

Report of the Head of Planning & Enforcement Services

Address UNIT 1, ARGENT CENTRE PUMP LANE HAYES

Development: Variation of Condition 1 of planning permission Ref: 36616/APP/2002/2206 dated 22/01/2003 (Variation of condition 7 (to allow sale of a wider range of bulky goods) of planning permission ref: 2625/AH/85/86 D) to allow a wider range of retail goods to be sold

LBH Ref Nos: 36616/APP/2012/570

Drawing Nos: CS/048124_04
Retail Statement
Planning Statement
E-mal from Agent Subject:Unit 1 Argent Centre, Hayes - App ref: 36616/APP/2002/2206 dated 05/07/2012
Transport Statement

Date Plans Received: 09/03/2012 **Date(s) of Amendment(s):**
Date Application Valid: 19/03/2012

1. SUMMARY

The application proposals seek to widen the existing lawful A1 use of Unit 1 to provide for a mixture of comparison and convenience goods to be sold from the site.

The applicant has demonstrated that the proposal meets the test set out in policy LE2 (the site has an established, but limited A1 consent). It has been demonstrated that there is no realistic prospect of the land being used for industrial or warehousing purposes in the future.

The applicant's Retail Statement demonstrates compliance with the sequential approach and that the proposed development will not lead to significant adverse impacts. The positive impacts of the proposal outweigh the negative impact and the proposed development complies with the National Planning Policy Framework.

It is considered that the proposal would not result in any significant increase in traffic or negative neighbour amenity impacts.

2. RECOMMENDATION

APPROVAL subject to the following:

1 NONSC Non Standard Condition

The development hereby approved shall be used for the sale of the following non-food goods; DIY articles, garden materials and goods, building and decorating equipment and related goods, furniture and furnishings, self assembly furniture, carpets, floor coverings, white goods and other electrical goods and accessories, computers, office stationery and equipment, pets and pet products, health and beauty, toys and gifts, cleaning, household and homeware products, as well as the following food goods; packaged and canned food and drink excluding fresh food and hot food and non pre-packaged items (with food sales covering no more than 20% of the total sales floorspace). The premises shall be used for no other purposes, including any other use within Class A1 of the Town and Country

Planning (Use Classes) Order 1987 (as amended) unless prior written consent is obtained from the Local Planning Authority

REASON

In order to control the amount of floorspace available for the sale and display of goods in this location to protect the vitality and viability of nearby centres in accordance with Policies 2.15, 4.17 and 4.18 of the London Plan and the National Planning Policy Framework.

2 NONSC Non Standard Condition

No additional floorspace shall be created inside the building without the prior written permission of the Local Planning Authority.

REASON

In order to control the amount of floorspace available for the sale and display of goods in this location to protect the vitality and viability of nearby centres in accordance with Policies 2.15, 4.17 and 4.18 of the London Plan and the National Planning Policy Framework.

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 (July 2011) and national guidance.

LE2	Development in designated Industrial and Business Areas
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 2.15	(2011) Town Centres
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 4.9	(2011) Small Shops

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south side of Pump Lane and comprises a retail unit with a small parking area to the front and a larger parking/service area to the rear. The building's exterior comprises red brick, dark coloured window frames and a wide span

VARIATION OF CONDITION 7 (TO ALLOW SALE OF A WIDER RANGE OF BULKY GOODS) OF PLANNING PERMISSION REF.2625/AH/85/86 DATED 10/01/1986; ERECTION OF BUILDING FOR SALE OF ELECTRICAL GOODS AND GAS APPLIANCES

Decision: 22-01-2003 Approved

36616/APP/2002/2208 Unit 1, Argent Centre Pump Lane Hayes

REMOVAL OF CONDITION 8 (PERSONAL PERMISSION) OF PLANNING PERMISSION REF. 2625/AH/85/86 DATED 10/01/1986; ERECTION OF A BUILDING FOR THE SALE OF ELECTRICAL GOODS, GAS APPLIANCES AND OTHER ANCILLARY PRODUCTS WITH ANCILLARY STORAGE, CAR PARKING AND UNLOADING FACILITIES

Decision: 08-01-2003 Approved

36616/APP/2012/572 Unit 1, Argent Centre Pump Lane Hayes

Alterations to North and West elevations

Decision: 26-04-2012 Approved

36616/B/87/3094 Currys Superstore Pump Lane Hayes

Ret of extern illum fascia signs to front & rear elevs & free stand extern illum signs, front & rear

Decision: 02-10-1987 Approved

36616/C/87/1588 Currys Superstore Pump Lane Hayes

Brick enclosure at front of site for refuse skip

Decision: 02-10-1987 Approved

36616/E/90/3524 Currys Superstore Pump Lane Hayes

Installation of 4 internally illuminated fascia signs, 1 gate mounted sign, 2 free standing signs and 10 flags on existing flagpoles

Decision: 04-12-1990 Refused

Comment on Relevant Planning History

The original application for the site was 2625/AH/85/86, which was dated 10/01/1986, for 'ERECTION OF BUILDING FOR SALE OF ELECTRICAL GOODS AND GAS APPLIANCES'. This was subject to a number of conditions.

Application 36616/APP/2002/2208 was an application to remove Condition 8 of planning permission ref: 2625/AH/85/86 D. Condition 8 made the permission personal to a certain occupier. The application was approved and Condition 8 was removed.

Application 36616/APP/2002/2206 was an application to vary Condition 7 (to allow sale of a wider range of bulky goods) of planning permission ref: 2625/AH/85/86 D). Condition 7

restricted the range of goods that could be sold from the premises to electrical goods, gas appliances and other ancillary products. The application 36616/APP/2002/2206 was approved subject to the following condition:

'The development hereby approved shall not be used for any purposes other than the sale of the following non-food goods; DIY articles, garden materials and goods, building and decorating equipment and related goods, furniture and furnishings, self assembly furniture, carpets, floor coverings, white goods and other electrical goods and accessories, computers, office stationery and equipment, pets and pet products. The premises shall be used for no other purposes, including any other use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 unless prior written consent is obtained from the Local Planning Authority.'

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:

LE2	Development in designated Industrial and Business Areas
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 2.15	(2011) Town Centres
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LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was erected on 23/03/2012. Three neighbouring occupiers were consulted on 21/03/2012. No responses were received.

Internal Consultees

HIGHWAYS

No objections raised.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposal is to vary condition no. 1 of planning permission ref. 36616/APP/2002/2206 to:

The development hereby approved shall be used for the sale of the following non-food goods; DIY articles, garden materials and goods, building and decorating equipment and related goods, furniture and furnishings, self assembly furniture, carpets, floor coverings, white goods and other electrical goods and accessories, computers, office stationery and equipment, pets and pet products, health and beauty, toys and gifts, cleaning, household and homeware products, as well as the following food goods; packaged cold food and drink (covering no more than 20% of the total sales floorspace). The premises shall be used for no other purposes, including any other use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) unless prior written consent is obtained from the Local Planning Authority.

The additional range of goods that could be sold over and beyond those permitted under the consent 36616/APP/2002/2206 would be as follows:

Comparison goods (non-food): Health and beauty, toys and gifts, cleaning, household and homeware products

Convenience goods (food and drink): Packaged cold food and drink (covering no more than 20% of the total sales floorspace).

There would be no net change in retail sales floorspace as a result of the proposal nor are there any changes proposed to the external built form of the building. However, the range of comparison (i.e. non-food) goods that can be sold from the site would widen and a modest proportion (no greater than 20%) of convenience (i.e. food and drink) goods would be introduced.

The site is within the Pump Lane IBA. Policy LE2 restricts uses of sites within IBAs generally to employment generating Industrial/Warehousing uses. However, as the site essentially has an A1 consent, albeit restricted, it is considered that Policy LE2 would not be of concern in this instance. The continued use of the building for A1 retail will not therefore lead to the loss of employment uses. Further, the proposals to widen the scope of A1 use will not lead to the loss of employment uses.

The National Planning Policy Framework advises that a sequential assessment is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan.

Section 5 of the applicant's Retail Statement assesses alternative sites in a sequential test. The findings from this assessment conclude that there are no more central sites than the application site, that meet all of the criteria in PPS4 (i.e. available, suitable and viable). The application site is available to accommodate a viable mixed comparison and convenience retail store, bringing a previously developed retail outlet back into active use. Located a short walk from Hayes town centre, the application site has strong connections with the town centre and is likely to facilitate linked trips. By bringing a vacant previously developed site back into active use, generating new employment opportunities and improving the retail offer and choice available within 0.2/0.3km of the Hayes town centre. The submitted retail assessment also assesses the impact of the development on nearby centres indicating that the proposal will have no material impact in terms of convenience

goods/sales. Overall, it is considered that the proposed development would not generate any significant adverse impacts on the vitality and viability of any of the recognised centres in the retail hierarchy.

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

No external changes are proposed to the building or site. The application proposal would not impact on the street scene or the character and appearance of the area in general. The proposal would comply with UDP policies BE13 and BE19.

7.08 Impact on neighbours

No external changes are proposed to the building or site. There are no immediate residential occupiers. It is not anticipated that there would be a significant increase in activity within the site as a result of the proposal. It is considered that the proposal would not have a detrimental impact on neighbouring occupiers given the location of the site within IBA. The application would comply with policy OE1 of the UDP.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

It is considered that the proposal would not result in a significant increase in traffic at the site. Pedestrian safety would not be compromised as a result of the proposal and no changes to the car parking layout are proposed and it is considered that the current parking arrangements are satisfactory. The widening in the range of goods to be sold from the site is not likely to result in a requirement for additional parking or result in a significant increase in traffic generation. The proposal would thus, be in compliance with UDP policy AM7 and AM14.

7.11 Urban design, access and security

No external changes are proposed to the building or site. The application proposal would not impact on the street scene or the character and appearance of the area in general. The proposal would comply with UDP policies BE13 and BE19.

7.12 Disabled access

No disabled access issues arise as a result of the proposals.

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

No planning obligations are being sought.

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

The application proposals seek to widen the existing lawful A1 use of Unit 1 to provide for a mixture of comparison and convenience goods to be sold from the site.

The applicant has demonstrated that the proposal meets the test set out in policy LE2 (the site has an established, but limited A1 consent). It has been demonstrated that there is no realistic

prospect of the land being used for industrial or warehousing purposes in the future.

The applicant's Retail Statement demonstrates compliance with the sequential approach and that the proposed development will not lead to significant adverse impacts. The positive impacts of the proposal outweigh the negative impact and the proposed development complies with the National Planning Policy Framework.

It is considered that the proposal would not result in any significant increase in traffic or negative neighbour amenity impacts.

11. Reference Documents

National Planning Policy Framework (2012)
London Plan (2011)
Hillingdon UDP Saved Policies September 2007

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