

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

**Address** 55 FAIRFIELD ROAD YIEWSLEY

**Development:** Change of use from retail (Use Class A1) to beauty therapy and massage (Sui-generis) with external alterations

**LBH Ref Nos:** 27831/APP/2019/3811

**Drawing Nos:** S01  
S02  
C01  
Design and Access Statement

**Date Plans Received:** 25/11/2019 **Date(s) of Amendment(s):**

**Date Application Valid:** 09/12/2019

### 1. SUMMARY

The application seeks permission for the change of use from a hairdressers (A1) to beauty therapy and massage (Sui-generis).

There is no objection in principle to the scheme. Although the site is located within the Yiewsley/West Drayton District Centre it is located outside both the primary and secondary retail frontages. It is noted that within this particular part of the District Centre there are a number of vacant units including the application site which has been vacant for over 12 months. As such it is considered that this proposal would improve the vitality and viability of this part of the District Centre.

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 C01 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 (January 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 Local Plan Part 1 (2012) and Part 2 (2020) 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.

DMTC 1	Town Centre Development
DMTC 4	Amenity and Town Centre Uses
DMTC 2	Primary and Secondary Shopping Areas
DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking

### 3 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.

### 4 I5 **Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further

information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **5 I15 Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is a single fronted unit located within one half a semi-detached two storey building on the northern side of Fairfield Road close to the junction with Otterfield Road. The parade dates from around the 1920's and is typically commercial at ground floor level and residential above.

The site is situated within the Yiewsley/West Drayton District Centre. The site falls outside of the primary and secondary retail frontages. Adjoining the site (57 Fairfield Road) is a Nail Salon (Suis Generis). There are a number of uses within the area, however it is noted that there are several vacant units within this particular part of the District Centre including the application site.

The site has a PTAL of 3.

### **3.2 Proposed Scheme**

This application seeks permission for the change of use of the ground floor from a hairdressers (Use Class A1) to beauty therapy and massage (Use Class Sui Generis).

### **3.3 Relevant Planning History**

27831/A/81/0310            55 Fairfield Road Yiewsley  
Alterations to elevation (P)

**Decision:** 09-03-1981    Approved

27831/ADV/2019/75        55 Fairfield Road Yiewsley  
Installation of 1 non illuminated fascia sign

**Decision:** 17-02-2020    Approved

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

There is no recent planning history relating to the site or the adjoining property at No. 57. The most recent application determined in relation to the District Centre was at 28-32 Fairfield which sought permission for the change of use from retail (Class A1) to a restaurant (Class A3) (Ref :74662/APP/2019/648). This application was refused on the 22/5/20 due to the impact of the development upon the amenity of nearby residents. It is noted that this site is located within the Secondary Frontage and it was considered at the time of the application that the number of retail uses within the Secondary Frontage would be acceptable in the event that the proposal was acceptable in all other respects.

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

Policy DMTC 1: Town Centre Developments of the Council's adopted Local Plan (2020) states that the Council will support 'main town centre uses' where the development proposal is consistent with the scale and function of the centre. Amongst other things consideration should be given to the effect of the proposal, either individually or cumulatively on the vitality and viability of existing town centres.

The amplification to Policy DMTC1 states that ensuring the viability of Hillingdon's retail centres by managing their land uses is considered integral to the economic and social prosperity of Hillingdon. Vibrant town centres need to have a "critical mass" appropriate to their role in the network and an appropriate level of diversity of retail development to attract consumers of all ages and backgrounds on a regular basis at different times of the day and throughout the year.

However, the Council will consider proposals which constitute a departure from policy where they provide clear and long lasting benefits to the vitality and viability of town centres in the borough. Whilst seeking to encourage vitality and viability, the Council recognises the different retail functions that take place within its town centres:

Primary Areas, which are the focus of retail activity in the centres and are either already generally dominated by retail shops or are areas which the Local Planning Authority considers have prime retail potential.

Secondary Areas, peripheral to the primary areas in which shopping and service uses are more mixed, should still retain a high proportion of Class A1 shops.

Other Areas, outside the primary and secondary areas which are appropriate both for retail and for other town centres uses.

In this case the application site is located within a District Centre outside the primary and secondary areas appropriate for both retail and 'other town centre uses'.

Policy DMTC 2: Primary and Secondary Shopping Areas requires that a certain level of retail uses are retained within the primary and secondary retail frontages. However in regard to those sites located outside both the primary and secondary frontages the policy states that 'proposals for a change of use from A1 retail will be permitted, provided the change does not result in the loss of an essential local service'.

Policy DMTC 4: Amenity and Town Centre Uses is also relevant to the proposed development. It states that proposals for restaurants and hot food takeaways, drinking establishments, betting shops, night clubs, casinos, amusement centres, minicab offices and other similar uses will only be supported provided that they:

- i) would not result in adverse cumulative impacts due to an unacceptable concentration of such uses in one area;
- ii) would not cause unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion; and
- iii) would not detrimentally affect the character or function of an area by virtue of the proposed use or visual impact.

Similarly Policies DMHB11: Design of New Development, DMT2: Highways Impacts and DMT6: Vehicle Parking are also relevant to the proposed development and will be discussed further below.

## **UDP / LDF Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

DMTC 1	Town Centre Development
DMTC 4	Amenity and Town Centre Uses
DMTC 2	Primary and Secondary Shopping Areas
DMHB 11	Design of New Development
DMT 2	Highways Impacts
DMT 6	Vehicle Parking

## **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 neighbours and the Whitethorn Residents Association were consulted on the 11th December 2019 for a period of 21 days. As site notice giving 21 days for comments was also posted on the 16th January 2020.

There were no responses.

## Internal Consultees

Contaminated Land Specialist: No comments received.

Access Officer:

I have considered the detail of this Change of Use application which indicates that some internal reconfiguration would be required for the proposed use. Whilst no accessibility improvements are required for the purposes Development Management, the following informative should be attached to any grant of planning permission: 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.

Highways Officer:

With regard to highway impacts, when considering the nature of the works in that the site will generate a reduction in trip rates and that a plethora of on-street visitor parking is available within the vicinity, I do not deem this application detrimental to the safety and convenience of the highway network. Mindful of the above, I do not have any objections.

## **7. MAIN PLANNING ISSUES**

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

As discussed above the site is not located within a primary or secondary retail frontage. In this case, in accordance with Local Plan policy DMTC1 the site is appropriate for both retail and 'other town centre uses'. Moreover the site has been vacant for some time and was formerly a shop which did not constitute or provide 'an essential local service'. As such it is considered that the proposed change of use would be in accordance with Policy DMTC 2 of the Council's adopted Local Plan.

It is also noted that whilst a beauty therapist falls within a sui generis use they share many of the same characteristics as uses such as hairdressers which fall within Class A1 use and as such it is considered that a beauty therapist in this location would contribute to the vitality of the District Centre. For this reason it is considered that there would be no harm resulting from having a beauty therapist at this site next to an existing nail bar at No. 57 Fairfield Road.

Overall it is considered that the proposed development would be acceptable in principle.

### **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 DMHB 11 of the Local Plan 2020 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 includes a very minor alteration to the rear (blocking up of an existing door) which is not considered to be harmful to the character and appearance of the street scene in accordance with the above policy. It is noted that a separate application for a new fascia sign has been submitted to the Local Planning Authority and will be assessed accordingly.

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

The physical alterations to the building is minor and the proposed use is similar in nature to the adjoining use at No. 57 Fairfield Road. As such it is considered that the proposal would not have an adverse impact on the neighbours' amenity.

Overall it is considered that the proposal would not represent an unneighbourly form of development and in this respect would be in compliance with policies with relevant Local Plan policies.

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

Not applicable to this application.

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

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. It is also noted that there are a number of on street parking spaces available within the area.

Furthermore the Council's Highways Team have been consulted and raise no objection to the proposed development.

Overall the development would not be prejudicial to pedestrian and highway safety in accordance with Policy DMT6 of the Council's adopted Local Plan (2020).

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

Covered in other sections of the report.

#### **7.12 Disabled access**

The Council's Access Officer has recommended that an informative be included on the decision notice with respect to compliance with the Equality Act 2010.

#### **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**

None.

**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**

There is no objection in principle to the scheme. The change of use is considered not to result in harm to the vitality and viability of the District Centre nor would it cause harm to the character and appearance of the site and its wider area or the amenity of nearby residents. It is also considered that the development would not be prejudicial to pedestrian and highway safety.

The development is therefore in accordance with the relevant Local Plan Policies as set out above and approval of the application is therefore recommended.

#### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)  
The London Plan (2016)  
National Planning Policy Framework

**Contact Officer:** Kelly Sweeney

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**55 Fairfield Road  
 Yiewsley**

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

Planning Application Ref:  
**27831/APP/2019/3811**

Scale:  
**1:1,250**

Planning Committee:  
**Central and South**

Date:  
**May 2020**

