns with regard to the provision of disabled toilet facilities.
- 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**
details of sustainable waste management can be secured by way of condition.
- 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**
No external consultation responses received.
- 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 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

The principle of the change of use is considered acceptable given that it would not harm local convenience shopping provision or the vitality and function of this shopping parade, in accordance with policy S7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). Furthermore, the proposal would, subject to appropriate conditions, not have an unacceptable impact upon residential amenity or highway safety. The application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two London Borough Of Hillingdon Local Plan Part 2 Development Management Policies with Modifications (March 2019)
The London Plan (2016)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

171 North Hyde Road

Planning Application Ref:
11980/APP/2019/2957

Planning Committee:
Central & South

Scale:
1:1,250

Date:
December 2019

LONDON BOROUGH OF HILLINGDON
Residents Services
Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

