

## Report of the Head of Planning, Transportation and Regeneration

**Address** 1376 UXBRIDGE ROAD HAYES

**Development:** Change of use from retail (Use Class A1) to taxi control office (Sui Generis)(Retrospective)

**LBH Ref Nos:** 68816/APP/2019/2978

**Drawing Nos:** Design and Access Statement  
CDG/1378/2019/A

**Date Plans Received:** 06/09/2019      **Date(s) of Amendment(s):**

**Date Application Valid:** 06/09/2019

### 1. SUMMARY

The application seeks retrospective planning permission for a change of use from retail (Use Class A1) to taxi control office (Sui Generis). It is noted that planning permission was refused under application Ref: 24582/APP/2014/4100, but was then allowed at appeal (Ref: APP/R5510/W/15/3009733) for the change of use from retail (Use Class A1) to a taxi control office (Sui Generis). Given the circumstances have not changed since this decision, the application proposal is considered acceptable and is recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 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 CDG/1378/2019/A 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).

#### 2 NONSC Non Standard Condition

Within 2 months of the date of this permission, a sound insulation scheme that specifies measures for the control of noise transmission to adjoining residential uses, shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented, in its entirety, within 2 months of the Council approving the details. All those measures set out in the approved scheme shall be maintained and retained for so long as the use exists.

#### REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 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.
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
S7	Change of use of shops in Parades
DMTC 3	Maintaining the Viability of Local Centres and Local Parades
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

## **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.

## **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.

### **3. CONSIDERATIONS**

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

The application site is known as 1376 Uxbridge Road in Hayes is located on the North East side of this main distributor road. The building is of two stories and forms the end of a

terrace of three buildings. The adjoining property to the South East is No.1374, which comprises a residential first floor and a hot food take away unit on the ground floor. The property to the opposite end of the terrace is No.1372. The rear of the site fronts Hewens Road with access gained via gates to the rear of the site.

The property has a dog-leg/L-shaped footprint, with a two storey rear outrigger. There is a flat roof above. There is a single storey part rear extension of a dilapidated nature. The first floor comprises of a one bedroom self contained flat. The ground floor has an authorised retail use but has been converted to a sui generis taxi control office without the benefit of planning permission.

The site falls within the designation of a 'parade' within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### 3.2 Proposed Scheme

The application seeks retrospective planning permission for a change of use from A1 to Sui Generis (Taxi control office).

### 3.3 Relevant Planning History

68816/APP/2012/2461 1376/1378 Uxbridge Road Hayes

Change of use of ground floor from retail (Use Class A1) to 1 x 1-bed self contained flat (Use Class C3) involving extension to rear and first floor rear extension to existing first floor self contained flat to allow an enlargement to a 2-bed self contained flat.

**Decision:** 21-12-2012 Refused

68816/APP/2013/1605 1376/1378 Uxbridge Road Hayes

Change of use of ground floor from Use Class A1 (shops) to Use Class C3 (dwelling houses) and extension to rear to create 1 x 1-bed self contained flat and first floor rear extension to existing first floor self contained flat

**Decision:** 24-09-2013 Refused

68816/APP/2018/1042 1376 Uxbridge Road Hayes

Retrospective Planning Application for Ground Floor Flat Internal Alterations

**Decision:** 03-04-2018 NFA

68816/APP/2018/1269 1376 Uxbridge Road Hayes

Change of use from Use Class A1 (Shops) to Use Class C3 (Dwelling Houses) to create 1 x 1-bed flat (Retrospective)

**Decision:** 11-05-2018 Withdrawn

68816/APP/2018/837 1376 Uxbridge Road Hayes

Change of use of ground floor from retail (Use Class A1) to provide 1 x 1-bed flat (Use Class C3) to include alterations to front elevation (Part - Retrospective)

**Decision:** 22-05-2018    Refused

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

68816/APP/2018/837 - Change of use of ground floor from retail (Use Class A1) to provide 1 x 1-bed flat (Use Class C3) to include alterations to front elevation (Part - Retrospective) was refused for the following reason:

The proposal would provide an indoor living area of an unsatisfactory size for the occupiers of the one bedroom flat and would give rise to a substandard form of living accommodation to the detriment of the amenities of future occupiers contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), Policies BE19 and H8 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

It is also noted that planning permission was refused but then allowed at appeal under application reference 24582/APP/2014/4100 and APP/R5510/W/15/3009733 for the Change of Use from retail (Use Class A1) to a taxi control office (Sui Generis). The appeal decision is discussed below.

Officer note: The above appeal relates to 1378 Uxbridge Road. However on discussion with the applicant's agent, it would appear that the 2014 application used the incorrect site address as the red edged site for both applications remains the same.

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

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

## **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.  
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  
S7 Change of use of shops in Parades  
DMTC 3 Maintaining the Viability of Local Centres and Local Parades  
LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

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

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

3 neighbouring properties were consulted by letter dated 16.9.19 and a site notice was displayed to the front of the site which expired on 16.10.19.

1 letter of objection has been received raising concerns about parking stress in the locality.

### **Internal Consultees**

Highways officer - No response received. It is however noted that the Highways Officer raised no objection to the same proposal previously stating:

The design and access statement advises that the a customer waiting area at the premises is not to be provided and drivers would called from home. There are waiting restrictions on Uxbridge Road and Hewens Road behind this parade of shops. The Council has not received any request from residents for any additional waiting restrictions or for a residents parking scheme. The location is such that it is not considered likely to expect many walk in customers. Subject to a condition to not provide a waiting area for customers and no vehicles associated with these premises to park in the adjoining streets, no objection is raised on highway grounds.

## **7. MAIN PLANNING ISSUES**

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

#### Principle Of Development

Local shopping parades serve an important role in providing convenience shopping that caters for the needs of local residents. Paragraph 8.22 and policy S7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) seeks to ensure that all residential areas are within half a mile of at least five essential shop uses, although not necessarily within the same parade. For some local shopping areas the closure of just one essential shop may be so significant as to precipitate the closure of other shops and the ultimate demise of the centre as a whole. The Local Planning Authority seeks to protect vulnerable parades and corner shops which have a particularly important role for the local community and to provide opportunities for the establishment of new essential shop uses in existing class A1 premises. Ideally there should be no less than 3 (essential shops) in the smaller parades and a choice of essential shops in the larger parades. Policy DMTC3 in the emerging Local Plan reinforces Policy S7.

The application site was one of 4 units within the parade (a small parade of comprising of 1 car workshop, 1 x hot food take-away and an office). The application property was the only retail property in this parade which equates to 25% of the parade in retail use. The change of use of this site would result in the loss of all Class A1 retail uses within this parade contrary to Policy S7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012). However, the Inspector in relation to the previous appeal stated:

"further to the east along Uxbridge Road there are many other retail and commercial premises on both sides of the road. Those units provide a wide range of shopping and other services, which are within easy walking distance of this site, and can be accessed via pedestrian-controlled crossings. By reference to Table 8.2 of the LP it appears that the group in which the appeal site sits and many of those units to the east are all included within the Hayes End Parade.

It therefore seems to me that this group is an outlier to the main part of the parade, which due to its separation, limited size and parking restrictions on the Uxbridge Road, is significantly less attractive to customers. Consequently, whilst this proposal would result in no A1 uses in this small group, from the evidence before me I am not persuaded that the function of the parade as a whole would be significantly diminished, or that local residents would be deprived of essential shopping facilities. For those reasons I conclude that the proposal would not harm the vitality and viability of this parade, and that it would not conflict with LP policy S7."

The appeal decision is a strong material consideration and the principle of development is therefore 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.

**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 Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development in residential areas complements or improves the amenity and character, therefore the scale and character of a new development is a material consideration.

There would be no impact on the area or the character and appearance of the property as external changes are not proposed as part of the application.

**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 application site is located on the busy Uxbridge Road with residential properties located to the rear in Hewens Road and above at first floor level. The Council's EPU Officer has previously advised that no objection is raised to the application subject to the attached condition requiring a scheme for sound insulation measures to be submitted and approved. As such the proposal is considered to have an acceptable impact upon the residential amenities of occupants of nearby properties.

**7.09 Living conditions for future occupiers**

Not applicable to this application.

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

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and 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 proposal does not include the provision of a customer waiting area and the applicant has confirmed that cars would not be stationed at the site. The Council's Highways Officer has raised no objection to the proposal and has advised that there are waiting restrictions on Uxbridge Road and Hewens Road behind this parade of shops. The Council has not received any request from residents for any additional waiting restrictions or for a residents parking scheme. The location is such that it is not considered likely to expect many walk in

customers. As such the proposal is not considered to detract from highway safety in accordance with policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

**7.11 Urban design, access and security**

Not applicable to this application.

**7.12 Disabled access**

Not applicable to this application.

**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**

Not applicable to this application.

**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 issues are addressed above.

**7.19 Comments on Public Consultations**

The issues raised during the consultation process are addressed in the sections above.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control.

**7.22 Other Issues**

None.

**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 retrospective planning permission for a change of use from from retail (Use Class A1) to taxi control office (Sui Generis). It is noted that planning permission was refused under application Ref: 24582/APP/2014/4100, but was then allowed at appeal (Ref: APP/R5510/W/15/3009733) for the change of use from retail (Use Class A1) to a taxi control office (Sui Generis). Given the circumstances have not changed since this decision, the application proposal is considered acceptable and is recommended for approval.

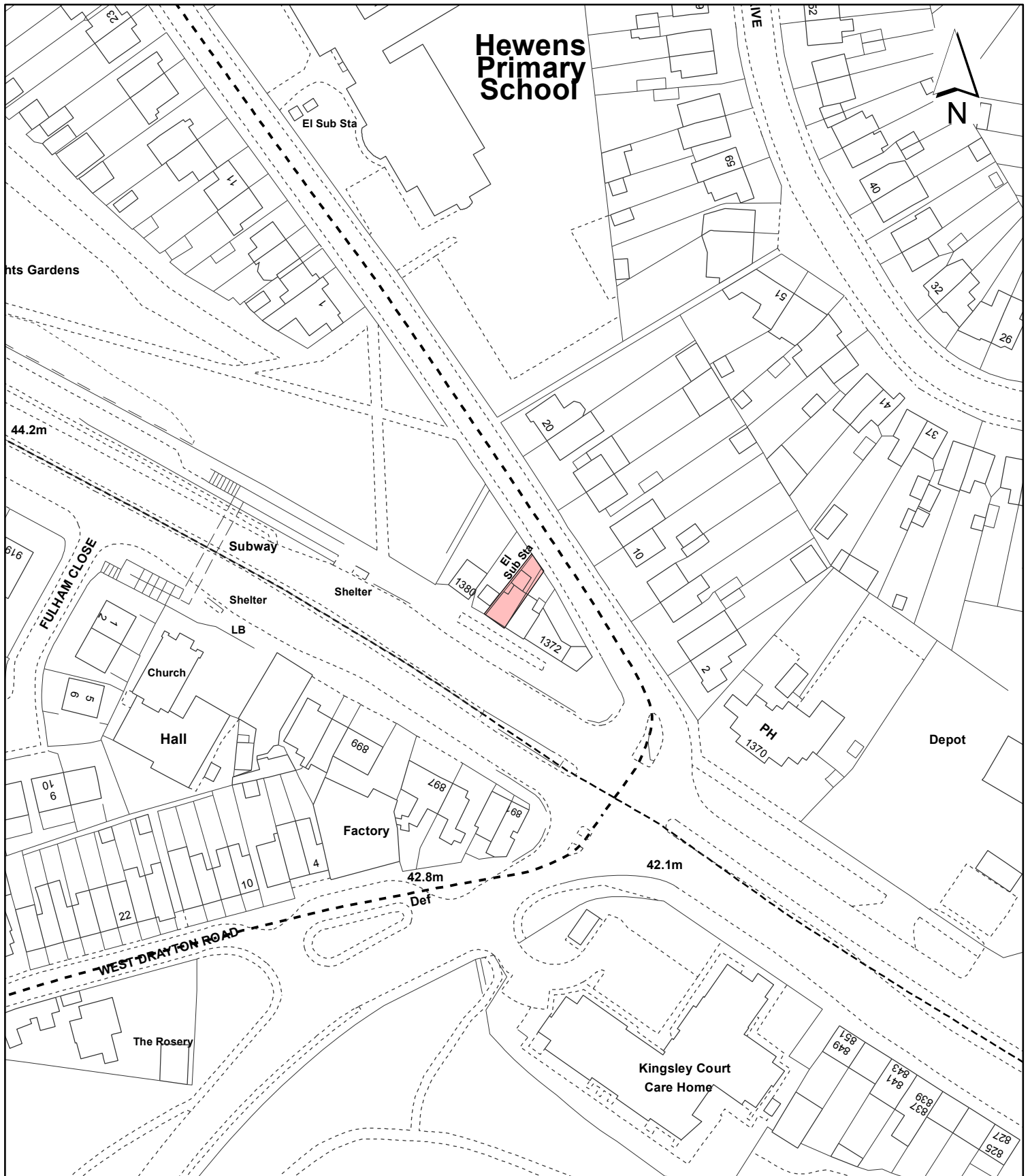
## **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
Hillingdon Local Plan: Part Two - Development Management Policies with Modifications  
(March 2019)  
The London Plan (2016)  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
National Planning Policy Framework

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**Hewens  
Primary  
School**



**Notes:**

 Site boundary

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Site Address:

**1376 Uxbridge Way**

Planning Application Ref:  
**68816/APP/2019/2978**

Planning Committee:  
**Central & South**

Scale:  
**1:1,250**

Date:  
**November 2019**

**LONDON BOROUGH  
 OF HILLINGDON**  
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