

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

- | | |
|--|--------------------------|
| 1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received | ☐ |
| 2. Application complies with all relevant planning policies and is acceptable on planning grounds | ☐ |
| 3. There is no Committee resolution for the enforcement action | ☐ |
| 4. There is no effect on listed buildings or their settings | ☐ |
| 5. The site is not in the Green Belt (but see 11 below) | ☐ |

REFUSAL RECOMMENDED: GENERAL

- | | |
|--|--------------------------|
| 6. Application is contrary to relevant planning policies/standards | ☐ |
| 7. No petition of 20 or more signatures has been received | ☐ |
| 8. Application has not been supported independently by a person/s | ☐ |
| 9. The site is not in Green Belt (but see 11 below) | ☐ |

RESIDENTIAL DEVELOPMENT

- | | |
|--|--------------------------|
| 10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | ☐ |
| 11. Householder application in the Green Belt | ☐ |

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

- | | |
|--|--------------------------|
| 12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses | ☐ |
| 13. Refusal of change of use from retail class A1 to any other use | ☐ |
| 14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 15. Certificate of Lawfulness (for proposed use or Development) | ☐ |
| 16. Certificate of Lawfulness (for existing use or Development) | ☐ |
| 17. Certificate of Appropriate Alternative Development | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 18. ADVERTISEMENT CONSENT (excluding Hoardings) | ☐ |
| 19. PRIOR APPROVAL APPLICATION | ☐ |
| 20. OUT-OF-BOROUGH OBSERVATIONS | ☐ |
| 21. CIRCULAR 18/84 APPLICATION | ☐ |
| 22. CORPSEWOOD COVENANT APPLICATION | ☐ |
| 23. APPROVAL OF DETAILS | ☐ |
| 24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Date Plans received :	28/04/2015	Date(s) of Amendment(s):	24/04/2015
Date Application Valid:	28/04/2015		04/03/2015
			10/04/2015

The application is for the change of use of an existing Class A2 (Financial and Professional) to Use Class D2 (Assembly and Leisure) within Uxbridge Shopping Centre.

The proposal has been considered in terms of its impact on the shopping function of the town centre, the effect on the character and appearance of the conservation area, the potential impacts on neighbouring occupiers' residential amenities, parking and traffic.

REFUSAL for the following reasons:

The proposed change of use within the designated Secondary Shopping Area of the Uxbridge Town Centre would result in the provision of a use which would not be compatible with the Secondary Shopping Area and would thus undermine the attractiveness of the Secondary Shopping Area which has been defined to identify the minimum number and range of shops needed to carry out its function. The proposal would thus be harmful to the vitality and viability of the shopping area and would be contrary to Policy S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the National Planning Policy Framework.

1 I52 Compulsory Informative (1)

The decision to REFUSE 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).

The decision to REFUSE 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 (2015) 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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE4	New development within or on the fringes of conservation areas
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE1	Protection of the character and amenities of surrounding properties and the local area
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
S12	Service uses in Secondary Shopping Areas
S6	Change of use of shops - safeguarding the amenities of shopping areas
LPP 4.7	(2015) Retail and town centre development
LPP 4.8	(2015) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 4.9	(2015) Small Shops
NPPF	National Planning Policy Framework

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). 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 building comprises of a vacant ground floor retail unit to the south side of Vine Street, Uxbridge. The building is located just off the main Uxbridge High Street and forms part of a two storey building with office accommodation found at first floor level.

The application site is within the Uxbridge Conservation Area and the defined Secondary Shopping Area of Uxbridge Major Town Shopping Centre as designated in the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

3.2 Proposed Scheme

Planning consent is sought for the change of use of the existing ground floor unit from Use Class A2 Financial & Professional to Use Class D2 Assembly & Leisure. The proposed Assembly & Leisure Studio would comprise of an office and gym area to the front, with a cloakroom, locker room and WC facilities to the rear.

The gym is described as an all woman health and fitness centre however no opening hours are suggested with the gym employing up to two full time and one part time personnel.

3.3 Relevant Planning History

6749/ADV/2012/6 5 - 7 Vine Street Uxbridge

Installation of 1 x internally illuminated fascia sign

Decision: 02-04-2012 Approved

6749/H/97/3063 05-Jul Vine Street Uxbridge

Installation of an internally illuminated fascia sign and internally illuminated box sign

Decision: 03-06-1998 Refused

Comment on Planning History

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- 3rd June 2015

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

A total of 3 neighbouring properties were consulted by letter on 30.04.15 as well as a site notice which was displayed along Vine Street on 06.05.15.

One letter of objection was received by the neighbouring property Bird & Lovibond Solicitors who raised the following concerns:

- We are the occupiers of the building next door and above.
- We pride ourselves on providing a professional service to our clients, and therefore it is essential we have a quiet and peaceful working environment for our staff.
- We are concerned the presence of a gym would result in loud music being played throughout the day which will cause a disruption to our staff and clients. We therefore wish that a restriction be applied to any permission granted for music not to be played between the hours of 09.00 and 17.30.
- No hours of use are listed within application.

Conservation & Urban Design were also consulted regarding the application virtue of the site falling within the Uxbridge Conservation Area who commented the following:

- This is an attractive 1920's retail building situated within the Old Uxbridge/ Windsor Street Conservation Area. The building lies next to the Grade II listed Randalls department store, just off the main high street. The entire parade along this side of Vine Street highly contributes to the character of the conservation area, therefore any changes should be sensitively proposed.

Whilst the Change of Use would see the building put back into use, there are concerns in regards to the viability of such a use in a unit this size. Taking into consideration this application is only for the Change of Use of the building, the provisions needed for a fitness gym, such as male and female changing facilities, storage, staff facilities and so on, may not be appropriate within this building.

Therefore based upon the information supplied, from a conservation perspective the proposed Change of Use would be considered in principle unacceptable.

To note there are numerous other fitness facilities in Uxbridge, one which is situated on the opposite side of Vine Street, therefore to have another establishment of the same type would take away from the diversity of Uxbridge as a town centre.

Proposal considered unacceptable.

6. 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.E5 (2012) Town and Local Centres

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.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE4 New development within or on the fringes of conservation areas
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- OE1 Protection of the character and amenities of surrounding properties and the local area
- AM14 New development and car parking standards.
- AM7 Consideration of traffic generated by proposed developments.
- S12 Service uses in Secondary Shopping Areas
- S6 Change of use of shops - safeguarding the amenities of shopping areas
- LPP 4.7 (2015) Retail and town centre development
- LPP 4.8 (2015) Supporting a Successful and Diverse Retail Sector and related facilities and services
- LPP 4.9 (2015) Small Shops
- NPPF National Planning Policy Framework

In addition:

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

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.

It is considered any possible potential to cause noise or nuisance to neighbouring properties can be overcome by way of appropriate conditions.

7.2 Impact on Street Scene

Policy S6 states changes of use from A1 applications will be granted where the proposal is not detrimental to the visual amenity where the premises form part of a statutory or locally listed building or within a conservation area, a frontage of a design appropriate to the surrounding area is maintained or provided, the proposed use is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems and has no harmful effect on road safety.

The Conservation Officer raised objections to the proposal in regards to existing assembly and leisure opposite the existing application site and the potential for this area of the conservation area and the potential harm to the diversity of the Uxbridge Town Centre.

7.3 Traffic Impact/Pedestrian Safety

It is considered that the proposal would not give rise to any harm in terms of traffic impact or pedestrian safety in this central location.

7.4 Carparking & Layout

There is no off street car parking immediately associated with this unit, and there is no scope for parking immediately outside of the premises. The existing access and servicing arrangements would remain as per the existing retail uses. In this respect, it is therefore considered that there would be no conflict with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

7.5 Urban Design, Access and Security Considerations

The proposed change of use does not give rise to any urban design or access/security issues.

7.6 Other Issues

Policy S12 refers to secondary shopping areas of which this site is within. The policy states that the Council will grant Planning Permission for the service uses set out below where it is satisfied that (a) the remaining retail facilities are adequate to accord with the character and function of the shopping centre and to provide for the needs of modern retailing including consumer interests. (b) the proposed use will not result in a separation of Class A1 uses or a concentration of non retail uses which might harm the viability or vitality of the centre.

It will regard the following uses as acceptable at ground floor level within the shopping frontages of secondary shopping areas, subject to the considerations set out in Policy S6 - (i) uses set out in Policy S11 (ii) other class A2 financial and professional services (iii) launderettes and coin operated dry cleaners, (iv) community service offices including doctors surgeries and (v) amusement centres.

The proposed use does not fall within the acceptable use list although the proposal would not result in the loss of an A1 unit.

In conclusion the proposal fails to comply with Policy S12 as the proposal would result in a the provision of a use which is considered incompatible within a secondary shopping centre.

8. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007),
London Plan (July 2011),
Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan, Saved Policies, September 2007),
Consultation responses.

Contact Officer: Naim Poptani

Telephone No: