

Report of the Head of Planning, Sport and Green Spaces

Address 22 - 26 MARKET SQUARE UXBRIDGE

Development: Change of use from Use Class A1 (Shops) to Sui Generis for use as a Job Centre Plus involving single storey infill extension to rear, alterations to shop front within shopping centre, installation of extraction ducts, external staircase and alterations to windows to rear

LBH Ref Nos: 69980/APP/2014/1620

Drawing Nos: 1020/70/1_SLP01
K004 Rev. A
K006
Planning Statement
Design and Access Statement
Plant Noise Impact Assessment
K001 Rev. E
K003 Rev. E
K002 Rev. G
B101
D001
K005

Date Plans Received: 09/05/2014 **Date(s) of Amendment(s):**

Date Application Valid: 16/05/2014

1. SUMMARY

The application seeks planning permission for the change of use from Use Class A1 (Shops) to Sui Generis for use as a Job Centre Plus involving single storey infill extension to rear, alterations to shop front within shopping centre, installation of extraction ducts, external staircase and alterations to windows to rear.

It is considered the proposal for the use of Units 22 to 26 The Market, The Pavilions would be acceptable in principle, as it would bring a number of vacant units back into use within the primary shopping frontage area.

In addition, it is considered that the Job Centre Plus provides for a use compatible with the main retail functions within the Town Centre and will attract a significant increase in footfall and vitality to this corner of the primary frontage. In this respect, the development is considered to contribute to the vibrancy of the Town Centre and will enhance the viability of the primary shopping area as a whole.

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 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers K004 Rev. A, K006, K001 Rev. E, K003 Rev. E, K002 Rev. G, B101, D001, K005, Planning Statement, Design and Access Statement and Plant Noise Impact Assessment.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

3 M2 External surfaces to match existing building

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 COM17 Control of site noise rating level

The rating level of the noise emitted from the site shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest British Standard 4142, 'Method for rating industrial noise affecting mixed residential and industrial areas'.

REASON

To safeguard the amenity of the surrounding area in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

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) 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 (July 2011) and national guidance.

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE26	Town centres - design, layout and landscaping of new buildings
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 4.7	(2011) Retail and town centre development
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. 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.

4 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).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises units 22-26 Market Square which is located within the primary shopping frontage of Uxbridge Town Centre as identified within the Hillingdon Local plan - saved UDP Policies (November 2012). The Market Square forms the southern section of the Pavilions Shopping Centre at the western end of Uxbridge High Street and the proposal units themselves are located in a relatively remote and under used corner at the southern end of Market Square.

The application site is also located within an Archaeological Priority area. Part of the High Street itself is located within the Old Uxbridge/Windsor Street conservation area which runs along the front elevation of the Pavilions shopping centre.

3.2 Proposed Scheme

The application seeks planning permission for the Change of use from Use Class A1 (Shops) to Sui Generis for use as a Job Centre Plus involving single storey infill extension to rear, alterations to shop front within shopping centre, installation of extraction ducts, external staircase and alterations to windows to rear. The frontage signage will be subject to separate advertisement consent.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no recent planning history relating to the application site. However an application for pre-application advice under reference PE/00051/2014 was submitted in April 2014 which concluded that the proposed development would be acceptable in principle.

4. Planning Policies and Standards

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.CI1 (2012) Community Infrastructure Provision

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

BE4 New development within or on the fringes of conservation areas

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE26 Town centres - design, layout and landscaping of new buildings

S6 Change of use of shops - safeguarding the amenities of shopping areas

S11 Service uses in Primary Shopping Areas

DAS-SF Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

LPP 4.7 (2011) Retail and town centre development

NPPF National Planning Policy Framework

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

38 neighbouring properties were consulted by letter dated 20.5.14 and a site notice was displayed

which expired on 19.6.14. No responses have been received.

Internal Consultees

Access Officer:

The proposal is to merge five retail units within the Pavillions Shopping Centre to form one retail unit and a cohesive frontage. The proposed Job Centre Plus establishment will include some back-office functions on the ground floor.

The submitted plans suggest that level access would be achieved into the new merged retail unit and an accessible WC is proposed on the ground floor. Whilst it appears that wheelchair access to the first floor would not be possible, no concerns are raised as the first floor appears not to propose any feature or facility that cannot be replicated on the ground floor.

The applicant should, however, be reminded of their duties imposed by the Equality Act 2010. The Act seeks to protect people accessing goods, facilities and services from direct 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. To this end, Job Centre Plus should ensure that the entire service would be fully accessible to, at all times, to wheelchair users.

Conclusion: provided a suitable condition is attached to any grant of planning permission, no objection is raised from an accessibility perspective.

Environmental Protection Unit:

No objection

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposal seeks the change of use of 5 units (numbers 22 to 26) within The Pavillions to a Job centre Plus. At present one of the units is occupied by an Opticians (A1 class), two units are in use by a Skills Store and a Health Watch Store (D1 class) and two units are vacant, although it is known that they were last occupied by retail uses (A1 class). The proposals site itself is located within the primary shopping frontage of the Uxbridge Town Centre.

The National Planning Policy Framework (NPPF) states in paragraph 1 that "Planning law requires that application for planning permission must be determined in accordance with the development plan (this includes the Local Plan and neighbourhood plans which have been made in relation to the area) unless material considerations indicate otherwise".

Paragraph 49 of the NPPF states that development proposals should be considered in the context of the presumption in favour of sustainable development. The NPPF provides three dimensions to sustainable development: economic, social and environmental (pg 2 Para 7). Provided the application meets detailed planning policy and guidance requirements, the development is considered to fulfil these criteria as follows:

- Economic Role

The proposed development will:

i) Retain a compatible town centre use at ground floor level, maintaining and promoting

employment opportunities;

ii) Improve the image and streetscene of the Primary Shopping Area, Uxbridge, refurbishing the existing units and bringing back into use currently vacant units.

iii) Generate a significant number of visitors to this neglected corner of The Market and increase footfall within the primary shopping area;

iv) Not impact on the viability of the shopping centre and, on the contrary, it is considered that it will improve the vibrancy and vitality of the centre as whole by attracting an increased and varied footfall to the town centre.

· Social Role

The proposed development will:

i) Provide an essential community support role;

ii) Increase employment opportunities within the ground and first floor units whilst promoting employment elsewhere;

iii) Create a quality environment in this secondary part of the High Road

· Environmental Role

The proposed development will:

i) Re-use existing part vacant premises thereby enhancing an existing urban asset and creating an attractive environment.

In addition, there are two policies in the UDP that are relevant to the principle of the change of use of these units from retail and temporary community uses to a Job Centre Plus (Sui Generis) use. These policies are S6 relating to A1 uses in shopping areas and S11 relating to acceptable uses within primary shopping frontages.

Policy S6 of the UDP allows for changes of use from A1 provided that the proposal is not detrimental to the visual amenities of a conservation area or affect the setting of a listed building, an appropriate shopping frontage is maintained or provided, it provides for a neighbourly use and does not affect the amenities of neighbouring residents and does not affect local highway or parking conditions.

Although The Market Square is located within close proximity to the Old Uxbridge/Windsor Street Conservation Area, the proposal units are set well within the market building itself and any alterations to their configuration or external appearance would not adversely affect the character or appearance of this Conservation Area.

The proposal seeks to install a new shopfront across the frontage of the 5 units. It is considered that the replacement shopfront would retain the visual permeability and dynamic relationship between the units and the outside areas.

Similarly, whilst noting the location of units 22 to 26 within The Market and its hours of operation during normal business hours only, it is considered that the proposal would provide for a neighbourly use, unlikely to have a detrimental impact on residential or wider shopping amenity.

The proposed Sui Generis use is unlikely to generate higher levels of traffic or higher demands for on-street parking than the current lawful use of the premises and in this instance there would be no objections to the proposal in highway or parking terms.

With regard to Policy S6 requirements it is considered that the provision of nearly 500m² of a

community facility within a main shopping parade context would be of an appropriate scale for the locality whilst offering a facility to the wider community. The use of the upper floor, above the areas open to the public, for office purposes ancillary to the main use for community support functions is also considered acceptable within this context.

In relation to the requirements of Policy S11 of the UDP, it is acknowledged that Sui Generis uses per se are not included as uses acceptable within the primary shopping frontage of the Town Centre. In addition, it would appear that the occupation of these units by Job Centre Plus would lead to the displacement of an existing viable retail unit (optician).

However, as discussed above, it is evident that the proposed Job Centre Plus use shares many characteristics of the uses falling within A1 Class, such as providing active frontages and being capable of attracting a large number of visitors, as well as many characteristics of the professional services considered acceptable within the primary shopping frontage, such as banks and building societies. The Job Centre Plus anticipates up to 510 customers per day, with 360 attending via a specific appointment and 150 served on a 'drop in' basis. The use will therefore provide a significant volume of footfall, to this otherwise quiet corner of the Pavilions centre. In this instance, although not entirely in accordance with the letter of the policy, the proposed use would be considered to be consistent with and in accordance with the aims and objectives of policy S11.

As such, it is considered that the amount of floorspace allocated for public use, by virtue of the alterations proposed to the existing units and building, in tandem with the provision of office space ancillary to the functions of the Job Centre Plus at first floor level, would meet the aims and objectives of Policies S6 and S11 and the proposal.

7.02 Density of the proposed development

Not applicable to this application.

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

Although The Market Square is located within close proximity to the Old Uxbridge/Windsor Street Conservation Area, the proposal units are set well within the market building itself and any alterations to their configuration or external appearance would not adversely affect the character or appearance of this Conservation Area or Archaeological Priority Area.

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 BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The only physical changes to the exterior of the Pavilions Shopping Centre would be the infilling of the balcony on the "ground floor" (which reads as the first floor from the exterior of the building), and the installation of new windows, and replacement windows to the "first floor" (which reads as the second floor from the exterior of the building).

As set out above, although The Market Square is located within close proximity to the Old Uxbridge/Windsor Street Conservation Area, the proposal units are set well within the market building itself and any alterations to their configuration or external appearance would not adversely affect the character or appearance of this Conservation Area.

7.08 Impact on neighbours

The application site is located within the Pavillions shopping centre which is commercial in character. There are a number of residential units located above the Pavillions shopping centre, however, given the proposed use the development is considered to have an acceptable impact on the residential amenities of these neighbouring occupiers, in terms of noise disturbance.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application site is located within the Pavillions shopping centre which has a car park on the upper storeys and is accessible to those using non-car based transport via the existing town centre public transport, cycling and walking. Policy C11 of the Hillingdon Borough Local Plan is clear that new community services should be accessible and inclusive to all potential users regardless of age, ability, gender or socio-economic status. The proposal site's location on the ground floor, within Uxbridge town centre, will ensure the proposed Job Centre Plus will be accessible and inclusive to all in accordance with both the Job Centre and the Council's requirements. No objections are therefore raised in respect of the impact upon car/cycle and pedestrian safety.

7.11 Urban design, access and security

No urban design or security issues for consideration.

7.12 Disabled access

The ground floor of the proposed units is entirely level access, providing very good accessibility for people with limited mobility.

The applicants have advised that the Job Centre Plus is committed to ensuring accessibility for all members of the public and that the proposed site was selected due to its location within Uxbridge town centre and the level access nature of the ground floor.

Policy C11 of the Hillingdon Borough Local Plan is clear that new community services should be accessible and inclusive to all potential users regardless of age, ability, gender or socio-economic status. It is considered that the application site's location on the ground floor, within Uxbridge town centre, would ensure the proposed Job Centre Plus will be accessible and inclusive to all.

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

The Council's Environmental Protection Unit have raised no objection to the proposed development in terms of the noise from the plant to the residential units above.

7.19 Comments on Public Consultations

No comments received.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

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 the proposal for the use of Units 22 to 26 The Market, The Pavilions as a Job Centre Plus would be acceptable in principle. In land use terms it would bring a number of vacant units back into use within the primary shopping frontage area. Such uses, often require their services to be available

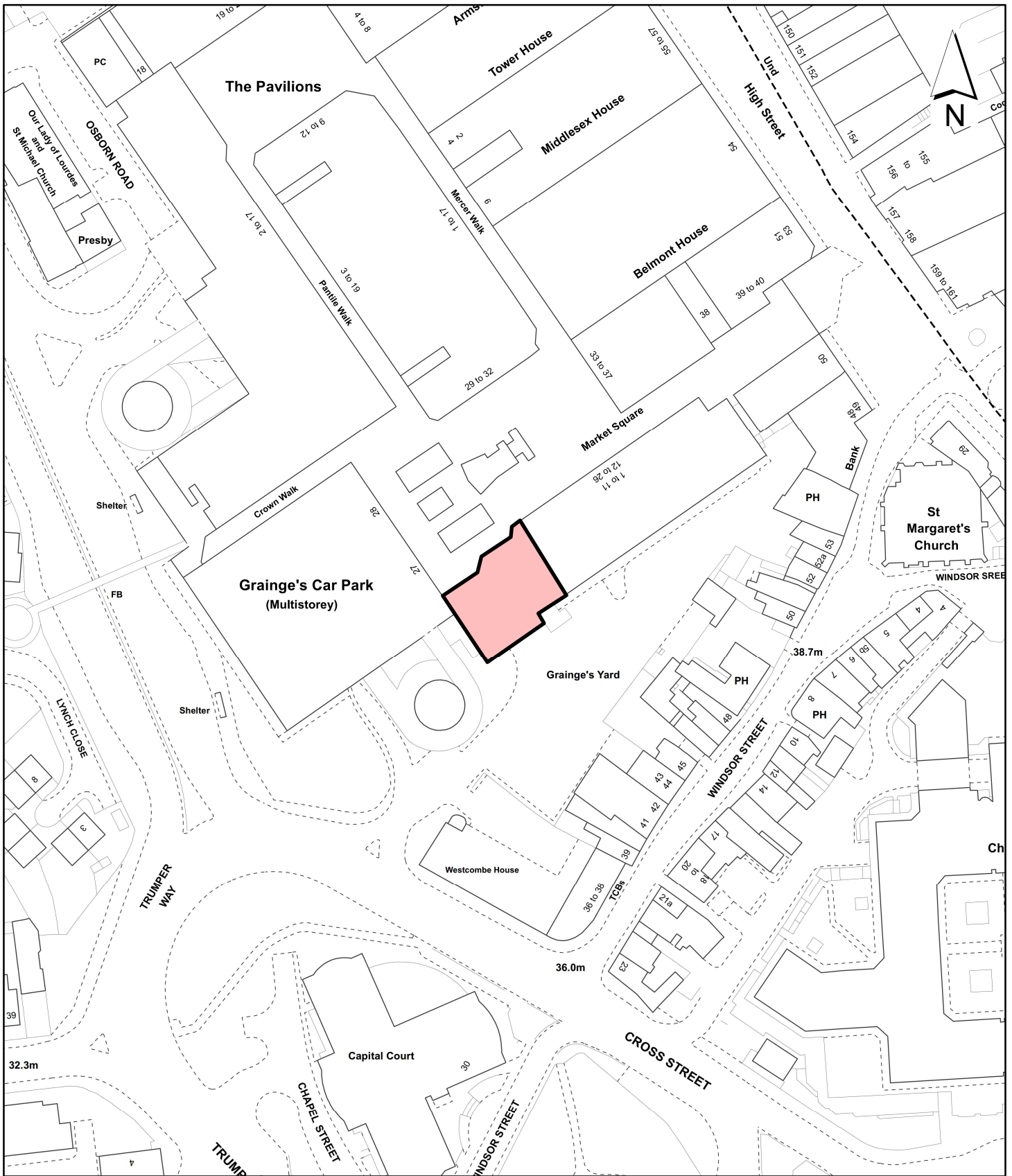
In addition, it is considered that the Job Centre Plus provides for a use compatible with the main retail functions within the Town Centre and will attract a significant increase in footfall and vitality to this neglected corner of the primary frontage. In this respect, the development is considered to contribute to the vibrancy of the Town Centre and will enhance the viability of the primary shopping area as a whole.



11. Reference Documents

Hillingdon Local Plan (November 2012);
The London Plan (July 2011);
National Planning Policy Framework;
Hillingdon Supplementary Planning Document: Planning Obligations (July 2008) and Revised Chapter 4 (September 2010)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (May 2013)

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2014 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;">Market Square Uxbridge</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services Planning Section</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">69980/APP/2014/1620</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>	 <p style="text-align: center;">HILLINGDON LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;">Central & South</p>	<p>Date</p> <p style="text-align: center;">July 2014</p>	