

Report of the Head of Planning, Transportation and Regeneration

Address UNIT 5 HAYES BRIDGE RETAIL PARK 1-3 UXBRIDGE ROAD HAYES

Development: Change of use from retail (Use Class A1) to a 24 hour flexible retail/gym/fitness centre use (Use Classes A1/D2)

LBH Ref Nos: 51733/APP/2018/3424

Drawing Nos: URB U5 [09] 00 01
URB U5 [09] 00 03 Rev. A02
Covering Letter/Statement

Date Plans Received: 25/09/2018 **Date(s) of Amendment(s):** 02/10/2018

Date Application Valid: 02/10/2018 25/09/2018

1. SUMMARY

This application is being reported to Central and South Planning Committee because it involves the loss of an A1 retail unit. The application seeks planning permission for a change of use from retail (Use Class A1) to a flexible retail/gym/fitness centre use (Use Classes A1/D2). The site is located within an Industrial Business Area, the surrounding area is a retail park. The application site is not located within any identified shopping centre as defined by the Hillingdon Local Plan, thus there is no objection to the loss of the retail use and its change to a flexible use to include A1 or class D2 use. The proposal would not detract from the residential amenities of neighbouring properties, would not result in an incongruous form of development within the street scene and would not detract from highway or pedestrian safety.

A similar case for a gym in a retail park gave rise to concerns with possible anti-social behaviour in the parking area, when discussed at a recent Major Applications Planning Committee. The conditions used to overcome the concerns with that case have also been applied to this case (with the agreement of the applicant).

As such, the application is recommended for approval.

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 plan number URB U5 [09] 00 03 Rev. A02 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).

3 NONSC Non Standard Condition

The premises shall only be used for retail (Use Class A1) or gym/fitness centre use and for no other purpose in Use 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 in accordance with Policies OE1, BE13, AM7, AM13 of of the Hillingdon Unitary Development Plan Saved Policies (November 2012).

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. 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 OE1 and OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

5 NONSC Non Standard Condition

The use hereby permitted shall not commence until 10 cycle parking spaces are provided within the building or the car park parking area 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).

6 NONSC Non Standard Condition

Prior to the operation of the site as a gym, a controlled barrier access system for car parking shall be installed and shall remain in place in perpetuity for the duration of the development. Should the use of the site as a gym cease, a manually operated barrier to the car park should be reinstated.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE1 and OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8

(right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
S6	Change of use of shops - safeguarding the amenities of shopping areas
LPP 4.7	(2016) Retail and town centre development
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres
NPPF- 11	NPPF-11 2018 - Making effective use of land

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (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 application site is Unit 5 of the Hayes Bridge Retail Park, which is located to the western side of the Retail Park. The application site is mid-terraced. The principal elevation (facing east) fronts the car parking area.

The Hayes Bridge Retail Park itself is located on the south south/west side of Uxbridge Road. The overall park is accessed via Uxbridge Road between the junctions of Bankside and Springwell Road. It is located to the east of the Uxbridge Road centre (which is defined as a Minor Town Centre in the Saved Policies UDP). Hayes Town Centre (defined as a Major Town Centre) lies approximately 1.2km to the west of the Retail Park. The existing Retail Park is located within the Springfield Road Industrial and Business Area, as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The site drops away from the Uxbridge Road and therefore appears visually lower to pedestrian and vehicular traffic on the Uxbridge Road.

The site is currently in retail use, but the tenant is vacating imminently. The proposed development would meet the requirement to accommodate a prospective new tenant which is a national multiple, health and fitness centre operator.

3.2 Proposed Scheme

The application seeks planning permission for a change of use from retail (Use Class A1) to a flexible retail/gym/fitness centre use (Use Classes A1/D2).

3.3 Relevant Planning History

- 51733/97/3023 Unit 5, Hayes Bridge Retail Park Uxbridge Road Hayes
Display of internally illuminated fascia signs (Signs A and B) - APPROVAL Display of internally illuminated fascia signs (Signs C, D, E, F and "Byte" signs) - REFUSAL
Decision: 21-04-1997 Approved
- 51733/A/99/3016 Unit 5, Hayes Bridge Retail Park Uxbridge Road Hayes
Display of two internally illuminated fascia signs (Sign B and Sign C) - REFUSAL Display of one internally illuminated fascia sign (Sign A and Item 4) and four internally illuminated poster boxes
CONSENT
Decision: 22-02-1999 Refused **Appeal:** 03-08-1999 Allowed
- 51733/ADV/2000/29 Power House, Hayes Bridge Retail Park, Uxbridge Road Hayes
INSTALLATION OF INTERNALLY ILLUMINATED FASCIA SIGNAGE
Decision: 20-09-2000 Refused **Appeal:** 06-01-2001 Dismissed
- 51733/ADV/2005/3 Staples, Hayes Bridge Retail Park, 1-3 Uxbridge Road Hayes
INSTALLATION OF INTERNALLY ILLUMINATED AND NON-ILLUMINATED VARIOUS SHOP SIGNS
Decision: 18-02-2005 Approved
- 51733/ADV/2014/98 Unit 5 Hayes Bridge Retail Park 1-3 Uxbridge Road Hayes
Installation of 3 x internally illuminated fascia signs and 1 x internally illuminated transom sign
Decision: 24-12-2014 Approved
- 51733/B/99/3093 Unit 5 Hayes Bridge Retail Park 1-3 Uxbridge Road Hayes
Installation of two internally illuminated fascia signs and one free standing panel
Decision: 23-08-1999 Approved

Comment on Relevant Planning History

The relevant planning history is listed above.

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

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

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

LPP 4.7 (2016) Retail and town centre development

NPPF- 7 NPPF-7 2018 - Ensuring the vitality of town centres

NPPF- 11 NPPF-11 2018 - Making effective use of land

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

11 neighbouring properties were consulted by letter dated 4.10.18 and a site notice was displayed to the front of the site which expired on 5.11.18. No response received.

Internal Consultees

Highways Officer:

Upon consulting the Trip Rate Information Computer System (TRICS) database, it is considered that the proposals will not generate a material change in the level of trips to and from the site which would be deemed detrimental to the safety and convenience of the highway network. On this basis, I do not have any objections.

EPU

There are no comments in regards to environmental Pollution. The applicant has stated that there are no industrial processes or plants, machinery equipment, or installation forming part of the change of use, hence no environmental pollution impacts.

Access

No comments to make this time.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within Springfield Road Industrial and Business Area (IBA). Policy LE2 of the Hillingdon Local Plan: Part Two Saved Policies states that IBAs are designated for Business, Industrial and Warehousing purposes (Classes B1-B8) and for Sui Generis uses appropriate in an Industrial Area. The LPA will not generally permit development for

other uses in IBA's unless it is satisfied that:

- i) There is no realistic prospect of the land being used for industrial or warehousing purposes in the future; and
- ii) The proposed alternative use does not conflict with the policies and objectives of the plan.

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 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.

The site is located within an area surrounded by large retail units and the current building on the site is occupied by a retail unit (Staples). The site is not located within any identified shopping centre as defined by the Hillingdon Local Plan, thus there is no objection to the loss of the retail use and its change to a flexible use to include A1 or class D2 use.

Furthermore, the applicant has carried out a sequential test to support the principle of the proposed out of town centre A1/D2 use which concludes that there are no units that can be considered available, suitable and viable for the proposed development. No other realistic opportunities that would benefit from a preference under the sequential test have been identified. The sequential test confirms that in light of the above, the application site is the most sequentially preferable location to accommodate the proposed development, thus development accords with the requirements of the development plan and Paragraph 86 and 87 of the NPPF (2018).

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.

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.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Not applicable to this application.

7.08 Impact on neighbours

The application site is located within the Hayes Bridge retail Park which is commercial in character. Given the distance to the nearest residential property, it is considered that the proposal would not give rise to a loss of residential amenity.

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 wider site has access to 408 unrestricted car parking spaces, these are considered sufficient to serve the retail park and the proposed gym. The Highways Officer has confirmed that the proposals will not generate a material change in the level of trips to and from the site which would be deemed detrimental to the safety and convenience of the highway network.

7.11 Urban design, access and security

Issues regarding possible anti-social behaviour occurring in the car park during the later opening hours of the gym can be addressed through conditions, which are recommended, requiring appropriate CCTV and a controlled entry barrier system.

7.12 Disabled access

No accessibility concerns are raised

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

No issues raised.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

The site is not within an AQMA and the development is not considered to impact on air quality.

7.19 Comments on Public Consultations

No responses were received following the expiry of the public consultation period.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The application seeks planning permission for a change of use from retail (Use Class A1) to a flexible retail/gym/fitness centre use (Use Classes A1/D2). The site is located within an area surrounded by large retail units and the current building on the site is in retail use. However, it is not located within any identified shopping centre as defined by the Hillingdon Local Plan, thus there is no objection to the loss of the retail use and its change to a flexible use to include A1 or class D2 use. The proposal would not detract from the residential amenities of neighbouring properties, would not result in an incongruous form of development within the street scene and would not detract from highway or pedestrian safety. As such, the application is recommended for approval.

11. Reference Documents

London Plan (2016)

Mayor of London Housing Supplementary Planning Guidance (November 2012)

London Borough of Hillingdon's Noise Supplementary Planning Document (adopted April 2006)

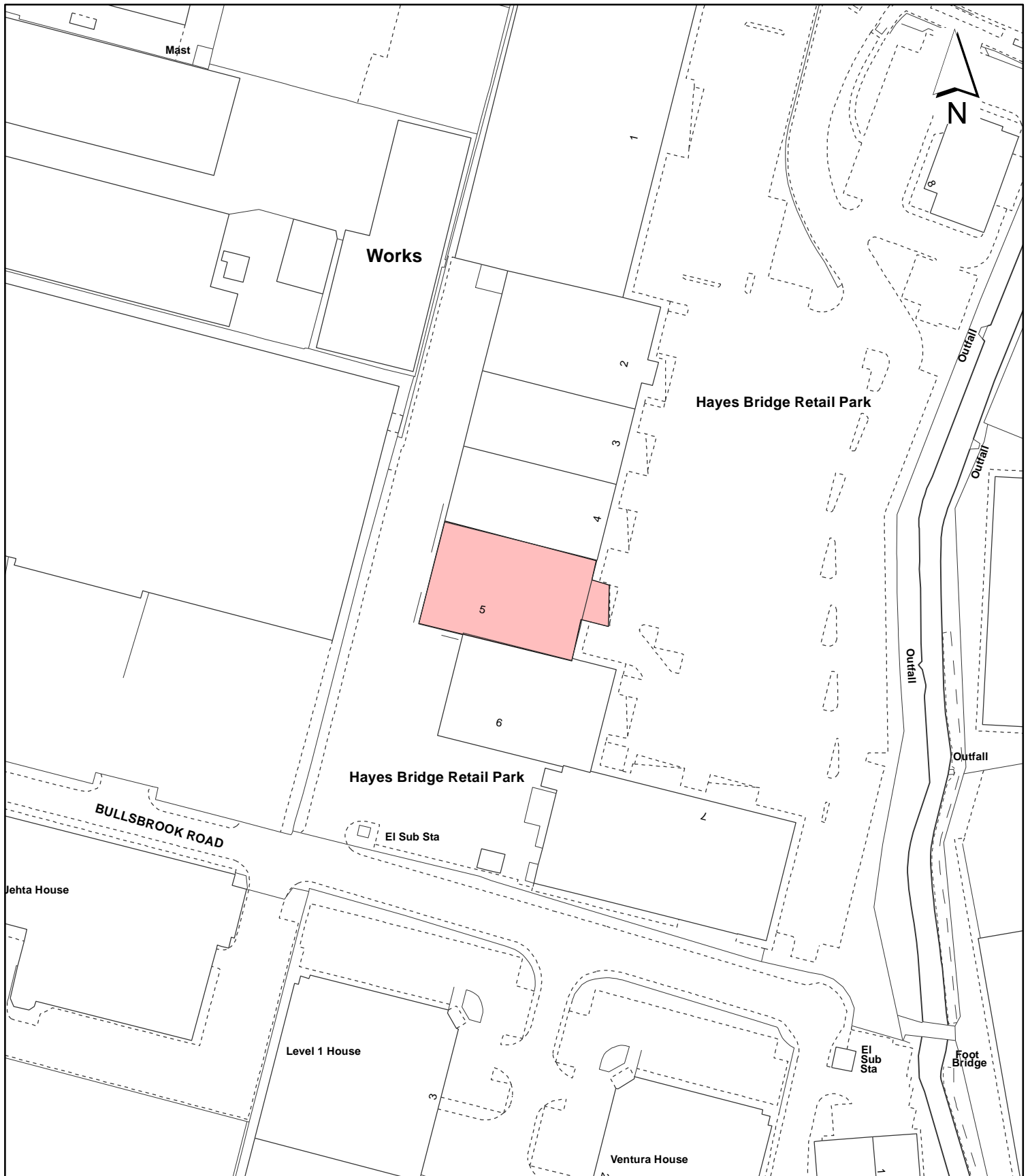
National Planning Policy Framework (2018)

Hillingdon Local Plan: Part One (November 2012)

Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

Contact Officer: Nicola Taplin

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Notes:

 Site boundary

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Site Address:

**Unit 5 Hayes Bridge Retail Park
 1-3 Uxbridge Road
 Hayes**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

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

Planning Application Ref:

51733/APP/2018/3424

Scale:

1:1,250

Planning Committee:

Central & South

Date:

February 2019



HILLINGDON
 LONDON