

Report of the Head of Planning & Enforcement Services

Address 186 FIELD END ROAD EASTCOTE PINNER

Development: Change of use from photographic studio to accountancy office (Use Class A2)

LBH Ref Nos: 2294/APP/2011/415

Drawing Nos: 01A
02A
Location Plan to Scale 1:1250

Date Plans Received: 23/02/2011 **Date(s) of Amendment(s):**
Date Application Valid: 01/03/2011

1. SUMMARY

The application relates to the change of use of an existing vacant Photographic studio/shop (Sui generis) to a use as an accountancy office (A2 Financial and Professional Services Use).

The site is within a Secondary Shopping Area of Eastcote Town Centre as identified in the Hillingdon Unitary Development Plan (UDP) Saved Policies (September 2007). The UDP Saved Policies (September 2007) states that the Local Planning Authority will exercise strict control over the loss of shops to other uses. However, this unit has been in use as a photographic studio with associated retail shop element in excess of 20 years. The Land Use Gazetteer lists a photographic studio with a retail element as a Sui-generis use i.e not within any use class. Therefore, no objection is raised to the proposed change of use to an A2 accountancy use as the proposal would not result in the loss of a retail unit, classified as an A1 use, and would thus not change the proportion of retail use within the centre. As such, the proposal would not conflict with any of the relevant adopted policies within the Hillingdon Unitary Development Plan (Saved Policies September 2007).

Therefore subject to condition the application is recommended for Approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC Non Standard Condition

No air conditioning plant shall be used on the premises until a scheme which specifies the provisions to be made for the control of noise emanating from the site or to other parts of the building, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 13 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

5 16 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

6 125 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

7 134 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is

reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

8

It is advised that the installation of roller shutters at this site would require planning permission. The Authorities Adopted Design Guidance on 'Shopfronts and Signage' Section 9.0 - 9.9 deals with security measures, and comments as follows, whilst the councils recognises the need for premises to be adequately secured and protected through appropriate security devices, it is concerned the character of the area can be adversely effected by inappropriate physical security measures. Solid and visually impermeable roller shutters can create a forbidding and unsafe environment after dark, preventing passive surveillance (both into the street and the shop). Their appearance also adversely affects the character and appearance of the building and the area. These types of shutters are easy to vandalise with graffiti, which in turn can further negatively affect the character and image of the area. Therefore, external solid roller shutters (including punched, perforated or micro-perforated shutters) should be avoided.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a vacant photographic studio/shop situated on the west side of Field End Road, at the end of a parade of units which wraps round the corner to front Elm Avenue. This unit is two storey with a pitched roof and has a single storey element to the rear. The site is within the Secondary Shopping Area of Eastcote Town Centre and the Eastcote (Morford Way) Conservation Area as identified in the Hillingdon Unitary Development Plan (UDP) Saved Policies (September 2007).

3.2 Proposed Scheme

Planning permission is sought for the change of use of the commercial unit from a photographic studio with retail element to a financial and professional services use (accountancy office). There are no exterior alterations to the building proposed as part of this application.

3.3 Relevant Planning History

2294/C/85/1574 186 Field End Road Eastcote Pinner
Alterations to elevation (P)

Decision: 09-10-1985 Approved

2294/D/85/3114 186 Field End Road Eastcote Pinner
Advertisement (P)

Decision: 16-10-1985 Approved

Comment on Relevant Planning History

None

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- 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.
- 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
- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- S6 Change of use of shops - safeguarding the amenities of shopping areas
- S12 Service uses in Secondary Shopping Areas
- LPP 3D.1 London Plan Policy 3D.1 - Supporting Town Centres.
- LPP 3D.3 London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **13th April 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

24 neighbouring properties and interested parties have been consulted and no responses have been received.

Internal Consultees

Environmental Protection Unit:

The following condition is suggested.

No air conditioning plant shall be used on the premises until a scheme which specifies the provisions to be made for the control of noise emanating from the site or to other parts of the building, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Urban Design and Conservation Officer:

The current application is for change of use only with no alterations proposed to the shop front or fascia. Therefore, there would be no objections from a conservation view point.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The Local Planning Authority's aim is to retain the retail function of all shopping areas to meet the needs of the area each serves. Shops grouped conveniently together assist the process of search for and comparison of goods and hence attract shoppers. As such the Local Planning Authority will exercise strict control over the loss of shops to other uses. However, in this particular case, it is considered that although there is a retail element to the existing use, the authorised planning use for this unit is currently a Sui-generis use, as such, in planning terms the proposal is not considered to result in the loss of an A1 retail unit.

Policy S6 of the UDP (Saved Policies, September 2007) states changes of use applications 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 will not cause unacceptable loss of amenity to nearby residential properties and would have no harmful effect on road safety or worsen traffic congestion. The proposal does not involve an alteration to the frontage and it is not considered that the traffic generation between the existing use and the proposed use would be materially different such as to warrant the refusal of planning permission. The proposal is therefore considered to comply with policy S6 of the UDP (Saved Policies, September 2007).

Policy S12 of the UDP Saved Policies (September 2007) relates to change of use applications within Secondary Shopping Areas of Town Centres. This policy sets out where the loss of a retail use would be acceptable and then subsequently discusses what types of uses would be considered appropriate in these areas. However, it is accepted the loss of the retail use at this site has already been established by previous long term use of the site, and it is further noted that an A2 (financial and professional services) is listed as an acceptable alternative use in Secondary Shopping Areas. As such, the proposal is considered to comply with this policy.

7.02 Density of the proposed development

Not applicable to this application.

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

The site is within the Eastcote (Morford Way) Conservation Area. The application relates solely to the change of use of the building and therefore the Conservation and Urban Design Officer has not raised an objection to the proposal. As such, the application is considered to accord with policies BE4 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application

7.06 Environmental Impact

Not applicable to this application

7.07 Impact on the character & appearance of the area

Policy BE13 of the UDP Saved Policies (September 2007) requires new development to harmonise with the appearance of the existing street scene and area, and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building.

There are no external alterations proposed to the building as part of this application and therefore the proposal is considered to comply with the intentions of Policy BE13 and BE15 of the UDP Saved Policies (September 2007).

7.08 Impact on neighbours

The application relates solely to the change of use of the building and therefore it is not considered a material loss of light, outlook or privacy would rise as a result of this proposal. As such, the application is considered to accord with policies BE20, BE21 and BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application

7.10 Traffic impact, car/cycle parking, pedestrian safety

There is no off-street car parking for this site, however, it is not considered the traffic generation or parking requirement between the existing use and the proposed use would be significantly different. The proposal would therefore comply with AM7 and AM14 of the UDP Saved Policies (September 2007).

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

Not applicable to this application, the application relates to the change of use of the building only and no alterations are proposed

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

Policy OE1 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 Environmental protection officer has not raised an objection to the application subject to a safeguarding condition being applied relating to any air conditioning plant being installed, in order to safeguard the amenity of residents and the surrounding area. Therefore subject to condition the proposal is considered to accord with policies OE1 and OE3 of the UDP Saved Policies (September 2007).

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

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

This application relates for change of use of an existing vacant photographic studio/shop (Sui generis) to a use as an accountancy office (A2 Financial and Professional Services Use) and therefore would not result in further loss of an A1 unit in the town centre. No alterations are proposed as part of the application and the existing shopfront would remain. The proposal is not considered to result in an adverse impact to highway safety. Therefore subject to suitable conditions the proposal is considered to comply with the relevant policies of the UDP Saved Policies (September 2007).

11. Reference Documents


Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)
London Plan (February 2008)

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**186 Field End Road
Eastcote**

Planning Application Ref:

2294/APP/2011/415

Planning Committee

North

Scale

1:1,250

Date

May 2011

**LONDON BOROUGH
OF HILLINGDON**

**Planning,
Environment, Education
& Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
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