

Report of the Head of Planning, Transportation and Regeneration

Address 26 HIGH STREET HAREFIELD
Development: Change of use from Use Class A1 (Shops) to a tattoo parlour (Sui Generis)
LBH Ref Nos: 14889/APP/2019/2583
Drawing Nos: 26HS/10092019/REV-A
Location Plan

Date Plans Received: 01/08/2019 **Date(s) of Amendment(s):**
Date Application Valid: 18/09/2019

1. SUMMARY

The application seeks permission for the change of use from Shops (A1) to tattoo parlour (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 plan number 26HS/10092019/REV-A received 18/9/19 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 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).

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.

2 159 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

The application site is located within the Harefield 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is an end of terrace two and a half storey properties located on the western side of High Street, Harefield. The shopping units are typically retail at ground floor level and residential above.

The site is situated within the Harefield Village Conservation Area and the Core Shopping Area of the Harefield Local Centre, as identified in the policies of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

The Harefield centre supports 3,865 sq m gross of retail floorspace, the majority of which is located along the High Street. The Harefield Core Shopping Area is designated on the western side of High Street. This centre contains small independent stores, including furniture, antique and photography stores. It is noted that the eastern side of High Street also contains a cluster of retail units and it is considered that this area could also be part of the Core Shopping Area.

The site has PTAL rating of 1b, which indicates that this centre has a very low level of access by public transport.

3.2 Proposed Scheme

This application seeks permission for the change of use of the ground floor from a shop (Use Class A1) to a tattoo parlour (Use Class Sui Generis).

3.3 Relevant Planning History

14889/A/79/1422 26 High Street Harefield
Change of use

Decision: 21-07-1980 Withdrawn

Comment on Relevant Planning History

4. Planning Policies and Standards

as below

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.

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.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

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

BE4 New development within or on the fringes of conservation areas

DMHB 11 Design of New Development

DMHB 4 Conservation Areas

DMTC 1 Town Centre Development

DMTC 2 Primary and Secondary Shopping Areas

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
- S12 Service uses in Secondary Shopping Areas
- S6 Change of use of shops - safeguarding the amenities of shopping areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **23rd October 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

13 neighbouring properties were consulted by letter dated 19/9/19 and a site notice was displayed in the area. By the close of the consultation period, 5 comments were received which some supported the application and some raised their concerns as follows:

External Consultee:

- Parking
- Loss of a core retail shop

Internal Consultees

Conservation officer:

1 Summary of comments: No objections, subsequent application may be required in relation to any alterations to the shopfront and/or signage

2 Historic Environment Designation (s)

- Harefield Village Conservation Area

3 Assessment - Background/ Significance

The existing unit forms part of a modern parade of shops located within the Harefield Village Conservation Area. Harefield has a small commercial, village-like core which then sprawls out to open countryside. This is an important characteristic of the conservation area.

4 Assessment - Impact

There would be no objections to the principle of the proposed change of use however if any alterations are proposed to the shop front and/or signage a separate planning application and advertisement consent application would need to be submitted prior to any works taking place.

5 Conclusion: No objections

7. MAIN PLANNING ISSUES

7.01 The principle of the development

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.

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.

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.

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.

The proposed development would not increase the overall bulk or footprint of the building, would not include any external alterations and would result in an aesthetic improvement to an out-dated vacant building. 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

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

The proposal does not increase the overall bulk or footprint of the building. There are no

changes to the external fenestration arrangements in this rear elevation and as such, the proposal would not introduce concerns to the occupants of the residential flats. In terms of the change of use, the proposal is not considered to give rise to an unacceptable loss of amenity to occupants of the neighbouring residential properties.

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 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. These require a provision of 1.5 spaces per dwelling.

Given the site's location in a Harefield 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.

There is no off street car parking immediately associated with this unit. The existing access and servicing arrangements would remain as per the existing use. In this respect, it is therefore considered that there would be no conflict with policies AM7 and AM14 of the Hillingdon Local Plan (November 2015).

7.11 Urban design, access and security

The proposed change of use does not give rise to any urban design or access/security issues. Any advertisement on the building should be submitted as a separate advertisement consent application.

7.12 Disabled access

The access would not be altered as part of the proposal and the Council's Access officer has not raised any concerns.

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

as above

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

It is considered that the Change of Use of the property from A1 (Shops) to Sui Generis for use as a tattoo parlour would not have a detrimental impact on the parade of commercial units as sufficient A1 units would be retained. It is considered that it would not result in an increased demand for parking and traffic generation. In addition, it would not have an impact on the street scene.

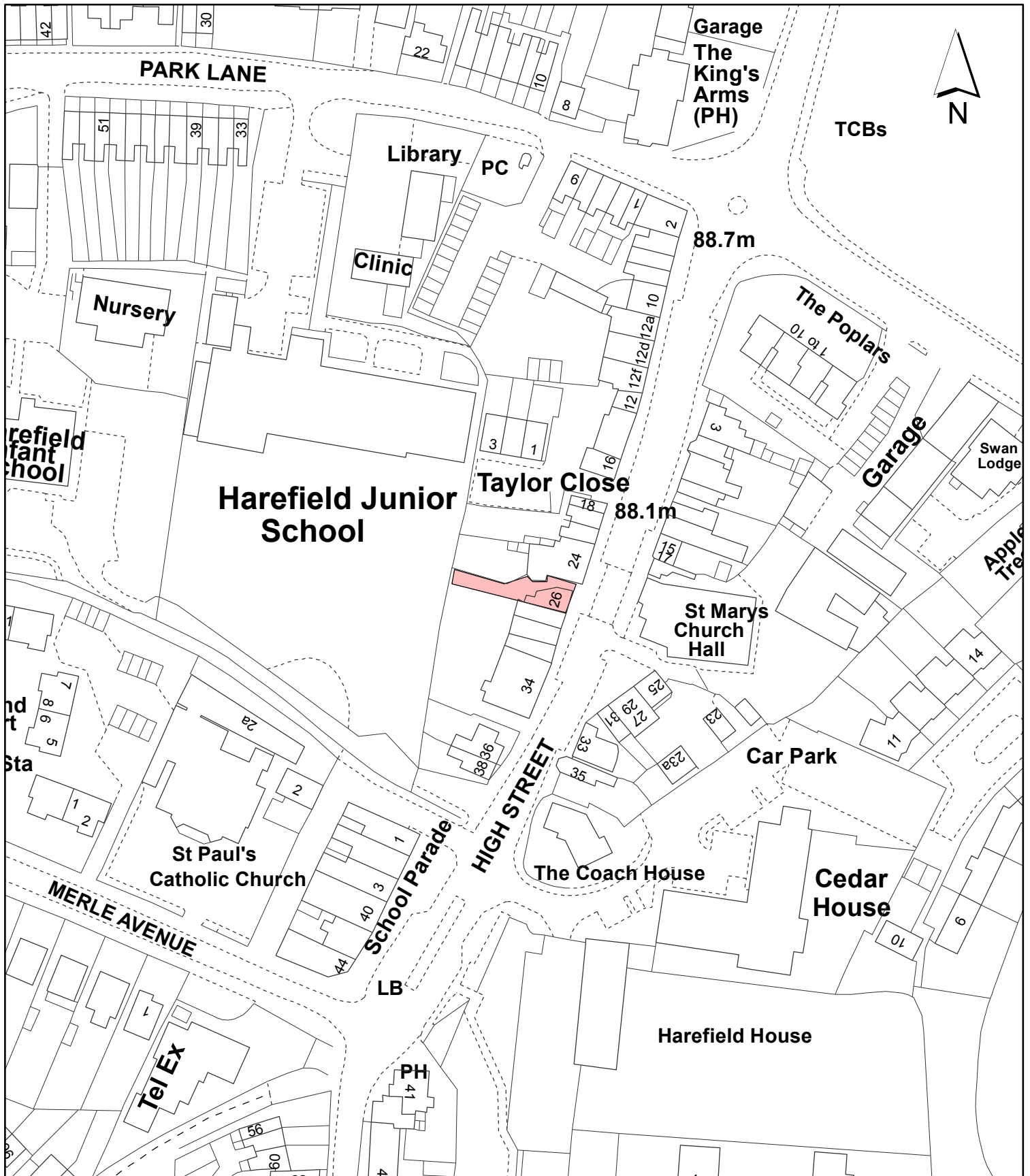
In conclusion, the application is recommended for conditional approval.

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: Hoda Sadri

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address: **26 High Street
Harefield**

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

Planning Application Ref:
14889/APP/2019/2583

Scale:
1:1,250

Planning Committee:
North

Date:
December 2019

