

Report of the Head of Planning, Transportation and Regeneration

Address UNIT 1, ELYSTAN BUSINESS CENTRE SPRINGFIELD ROAD HAYES

Development: Change of use from a retail (Carpetright) (Use Class A1) to a 24-hour gym (Use Class D2) with associated alterations to the facade

LBH Ref Nos: 36985/APP/2018/2970

Drawing Nos: 007 LP Rev C
Planning Statement
001 EP Rev A
003 EE Rev A
002 PP Rev A
004 PE Rev A
006 ESP Rev A
007 PSP Rev A

Date Plans Received:	09/08/2018	Date(s) of Amendment(s):	09/08/2018
Date Application Valid:	09/08/2018		20/08/2018
			25/09/2018

1. SUMMARY

This application is being reported to major applications committee as it seeks to change the use of a commercial unit over 1,000 sq m. Planning permission is sought for the change of use of a unit within a retail parade (Use Class A1) to a 24 hour gym (Use Class D2).

With regards to land use matters, it is considered that the proposed gym will positively contribute to the creation of healthy, complementary use in this Industrial Business Area (IBA). The external modifications proposed are sympathetic to the host building. Existing car parking spaces that serve the existing retail parade are sufficient for the proposed use and it is therefore considered the proposal would not result in harm to the local highway network.

A revised site location plan was submitted to the local planning authority prior to publication of this committee report. As a result it is therefore necessary to re-consult on this planning application, which is currently underway and due to expire on 5th November 2018. Subject to no new substantive issues being raised as part of the re-consultation, it is recommended to grant planning permission subject to conditions.

2. RECOMMENDATION

Subject to no new substantive issues being raised as part of the re-consultation, it is recommended to grant planning permission subject to conditions.

1 HH-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 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans: 007 LP Rev C, 002 PP Rev A, 004 PE Rev A, 006 ESP Rev A, 007 PSP Rev A hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13/BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 COM12 Use Within Same Use Class

The premises shall be used for a gym and for no other purpose (including any other purpose in Class D2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987(as amended).

REASON

To allow the Local Planning Authority to consider the amenity, highways and other impacts of any potential alternative use of the site.

4 NONSC Non Standard Condition

Prior to the occupation and operation as a gym, full particulars of the external and internal security measures including but not restricted to CCTV and controlled entry system have been submitted to and approved by the Local Planning Authority in consultation with the Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).

The security measures thus approved shall be implemented prior to occupation and retained in perpetuity.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

5 NONSC Non Standard Condition

The use hereby permitted shall not operate until a scheme detailing mechanical ventilation to be installed at the premises with the systems / filters required to extract NOx/NO2 from outdoor ambient air has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out before the use/operation commences, and be thereafter maintained.

REASON

To ensure air quality impact is kept to a minimum in accordance with Policy EM8 of the Local Plan: Part 1 (November 2012).

6 NONSC Non Standard Condition

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

7 H6 Car parking provision - submission of details

The use hereby permitted shall not commence until details of in-site car parking arrangements, 18 cycle parking spaces and a travel plan has been submitted to and approved in writing by the Local Planning Authority, thereafter the development shall not be occupied until the approved arrangements have been implemented.

REASON

To ensure that adequate facilities are provided in accordance with Policies AM2, AM7, AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

8 DIS2 Access to Buildings for People with Disabilities

The use hereby permitted 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 Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2016) Policies 3.1, 3.8 and 7.2.

9 NONSC Non Standard Condition

The use hereby permitted shall not commence until details of the carbon reduction measures that conform with Policy 5.2 of the London Plan (2016) shall be submitted and approved in writing by the Local Planning Authority. These shall include:

- 1 - Full details of the baseline energy and carbon performance of the development
- 2 - Full details and specifications of the passive energy savings measures (Be Lean - London Plan) and how they relate to the baseline emissions
- 3 - Full details and specifications, including relevant plans and elevations of any additional low or zero carbon technology to be utilised in the site.

The development must proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON

To ensure the development contributes a CO2 reduction in accordance with the London Plan Policy 5.2

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

AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
OE1	Protection of the character and amenities of surrounding properties and the local area
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R3	Indoor sports, leisure and entertainment facilities

3

For the avoidance of doubt, this application relates to the retail unit currently occupied by Carpetright.

4 I70 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

5 I25 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a unit currently occupied by Carpetright, located within a retail park set on the southern side of Uxbridge Road. This retail park consists of 5 retail units set around a car park with access from Springfield Road.

The principal elevation of the application unit faces inward into the car park of the retail park. The property originally formed part of a larger warehouse, which was split into four retail units (Wickes, MFI, Carpetright) following the grant of planning permission in 2010. The existing site benefits from 138 vehicles in addition to 6 disabled and 4 parent and child parking bays.

The site is designated as an Industrial Business Area (IBA). The wider area has a variety of commercial uses ranging from retail, industrial uses and a film studio. The site is situated within a developed area as identified in the policies of the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The proposal seeks the change of use from a retail unit (Use Class A1) to a 24-hour gym (Use Class D2) with associated alterations to the facade at ground floor level.

3.3 Relevant Planning History

2621/APP/2010/1283 Wickes/Mfi/Carpetright Uxbridge Road Hayes

Sub-division of existing building to create 4 units, external alterations and associated works (including reconfiguration of car park.)

Decision: 14-09-2010 Approved

Comment on Relevant Planning History

In 2010, under permission ref: 2621/APP/2010/1283 a large retail unit was split into 4 separate units. The retail park has been established since the eighties under planning ref 2621/AC/83/1381.

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.EM5 (2012) Sport and Leisure

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
OE1	Protection of the character and amenities of surrounding properties and the local area
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AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R3	Indoor sports, leisure and entertainment facilities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- **8th October 2018**

6. Consultations

External Consultees

A site notice was displayed between 06-09-2018 and 27-09-2018. No objections were received to this application. 1 comment was received from an adjoining occupier who occupies a separate building also known as Unit 1 Elystan Business Centre, noting he did not make the application.

Further to this comment, for the avoidance of doubt, a new site notice was displayed 24-09-2018 and 08-10-2018 outside Carpetright clarifying this application related to this unit. No further comments and objections were received.

A revised site location plan was received which included the car park within the red line boundary and as such, this application is being consulted on between 15-10-2018 and 05-10-2018, if no objections are received, a decision will be issued in accordance with the committee's recommendation. Should objections be received, an update will be reported to the first available major applications planning committee thereafter.

Internal Consultees

Highways (Summary)

No objection to this application given the ample parking that currently serves the retail park, however has asked for a condition requiring analysis to demonstrate the use would not conflict with customer parking for other retail units during peak times. Detailed comments have been incorporated into the report.

EPU (Summary)

I have taken a look through the submitted information for this application. Given the location of the development i do not foresee any adverse noise being created and therefore do not have any objections to the application and suggest a condition should you be mindful to grant the application.

Air Quality Officer (Summary)

It may be advisable to require a condition to ensure the ventilation system employed scrubs out NOx/NO2. This depends upon the exact location of the development, although a significant amount of Hayes is identified as An Air Quality Focus Area. By the provision of the condition we are protecting future users from the ingress of polluted air. This is important due to the nature of the new use ie a gym where users will be active.

Partnerships and Business Engagement Manager (Summary)

Supports the change of use to a gym.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The National Planning Policy Framework, policies 3.16 and 4.7 of the London Plan seek to locate gyms within town centre and edge of town centre locations within easy reach by walking, cycling and public transport. This is because town centre and edge of town centre locations are most accessible but also because gyms are considered a use which through generation of activity and footfall can contribute to the vitality and viability of the borough's town centres and commercial areas.

Policies 3.16 and 4.7 of the London Plan seek to locate gyms within town centre and edge of town centre locations within easy reach by walking, cycling and public transport.

Policy EM5 outlines how the Council will enhance and extend the network of sport and leisure spaces that facilitate active lifestyles by promoting leisure facilities within the Borough and providing leisure facilities within walking distance of residential areas.

Policy S6 of the Local Plan: Part 2 (November 2012) requires that in order to safeguard the amenities of shopping areas, the local planning authority will grant permission for changes of use of class A1 shops if the frontage design is appropriate to the surrounding area is maintained or provided, the proposed use is compatible with neighbouring uses and the proposal would have no harmful effect on road safety and does not worsen traffic congestion or disrupt bus operations.

Policy LE2 of the Local Plan: Part 2 (November 2012) notes that Industrial Business Areas (IBAs) are designated for business, industrial and warehousing purposes. The Council only allows developments within IBAs if the development does not conflict with the policies and objectives of the Local Plan.

The proposed gym (Use Class D2) would replace an existing retail unit (Use Class A1). Whilst the proposal conflicts with the objectives of Policy LE2, the proposed gym would replace an existing retail unit (non industrial use) with a compatible use within a retail parade. The proposal would provide an alternative complementary use within the IBA that would continue to attract people to this location and therefore continue to contribute to the vitality of the wider IBA. The proposal would extend the network of sport and leisure facilities within the Borough which is supported in the Local Plan. The proposed gym would employ 20 full time and 20 part time staff, therefore retaining some employment and on this basis, the principle of development is considered acceptable.

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 as the footprint of the proposal is to remain as existing.

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 Local Plan: Part 1 (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 (November 2012) seek to ensure that new development complements or improves the character and amenity of the area.

The proposal seeks to provide new signage which would be subject to a separate advertisement consent. New automated bi parting folding doors and new grey coloured double glazed PCC curtain wall is proposed to be provided at the entrance of the building. Given the site's context, the proposal is considered to be in keeping with the area and generally in compliance with Policy

7.08 Impact on neighbours

Policies OE1, OE3 and S6 of the adopted Hillingdon Local Plan: Part 2 (November 2012) require a consideration of potential changes of use on the amenity enjoyed by adjoining and neighbouring residential properties. The nearest residential units are situated approximately 115m from the site, as such, this application is unlikely to harm to amenity of nearby residential occupiers by virtue of noise and privacy.

This application seeks permission for a 24 hour gym, given the separation distance to the nearest residential occupiers, it is not considered that the hours of operation will cause harm to the local residents. This is confirmed by the Patron Noise Report that was submitted alongside this application.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policies AM7 and AM14 of the Local Plan: Part 2 (November 2012) are concerned with traffic generation, road capacity, onsite parking and access to public transport. In particular AM7 (ii) advises that the Local Planning Authority will not grant permission for developments whose traffic generation is likely to prejudice the conditions of general highway or pedestrian safety. Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The car park that serves the wider retail park currently provides parking for 138 vehicles in addition to 6 disabled and 4 parent and child parking bays. The applicant has noted that gym users would usually make use for the gym for upto an hour, nevertheless the agent notes the use of the car park is currently unrestricted. It is also noted that peak parking demand associated with the gym would fall outside of the peak trading times of neighbouring retail operators i.e. early morning and early evening on a weekday. It is considered that the existing car parking arrangements are sufficient to meet the need for parking, for a gymnasium use.

Though it is acknowledged that the current A1 use generates a parking demand which may be considered as comparable or, in fact, higher than that proposed during certain periods of the day, a user profile is required in order to understand how the car park would cater for the gym use. The supplementary evidence would validate that the proposal would not conflict with peak shopping periods. It is therefore considered appropriate that a pre-occupation planning condition is secured which requires use profile/parking accumulation data to be submitted. This information would be sourced by undertaking parking accumulation studies relating to the activities of the whole car park throughout a seven day operation in order to quantify and confirm the availability of parking capacity for the proposal.

The quantum of 1580m² GIA of proposed gym use would require approximately up to 31 on-plot spaces. The current parking provision equates to 138 spaces with 6 disabled compliant and 4 'parent and child' spaces. It is therefore considered that there is sufficient car parking to serve the remaining retail units and the proposed gym.

8 cycle parking spaces are indicated within a suitable location, these are less than the London Plan (2016) requirements for a use which should be compatible with high cycle usage. The London Plan (2016) standard requires a total of 18 cycle spaces. 18 cycle parking spaces are therefore proposed to be secured by way of a planning condition. It is considered that this could be provided internally within the building or the car parking area.

In accordance with TfL guidance a travel plan is required as this proposal relates to more than 1,500 sqm of floorspace. This is secured through an appropriately worded condition.

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not exacerbate congestion or parking stress, and would not raise any highway safety concerns (subject to the above imposed conditions), in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

7.11 Urban design, access and security

The proposed gym would employ at least 20 full time staff and at least 20 part time staff. Nevertheless, with regards to security, access to the gym will be controlled at all times via secure entry pods, which can only be operated by the use of an 8-digit PIN code that is individual to each member. This PIN is also required to access changing rooms and the gym will be covered by an extensive CCTV network. There will also be 'Help' points located throughout the gym which will allow staff at an alarm receiving centre to communicate with those on site. There are significant safeguards in place as part of the operation of the gym to prevent crime and antisocial behaviour.

7.12 Disabled access

Access for the disabled would be subject to separate Disability Discrimination Act (DDA) legislation and building regulations approval. The site provides level access and the agent notes that all gyms run by this operator have lobby systems that provide separate access for the disabled that is DDA compliant. Details of this is secured through an appropriately worded condition.

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

The waste arrangements would remain as existing by virtue of refuse storage and collection.

7.16 Renewable energy / Sustainability

A condition is secured requiring details of measures that would be implemented to reduce carbon emission in accordance with Policy 5.2 of the London Plan (2016).

7.17 Flooding or Drainage Issues

Not applicable to this application as this proposal is for a change of use.

7.18 Noise or Air Quality Issues

Noise

Given the location of the development, the EPU Officer does not foresee any adverse noise being created and therefore raises no objections to the application.

Air Quality

The Air Quality Officer raises no in principle objection to the application but notes this application is situated within an Air Quality Focus Area and advises a condition is required to ensure the ventilation system employed scrubs out NOx/NO2. By the provision of the condition future users of the gym are being protected from the ingress of polluted air. This is important due to the nature of the new use of the gym where users will be active.

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

None identified.

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

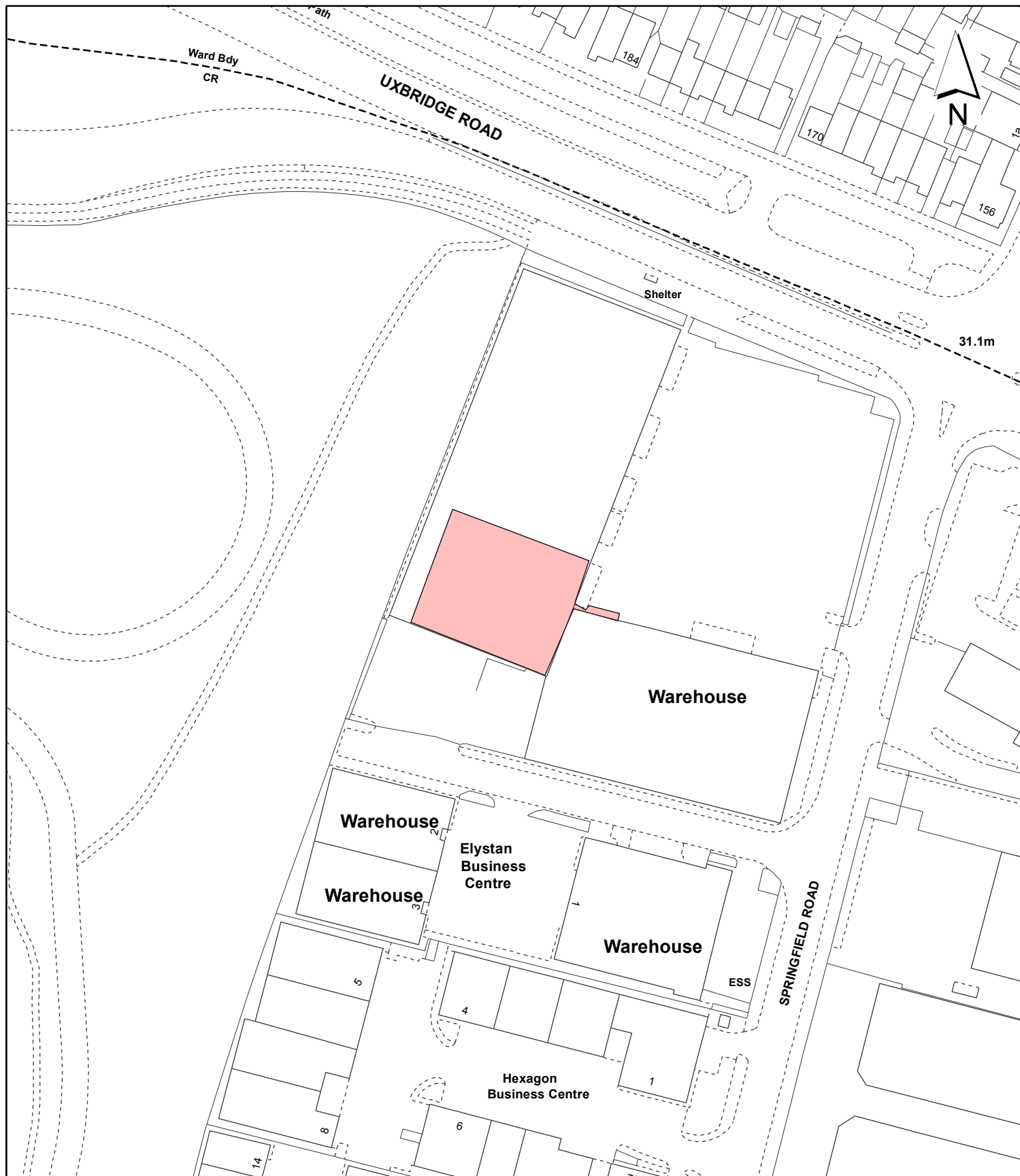
Planning permission is sought for the change of use of a unit within a retail parade (Use Class A1) to a 24 hour gym (Use Class D2). The proposed gym will positively contribute to the creation of healthy, complementary use in this Industrial Business Area (IBA). The external modifications proposed are sympathetic to the host building. There is sufficient car parking spaces to serve the existing retail parade and the proposed use and it is therefore considered the proposal would not result in harm to the local highway network. The application is recommended for approval.

11. Reference Documents

The Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Local Plan: Part Two (November 2012)
London Plan (2016)
National Planning Policy Framework (2018)

Contact Officer: Zenab Haji-Ismail

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.

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Site Address:

**Unit 1
Elystan Business Centre**

Planning Application Ref:

36985/APP/2018/2970

Scale:

1:1,250

Planning Committee:

Major

Date:

October 2018

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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



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LONDON