

Report of the Head of Planning, Sport and Green Spaces

Address UNIT 102, INTU UXBRIDGE, THE CHIMES SHOPPING CENTRE HIGH STREET UXBRIDGE

Development: Change of use from retail (Use Class A1) to use as a laser hair removal facility (sui generis)

LBH Ref Nos: 55969/APP/2017/3277

Drawing Nos: SAV/TCSC/SLF
Clinic design and Fit-Out Sheets:
6192-005

Date Plans Received: 08/09/2017 **Date(s) of Amendment(s):** 07/09/2017
Date Application Valid: 04/10/2017 04/10/2017

1. SUMMARY

The application unit is located on the ground floor of the Chimes shopping centre, located on the North East side of High Street, Uxbridge opposite Vine Street within the Old Uxbridge Conservation Area. The proposal involves the change of use of Unit 102 from retail to sui generis use which would enable its use for laser hair removal. The proposal would retain a reception area in the front section of the unit with the laser hair removal facilities being sited towards the rear. It is considered that the use would accord with the character and function of the shopping centre and although the change of use would not strictly comply with the requirements of policy S11 of the Hillingdon Local Plan - Saved UDP Policies (November 2012), it is considered that given the small size of the unit, it is considered that there would be no material harm to the vitality and viability of this part of the shopping centre.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

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 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans Clinic design and Fit-Out Sheets and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

INFORMATIVES

1 152 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).

2 153 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF	National Planning Policy Framework
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
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
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

3 159 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 (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

3. CONSIDERATIONS

3.1 Site and Locality

The Chimes Shopping Centre is located on the North East side of High Street, Uxbridge opposite Vine Street. The application site lies within the Primary Shopping Area of the Uxbridge Town Centre, as identified in the adopted Hillingdon Local Plan - Saved UDP Policies (November 2012). The application unit is located on the ground floor of the shopping centre, adjacent to Macdonalds. The unit is currently vacant.

3.2 Proposed Scheme

The application seeks planning permission for a change of use from Use Class A1 (Shops) to use as a A1 and a laser hair removal facility (sui generis).

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no planning history of relevance to this application site.

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.HE1 (2012) Heritage

Part 2 Policies:

NPPF National Planning Policy Framework

BE4 New development within or on the fringes of conservation areas

BE13 New development must harmonise with the existing street scene.

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

LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **8th November 2017**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Internal Consultees

6 Neighbouring properties were consulted by letter dated 6.10.17 and a site notice was displayed to the front of the site which expired on 7.11.17. No response received.

Planning Policy Officer:

The unit was noted as vacant in the last Town Centre Survey, undertaken on 25/10/16.

On the Autumn 2015 study before that, it was noted as A1.

The Uxbridge A1 frontage in the Primary Shopping Area is:-

- 67.1% by frontage

- 66% by No. of units

The Chimes Shopping Centre itself is substantially higher than this however.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Uxbridge is recognised as a strategic town centre in the Hillingdon Local Plan - Saved UDP Policies (November 2012) and the application site lies within a 'primary shopping area' as designated in the plan. Saved UDP policy S11 indicates that certain service uses, including Banks and Building Societies (but not other Class A2 uses) and Class A3 Food and Drink Uses will be acceptable at ground floor level within the shopping frontage so long as:

(a) the remaining retail facilities are adequate to accord with the character and function of the shopping centre and consumer interests, and

(b), the change will not result in a separation of Class A1 uses or a concentration of non retail uses which might harm the viability or vitality of the centre.

The proposal involves the change of use of the unit from A1 to sui generis use which would enable its use for laser hair removal. The use would operate similar to a beauty salon, with an appointment system in use, but trade would also come from passing members of the public. As such and given that beauty salons are generally viewed as acceptable within the primary shopping areas, the principle of the use is considered acceptable.

In terms of the composition of the shopping centre, PEP raise no objections in terms of the retail composition of the centre and suggest that the actual centre comprises more than the 70% retail, taken to be the benchmark, below which primary areas become vulnerable. Also, although this change of use would result in all of this 26 m long frontage being non-retail, this forms one of the main access routes into the shopping centre so that it would continue to attract shoppers, particularly with the presence of MacDonalds.

It is therefore considered that on balance, given the small size of shop unit and that it has been vacant for over a year which has included hoarding along its frontage advertising its vacancy, no objections are raised to the change of use and it generally complies with the Policy S11 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.02 Density of the proposed development

Not relevant to the consideration of this application.

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

Not relevant to the consideration of this application.

7.04 Airport safeguarding

Not relevant to the consideration of this application

7.05 Impact on the green belt

Not relevant to the consideration of this application

7.07 Impact on the character & appearance of the area

The proposal does not involve any external alterations.

7.08 Impact on neighbours

Not relevant to the consideration of this application.

7.09 Living conditions for future occupiers

Not relevant to the consideration of this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not relevant to the consideration of this application.

7.11 Urban design, access and security

Not relevant to the consideration of this application.

7.12 Disabled access

Not relevant to the consideration of this application.

7.13 Provision of affordable & special needs housing

Not relevant to the consideration of this application.

7.14 Trees, landscaping and Ecology

Not relevant to the consideration of this application

7.15 Sustainable waste management

Not relevant to the consideration of this application.

7.16 Renewable energy / Sustainability

Not relevant to the consideration of this application

7.17 Flooding or Drainage Issues

Not relevant to the consideration of this application.

7.18 Noise or Air Quality Issues

Not relevant to the consideration of this application.

7.19 Comments on Public Consultations

Not relevant to the consideration of this application.

7.20 Planning obligations

Not relevant to the consideration of this application

7.21 Expediency of enforcement action

Not relevant to the consideration of 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 relevant to the consideration of this application.

10. CONCLUSION

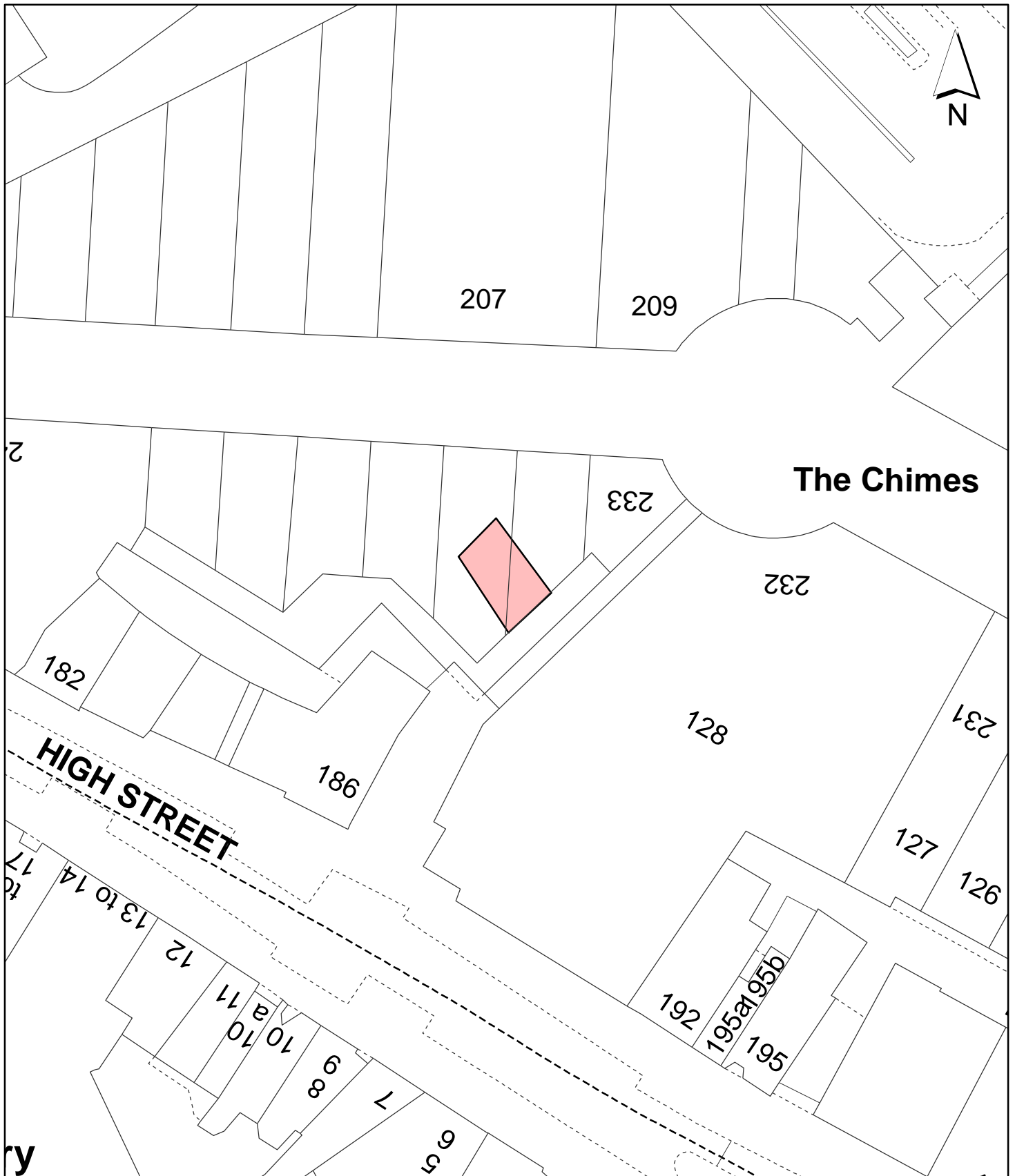
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11. Reference Documents

Hillingdon Unitary Development Plan (Saved Policies September 2007).
Supplementary Planning Document 'Accessible Hillingdon'.
The London Plan (March 2016).
National Planning Policy Framework (March 2012).

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<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). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;">Unit 102, Intu Uxbridge</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">55969/APP/2017/3277</p>	<p>Scale</p> <p style="text-align: center;">1:500</p>	
	<p>Planning Committee</p> <p style="text-align: center;">Central and South</p>	<p>Date</p> <p style="text-align: center;">February 2018</p>	