

Item No.10 Report of the Corporate Director of Planning & Community Services

Address REDFORD HOUSE REDFORD WAY UXBRIDGE

Development: Change of use from Class A1 Shops (Pet shop suppliers) to Class D2 Assembly and Leisure (for use as women's health and fitness centre).

LBH Ref Nos: 46340/APP/2009/250

Drawing Nos: Un-numbered
Design and Access Statement
040209

Date Plans Received: 06/02/2009 **Date(s) of Amendment(s):**

Date Application Valid: 06/02/2009

1. SUMMARY

The proposal site is within Uxbridge Town Centre but outside the primary and secondary shopping areas. There is no specific protection for A1 uses outside the designated shopping areas in town centres. The site is in an area of low footfall, has no frontage onto a main road, and there is currently a noticeable supply of vacant retail units in the designated frontages. Therefore there would be no objection to the loss of retail. In terms of the proposed community use Saved Policy R10 supports such uses and the increased employment is welcomed. The site has very good public transport access which would provide a sustainable transport option for users of the proposal.

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 HLC5 Industrial and Commercial Development

The premises shall not be used except between 0800 hours and 1930 hours Mondays to Fridays, between 0900 hours and 1600 hours on Saturdays and at no time on Sundays and Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 HLC7 Music

No amplified or other music shall be played in the premises between 08:00 hours and

19:30 hours Mondays to Fridays, between 09:00 hours and 16:00 hours on Saturdays and at no time on Sundays and Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 MCD10 Refuse Facilities

No development shall take place until details of facilities to be provided for the screened storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

REASON

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

5 DIS2 Access to Buildings for People with Disabilities

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policies AM13 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

6 DIS3 Parking for Wheelchair Disabled People

Development shall not commence until details of the provision of one parking space for wheelchair disabled people, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until all the approved details have been implemented and thereafter these facilities shall be permanently retained.

REASON

To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy AM5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Note: wheelchair users are not the only category of people who require a 'disabled' parking space. A Blue Badge parking space can also be used by people who have a mobility impairment (full-time wheelchair users account for only a small percentage of this category) including elderly people, visually impaired people having a sighted driver, children having bulky equipment such as oxygen cylinders that have to be transported with them, etc.

7 H6 Car parking provision - submission of details

The development hereby approved shall not be commenced until details of the parking arrangements have been submitted to and approved in writing by the Local Planning Authority; and the development shall not be occupied until the approved arrangements have been implemented. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

REASON

To ensure that adequate facilities are provided in accordance with Policies AM14, AM15 and the parking standards as set out in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 NONSC Non Standard Condition

The proposed use of the building shall only be as a women's health and fitness centre.

REASON

To enable the Local Planning Authority to retain control over the use so as to ensure that it complies 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.

BE1	Development within archaeological priority areas
BE13	New development must harmonise with the existing street scene.
R10	Proposals for new meeting halls and buildings for education, social, community and health services
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.
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 3D.2	Town Centre Development

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 15 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 Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

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.

6 115 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 should only be carried out between the hours of 08.00 hours 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 or Bank Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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 situated within Uxbridge Town Centre on the south side of Redford Way. The site comprises a vacant single storey brick built building originally used for B8 storage/warehouse and then for retail sale of food and accessories for pets. There is an area of off street parking to the front of the site. The site is situated within `Uxbridge Town Centre as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Polices September 2007).

3.2 Proposed Scheme

The proposal involves the change of use of the building from a retail unit (A1) to Assembly and Leisure (Class D2). No external alterations are proposed as part of this application.

3.3 Relevant Planning History

46340/APP/2004/1391 Redford House Redford Way Uxbridge

CHANGE OF USE TO CLASS A1: USE FOR SALE OF FOOD AND ACCESSORIES FOR PETS AND ALTERATIONS TO THE FRONT ELEVATIONS

Decision: 03-09-2004 Approved

46340/APP/2004/2726 Redford House Redford Way Uxbridge

CHANGE OF USE TO CLASS A1 USE FOR SALE OF FOOD & ACCESSORIES FOR PETS WITH OPERATION HOURS 0800 TO 1830 MONDAY-FRIDAY (EXCLUDING THURSDAY), 0800 TO 2000 THURSDAY AND SATURDAY (LATE OPENING) AND 1000 TO 1600 SUNDAY AND BANK HOLIDAYS

Decision: 21-04-2005 Approved

46340/APP/2009/336 Redford House Redford Way Uxbridge

Change of use from Class A1 (Shops) to Class D1 (Non-residential institutions) with ancillary office accommodation.

Decision:

46340/C/92/0195 Former Chorley Floral Products Redford Way Uxbridge

Removal of conditions 3 and 4 of planning permission ref. 8923C/6228 dated 15.5.69 relating to Industrial Development Certificate and the displacement of premises; Erection of factory building and offices

Decision: 27-02-1992 Approved

Comment on Relevant Planning History

None

4. Planning Policies and Standards

None

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

BE1	Development within archaeological priority areas
BE13	New development must harmonise with the existing street scene.
R10	Proposals for new meeting halls and buildings for education, social, community and health services
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.
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 3D.2	Town Centre Development

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

42 neighbours were consulted. 1 objection received concerning difficulties with client parking.

Internal Consultees

Policy - Provided site specific issues are adequately addressed policy would support this application.

Access Officer - No objection subject to conditions

Highways Engineer - No objection

7. MAIN PLANNING ISSUES

7.01 The principle of the development

There are no specific policies for the protection of A1 uses outside the primary and secondary shopping areas of the Town Centre. However the London Plan (2008), Policy 3D.1, states boroughs should enhance access to goods and services, and strengthen the wider role of town centres, and policies should encourage retail, leisure and other related uses in town centres. In addition to this, policies should support a wide role for town centres as locations for leisure and cultural activities, as well as business and housing, and require the location of appropriate health, education and other public and community services in town centres. The principle of the development is therefore considered acceptable.

7.02 Density of the proposed development

Not applicable - No housing is proposed

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

The application site is within an Archaeological Priority Area, however there are no groundworks proposed as part of this application and therefore the proposal would

comply with Policy BE1 of the UDP (Saved Polices September 2007).

7.04 Airport safeguarding

Not applicable - the application is not within a safeguarding area

7.05 Impact on the green belt

Not applicable - the application is not within the Green Belt

7.07 Impact on the character & appearance of the area

There are no external alterations proposed as part of this application and the existing frontage will be retained. Therefore the proposal would comply with Policy BE13 of the UDP (Saved Polices September 2007).

7.08 Impact on neighbours

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 proposed use is not considered to result in any additional noise and disturbance, over and above the current authorised use of the site. However, in order to safeguard the amenities of the surrounding occupiers it is suggested a condition could be applied relating to the hours of operation. Therefore subject to this condition the proposal is considered to accord with policies OE1 and OE3 of the UDP (Saved Polices September 2007).

7.09 Living conditions for future occupiers

Not applicable - No housing is proposed

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The site is situated at the end of Redford Way, and a limited amount of off-street parking is provided to the front of the site. The site is within close walking distance on the town centre and has good public transport access. It is not considered the traffic generation between A1 and D1 would be significantly worsened if the proposal received permission. The proposal would therefore comply with AM7 and AM14 of the UDP (Saved Polices September 2007).

7.11 Urban design, access and security

Not applicable - the application is for change of use only and does not involve any alterations to the building

7.12 Disabled access

The proposed floor plans show the provision of WC facilities for the disabled, and access doors and corridor widths all comply with standards. A condition requiring the marking out of a disabled parking bay is proposed.

7.13 Provision of affordable & special needs housing

Not applicable - No housing is proposed

7.14 Trees, landscaping and Ecology

Not applicable - the application is for change of use only

7.15 Sustainable waste management

Not applicable - The application is for change of use only and it is not considered the proposed use would have an adverse affect on waste management issues.

7.16 Renewable energy / Sustainability

Not applicable - the application is for change of use only and does not involve any alterations to the building

7.17 Flooding or Drainage Issues

The site is not within a flood zone, and no other drainage issues have arisen.

7.18 Noise or Air Quality Issues

Not applicable - The application is for change of use only

7.19 Comments on Public Consultations

7.20 Planning obligations

Not applicable

7.21 Expediency of enforcement action

Not applicable

7.22 Other Issues

Policy R10 of the UPD (Saved Policies September 2007) states new meeting halls, buildings for education, social, community and health services, etc, will be considered acceptable in principle subject to the other policies in the plan.

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

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

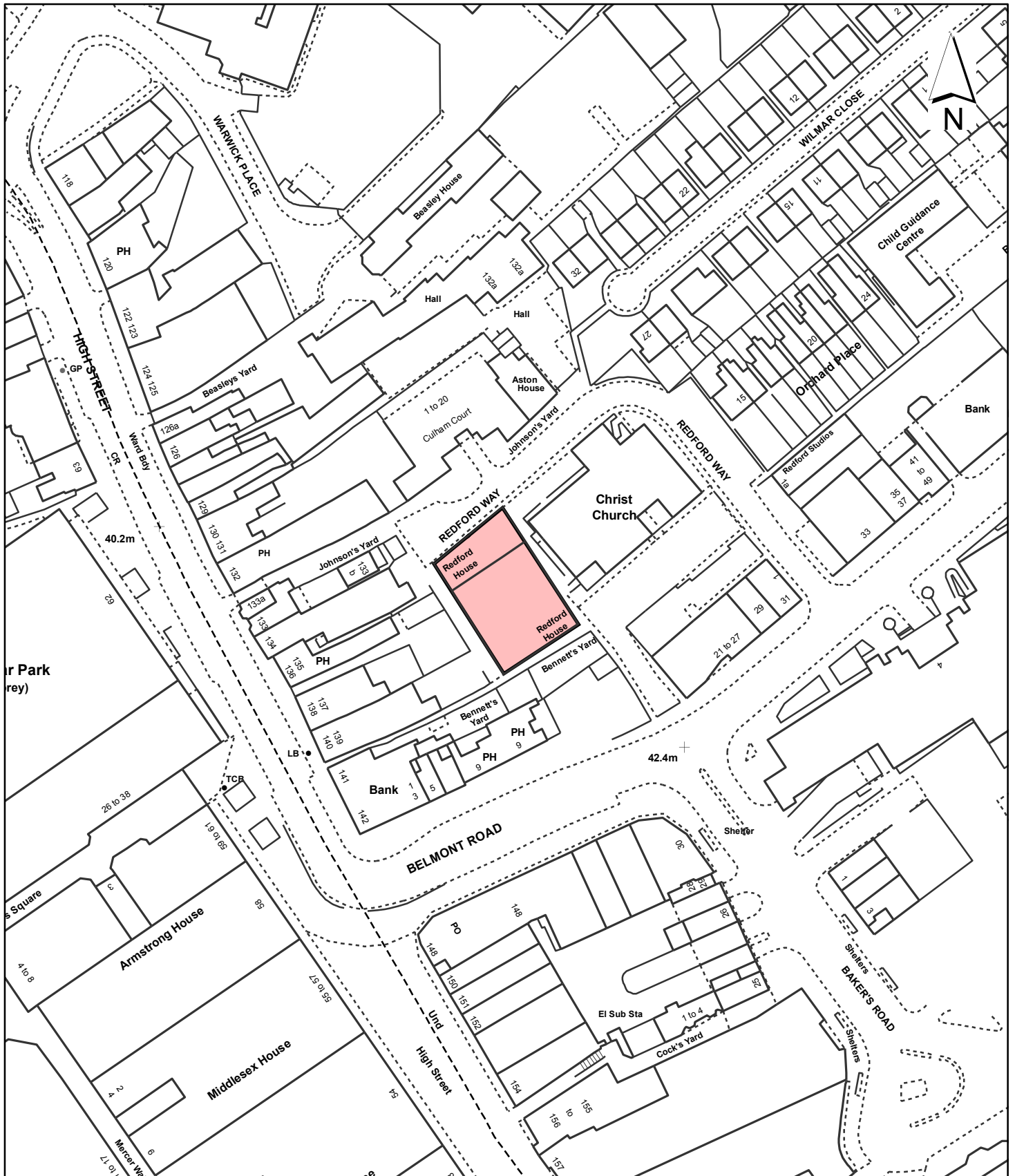
It is considered the application site is outside the primary and secondary areas of the Town Centre, and comprises a vacant unit. There are no policy objections to the proposed change of use and the site has good links to public transport.

11. Reference Documents


Hillingdon Unitary Development Plan Saved Polices September 2007
The London Plan (2008)

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Redford House
Redford Way
Uxbridge**

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:
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Scale
1:1,250

Planning Committee
Central and South

Date
April 2009



HILLINGDON
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