

## Report of the Head of Planning & Enforcement

**Address** 50 HIGH STREET UXBRIDGE

**Development:** Change of use of ground and first floor from Class A1 (Retail) to Class A2 (Financial and Professional Services.)

**LBH Ref Nos:** 36976/APP/2010/353

**Drawing Nos:** E1  
A2  
A1  
E2  
U39 XP2001 Rev 0  
U39 XP1001 Rev 0  
1:1250 Site Location Plan  
Supporting Planning Statement  
Town Centre Plan BRS-2195\_04-01  
Land Use Plan BRS-2195\_01-1C

**Date Plans Received:** 18/02/2010 **Date(s) of Amendment(s):**

**Date Application Valid:** 09/03/2010

### 1. SUMMARY

The application site is within the primary shopping area of Uxbridge Town Centre, and the application seeks permission for the change of use of the unit from A1 (retail) use to a mixed A2 (Financial & Professional Service), to be used as a bank. No external alterations are proposed as part of this application. Whilst an A2 use would not normally be viewed as an acceptable use within the designated primary shopping area, the Local Planning Authority has identified a number of limited uses which are considered to compliment or support the retail function within these areas, with Banks and Building Societies being one of these accepted uses. Therefore, in this instance, this proposed A2 Banking use would be considered acceptable, subject to appropriate safeguarding conditions to limit the use to a 'Bank or Building Society' only.

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 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans 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 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **3 RCU2 Use Within Same Use Class**

The premises shall be used for a bank or building society and for no other purpose (including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

## REASON

Specify, in accordance with Policy S6 and S11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### **4 HLC3 Hours of Use**

No persons other than staff shall be permitted to be on the premises between the hours of 2200 hours and 0700 hours Monday to Saturday, and 1800 hours and 1000 hours on Sundays and Bank Holidays.

## REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

## 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) 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
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
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.

**3 11 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 13 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 15 Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

**6 125 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 - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

**7 134 Building Regulations 'Access to and use of buildings'**

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

· The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with

- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from [www.opsi.gov.uk](http://www.opsi.gov.uk)
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from [www.drc-gb.org](http://www.drc-gb.org).

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is located in the Uxbridge Town Centre on the south west side of the High Street, in close proximity to the entrance to the Underground Station. The site comprises a ground and first floor unit within the Pavillions Shopping Centre. The ground floor is currently being used for an A1 (retail use) with the first floor used for retail and ancillary retail use. The site has a double frontage and can be accessed from both the High Street and from within the shopping centre. This area of the High Street is pedestrianised and falls within the Primary Shopping Area of Uxbridge Town Centre as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

#### **3.2 Proposed Scheme**

The application seeks planning permission for the change of use of the unit from A1 (retail) to A2 (Financial & Professional Service). No external alterations are proposed as

part of this application.

The supporting planning statement submitted with the application states, the proposed operator 'Metro Bank', will operate as a new concept in retail banking. It is intended the bank will operate 7 days a week and will open much later than a traditional bank, with 8am to 8pm as core trading hours (with longer hours being considered as the business matures, from 7am to 10pm). This is considered to allow for banking at more convenient hours for the local population.

In addition, this statement comments, the layout of the bank will be more akin to a retail unit than a traditional bank. With the latter normally using 50% of the ground floor area for customer service and operation, whereas it is intended the Metro Bank will give over 85 to 90% of the ground floor to customer service areas. Furthermore, due to the intended fully glazed shop front that would be installed (subject to future planning consent being granted), the site would maintain a lively and active frontage during peak times for the town centre core retail area.

### 3.3 Relevant Planning History

36976/A/86/3018 Richards Shops 50 High Street Uxbridge  
Advertisement (P)

**Decision:** 04-04-1986 Approved

36976/ADV/2000/46 50 High Street Uxbridge  
INSTALLATION OF FIVE INTERNALLY ILLUMINATED, LETTERING ONLY FASCIA SIGNS  
AND ONE INTERNALLY ILLUMINATED, LETTERING ONLY PROJECTING SIGN

**Decision:** 24-08-2000 Approved

36976/ADV/2001/93 50 High Street Uxbridge  
INSTALLATION OF AN INTERNALLY ILLUMINATED STATIC SHOP SIGN

**Decision:** 31-10-2001 Approved

36976/ADV/2007/75 50 High Street Uxbridge  
INSTALLATION OF ONE ILLUMINATED FASCIA SIGN.

**Decision:** 06-08-2007 Approved

36976/APP/2007/1799 50 High Street Uxbridge  
INSTALLATION OF AN EXTERNAL SECURITY SHUTTER TO SHOPFRONT.

**Decision:** 06-08-2007 Refused

36976/B/86/0301 Richards Shops 50 High Street Uxbridge  
Alterations to elevation (P)

**Decision:** 09-04-1986    Approved

36976/E/97/3013                    50 High Street Uxbridge  
Installation of an internally illuminated fascia sign

**Decision:** 19-06-1997    Approved

#### **Comment on Relevant Planning History**

None

#### **4. Planning Policies and Standards**

Policy 3D.1 Supporting town centres  
Policy 3D.2 Town centre development  
Policy 3D.3 Maintaining and improving retail facilities

#### **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
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
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.

#### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

43 letters were sent to interested parties/neighbours and no responses have been received.

##### **Internal Consultees**

Environmental Protection Unit - do not wish to recommend any conditions in respect of the application, however, would recommend the construction site informative is applied for any proposed works.

Officer comment - this application relates to change of use only and therefore this informative would not be considered necessary

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The Local Planning Authority will resist proposals that would result in the loss of Class A1 shop use in core areas and will examine very closely similar proposals for other parts of these centres. The principle for a change of use from A1 to a non-A1 use in a primary frontage can be established where there remain adequate retail facilities to accord with the character and function of the shopping centre, in order to maintain the vitality and viability of the town centre.

Policy S6 the Unitary Development Plan (Saved Policies September 2007) states changes of use applications will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion. The frontage of the building would be maintained as no exterior alterations are proposed. Loss of residential amenity and highway issues are dealt with below, and as such, the proposal would comply with the criteria listed in Policy S6 of the UDP (Saved Policies September 2007).

Policy S11 establishes the criteria where service uses would be permitted in primary shopping frontages. To maintain the viability of the retail function of a centre, class A1 units should be separated by no more than 12m and at least 70% of the remaining frontage should remain in A1 use. Whilst, the July 2008 survey found that the frontage within the Primary Shopping Area still within A1 use is at 75% and therefore exceeds this threshold, it is noted the proposal would not meet the minimum separation distances, due to the banking use on the adjacent site, and therefore should this consent be granted, a frontage of 24m of non-A1 use would result. However, it is further considered that these two units are two stand alone units, with the entrance to the Pavillions Shopping Centre on one side and the road junction with Windsor Street on the other and as such would not result in a typical shopping frontage. It is further noted that this area of the town centre supports most of the banks within the town centre, and this is considered to result in a reasonable choice of banking facilities for users of the centre.

It is considered that it would be difficult to argue that the proposed A2 (Banking) use would harm the vitality and viability of the primary shopping area. Therefore it is considered that the proposed change of use would comply with the intentions of policy S11 of the UDP (Saved Policies September 2007).

### **7.02 Density of the proposed development**

n/a 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 Policies September 2007).

### **7.04 Airport safeguarding**

The application is not within a safeguarding area.

#### **7.05 Impact on the green belt**

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 Policies 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. As such, the proposal is considered to accord with policies OE1 and OE3 of the UDP (Saved Policies September 2007).

#### **7.09 Living conditions for future occupiers**

No housing is proposed.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The site is situated within the Pavillions Shopping Centre and is in close proximity to both the Town Centre bus terminal and the Underground Station entrance. As such, the site is considered to have good public transport access. It is not considered the traffic generation between A1 and a mixed A2 would be materially different. The proposal would therefore comply with the intentions of AM7 and AM14 of the UDP (Saved Policies September 2007).

#### **7.11 Urban design, access and security**

This application relates to change of use only and as such the existing frontage, access and security arrangements would not be altered by this proposal.

#### **7.12 Disabled access**

The application is for change of use only and does not involve any alterations to the building.

#### **7.13 Provision of affordable & special needs housing**

No housing is proposed.

#### **7.14 Trees, landscaping and Ecology**

The application is for change of use only.

#### **7.15 Sustainable waste management**

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**

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**



The application is for change of use only.

**7.19 Comments on Public Consultations**

None

**7.20 Planning obligations**

None

**7.21 Expediency of enforcement action**

None

**7.22 Other Issues**

None

**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**

Not applicable

**10. CONCLUSION**

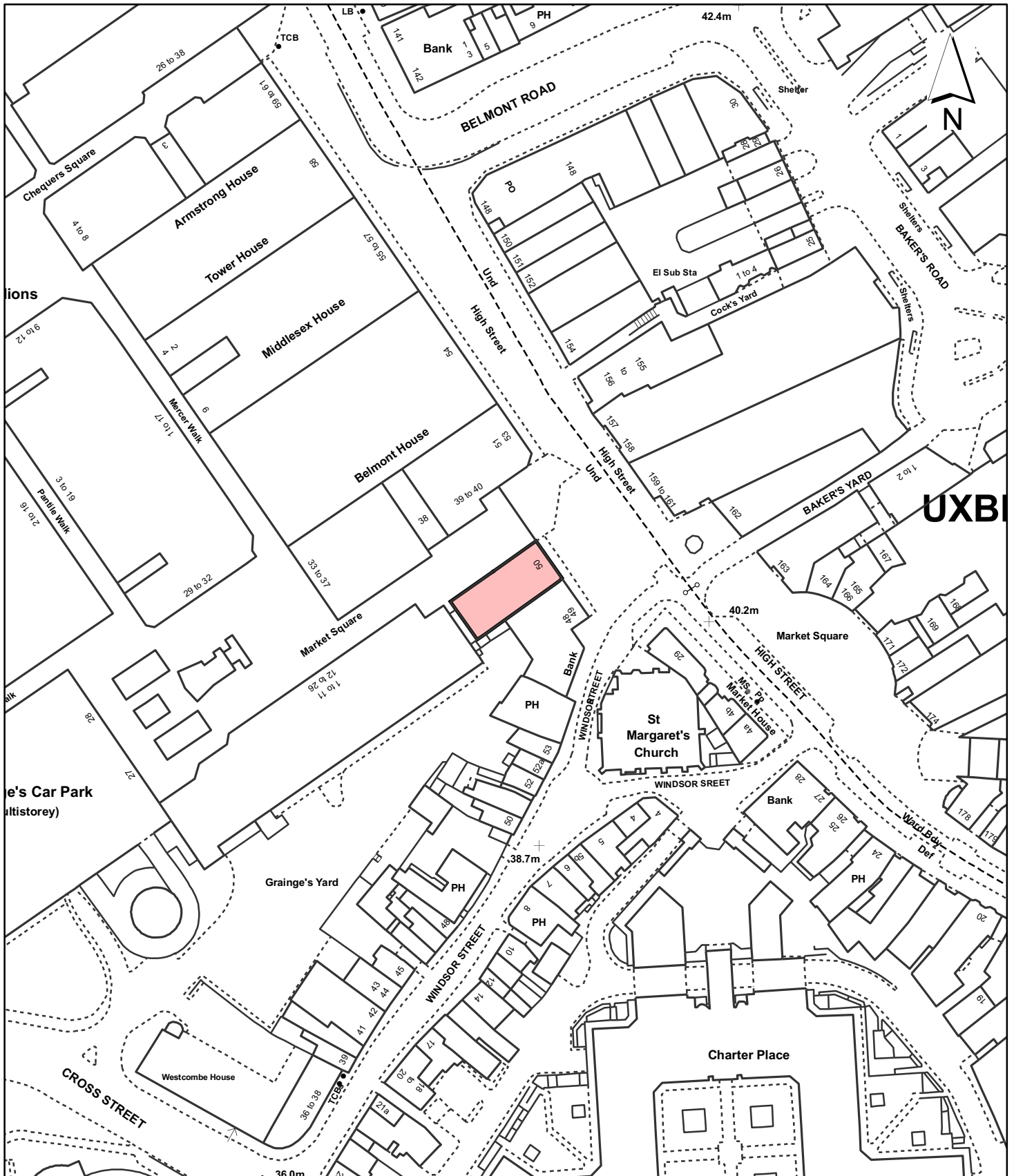
It is considered that whilst the application site is within the primary shopping area of the Town Centre, the proposed change of use from an A1 use (retail) to an A2 use (financial and professional services), subject to a safeguarding condition, limiting that use to a bank or building society only, the proposal would support the retail function of the town centre, and as such would not harm the viability or vitality of the Primary Shopping Area. It is therefore recommended that the planning permission be granted.

## 11. **Reference Documents**


Hillingdon Unitary Development Plan Saved Policies 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 2009

Site Address	
<b>50 High Street Uxbridge</b>	
Planning Application Ref:	Scale
<b>36976/APP/2010/353</b>	<b>1:1,250</b>
Planning Committee	Date
<b>Central and South</b>	<b>May 2010</b>

**LONDON BOROUGH OF HILLINGDON**

**Planning & Community Services**

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

