

Item No.11 Report of the Corporate Director of Planning & Community Services

Address REDFORD HOUSE REDFORD WAY UXBRIDGE

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

LBH Ref Nos: 46340/APP/2009/336

Drawing Nos: 100/01
Un-numbered
Un-numbered

Date Plans Received: 19/02/2009 **Date(s) of Amendment(s):**

Date Application Valid: 25/02/2009

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 near vicinity. Therefore there would be no objection to the loss of the retail use. With regard to the proposed community use, Saved Policies R9 and R10 supports such uses and the increased employment would be welcomed. The site is served by good public transport access and this 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 0830 hours and 1030 hours Mondays to Saturdays, and between 1000 hours and 2000 hours 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 08:30 hours and

09:30 hours Mondays to Fridays, between 10:00 hours and 18:00 hours Saturdays to Sundays and at no time on 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 non-residential institution with ancillary office accommodation.

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.
R9	Proposals for the use of buildings for religious and cultural purposes
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.

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 I3 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 I5 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.

6 I6 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.

7 I15 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.

8

The applicant needs to ensure that they register with the Council's Food and Health, and Safety Team, and complete and return the Application Form for the Registration of Food Business Establishment which is available from the Civic Centre or by Telephoning 01895 250190.

9

You are advised that this permission is for D1 use only. Any alternative use, or mixed use, would require the submission of a separate planning application.

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 Non-residential institutions with ancillary office accommodation (Class D1). 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/2009/250 Redford House Redford Way Uxbridge

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).

Decision:

Comment on Relevant Planning History

There is a current undetermined application (46340/APP/2009/250), for the change of use of this building to a women's health and fitness centre. This application is reported elsewhere on this agenda.

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:

BE1	Development within archaeological priority areas
BE13	New development must harmonise with the existing street scene.
R9	Proposals for the use of buildings for religious and cultural purposes
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 and 2 responses in support of the application have been received, which make the following comments:

1. I think this is a breath of fresh life into the community.
2. They are contributing in teaching good values to residents in this community.
3. They provide practical services to people to help them live more effectively

Internal Consultees

Policy - Application is acceptable with conditions - 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 near vicinity. Therefore there would be no objection to the loss of the retail use. With regard to the re-use of part of the site for offices, whilst there is a strong supply of office space in Uxbridge at the present time, in the longer term there will be a need for further space. Moreover this scheme would provide local employment which is to be welcomed. With regard to the proposed community use Saved Policy R10 supports such uses. The site has very good public transport access which would provide a sustainable transport option for users of the proposal. Provided site specific issues are adequately addressed policy would support this application.

Officer comment The Policy team was re-consulted following the amended description for the proposal, and did not wish to make any further comments.

Highways Engineer - No objection.

Access Officer - No objection

EPU - Recommends the following is included - The applicant needs to ensure that they register with the Council's Food and Health, and Safety Team, and complete and return the Application Form for the Registration of Food Business Establishment which is available from the Civic Centre or by Telephoning 01895 250190.

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

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.

The proposed use, therefore, is considered appropriate in principle, subject to the detailed considerations below.

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 ground works 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 as the application is for change of use only and does not involve any alterations to the building

7.12 Disabled access

The plans indicate that toilet facilities will be upgraded to meet accessibility standards, and the existing access doors and corridor widths all comply with Access Standards. A condition requiring the marking of one disabled parking bay is proposed. Therefore the proposal would comply with Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon

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 required for this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

Policy R9 of the UPD (Saved Policies September 2007) states proposals for buildings to be used for religious and cultural purposes if: they can provide adequate parking; any new buildings or extensions would harmonise with their surroundings; they do not prejudice the amenities of surrounding properties; access arrangements are satisfactory; and the proposal would not conflict with other policies in the plan.

The proposal is considered to comply with this policy as although the site has limited parking provision, it is situated in an area with good public transport links; there are no extensions or new buildings proposed as part of this application; the site is situated adjacent to an existing church, and to the rear of various commercial units, and whilst there are residential properties in the vicinity, subject to condition regarding opening times of the building, it is not considered the use would prejudice their residential amenities; and the access requirements would comply with the Council's HDAS: Accessible Hillingdon

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

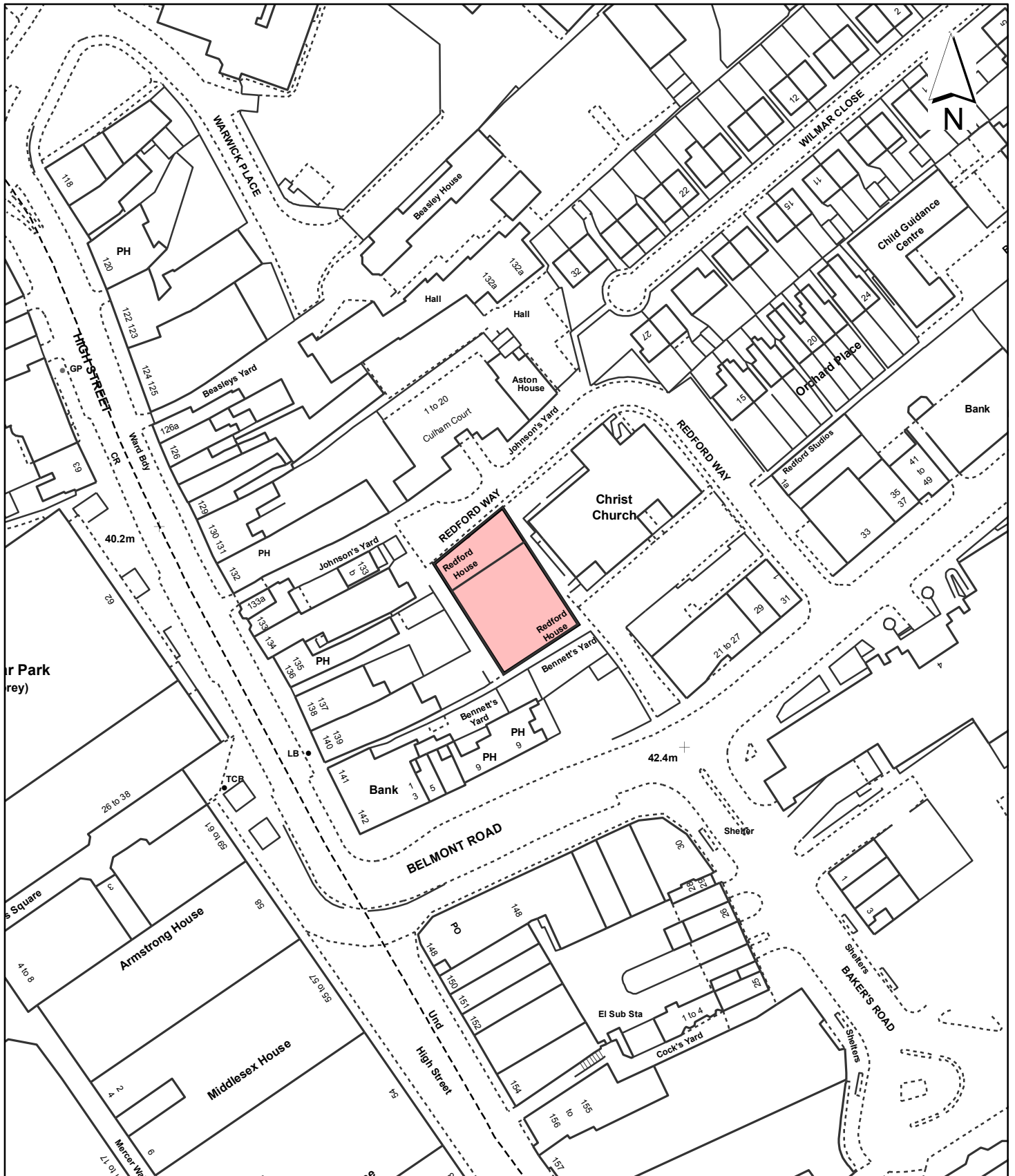
The application site is outside the primary and secondary areas of the Town Centre, and comprises a vacant unit. There are no policy objections to the proposed change of use, the site has good links to public transport, and therefore the application is recommended for approval.

11. Reference Documents


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

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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). Unless the Act provides a relevant exception to copyright.

© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2008

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:
46340/APP/2009/336

Scale
1:1,250

Planning Committee
Central and South

Date
April 2009



HILLINGDON
Page 1 of 194