

Report of the Head of Planning, Transportation and Regeneration

Address 5-7 PANTILE WALK UXBRIDGE

Development: Change of use from retail (Use Class A1) to test centre for delivering screen-based tests (Use Class B1)

LBH Ref Nos: 43299/APP/2019/3405

Drawing Nos: 001
101 Rev. B
LP01 Rev. A
SP01 Rev. A

Date Plans Received: 16/10/2019 **Date(s) of Amendment(s):**
Date Application Valid: 23/10/2019

1. SUMMARY

The application relates to a vacant shop unit located within The Pavilions, beneath Belmont House, on the southern side of High Street, within Uxbridge Town Centre. The application premises falls within the Primary Shopping Area of Uxbridge Town Centre

Given that the current proportion of Class A1 units in the town centre is above the 70% threshold, and the availability of a number of vacant A1 units, it is considered that the proposed change of use would not be contrary to policy and would not have a negative impact on the retail function of the Primary Shopping Area. The town centre surveys also shows that the adjacent units to the application site are currently in A1 use and will therefore not result in a separation of more than 12 metres between A1 uses as required by policy S11. In terms of the proposed office use, this is recognised as a main town centre use and supported by policies DMTC 1 and DME 3 which support the provision of new office floorspace in Uxbridge town centre.

It is recommended that the application be approved.

2. RECOMMENDATION

APPROVAL subject to the following:

1 HO1 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 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number 101 Rev. B.

REASON

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

INFORMATIVES

1 152 **Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 153 **Compulsory Informative (2)**

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

AM14	New development and car parking standards.
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
BE26	Town centres - design, layout and landscaping of new buildings
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 2	Highways Impacts
DMTC 1	Town Centre Development
DMTC 2	Primary and Secondary Shopping Areas
DMTC 4	Amenity and Town Centre Uses

3 159 **Councils Local Plan : Part 1 - Strategic Policies**

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

4 170 **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 relates to a vacant shop unit located within The Pavilions, on the southern

side of High Street, within Uxbridge Town Centre. The application premises falls within the Primary Shopping Area within Uxbridge Town Centre. The application site is also located within an Archaeological Priority area. The High Street itself is located within the Old Uxbridge/Windsor Street Conservation area which runs along the front elevation of the Pavilions shopping centre.

The site sits within Flood Zone 1, the lowest level of flood risk, has a high PTAL score of 6 and is within a Developed Area as designated by the Hillingdon Local Plan (November 2012).

The Pavilions Shopping Centre is located on the High Street, within the heart of the Uxbridge town centre. The centre is bounded by the High Street to the east, Oxford Street to the north and west and the Windsor Street to the south.

The centre primarily trades from ground floor accommodation. Most retail units are serviced from the basement level service yard which extends almost entirely beneath the centre. Vehicular access for delivery vehicles is primarily from Grainger's Yard to the south, with egress via an internal one way system to Cross Street to the North. In addition to delivery and unloading bays, the basement level provides car parking for the retail and market traders and additional shop storage.

Four residential tower blocks and one office block are located over the shopping centre, with access either from the High Street or internally from the malls. Two multi-storey car parks are accessed from the north and west elevations. Primary public access to the centre is via the pedestrian entrances from the High Street. The main entrance leads into Market Square, via Market Mall, with a second mall entrance leading to Chequers Square via Chequers Walk. Pantile Walk and Mercer Walk link the two Squares. Additional pedestrian access into the centre is also achieved directly from the car parks into Market Square and Chequers Square.

3.2 Proposed Scheme

The proposal involves change of use from A1(shop) to B1(office test centre). The use is as a test centre for delivering screen-based tests to the public by appointment only, primarily but not exclusively for the Driver & Vehicle Standards Agency.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is extensive planning history associated with the Pavillion's and with Pantile Walk. However, there is no specific history associated with these units.

4. Planning Policies and Standards

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Saved UDP Policies (2012)

The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

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).

Draft London Plan (Consolidated with Changes July 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. This Consolidated version remains under examination with a report by the appointed panel of Inspectors due in Autumn 2019.

The Council's general approach at this stage is to give limited weight to the draft London Plan as a material consideration when deciding planning applications given at this stage of preparation it remains subject to a large number of objections, and could still be subject to significant further change prior to publication.

Proposed Submission Local Plan Part 2 with Main Modifications (March 2019)

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 were published for public consultation from 27 March to 8 May 2019.

Taking para 48 of the NPPF into account, the Council's general approach to the weight which should be afforded to the draft LPP2 will be as follows:

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.

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.

Finally, 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.

It is anticipated that the replacement Local Plan will have been adopted in January 2020 and a verbal update will be given.

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

AM14	New development and car parking standards.
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
BE26	Town centres - design, layout and landscaping of new buildings
DMHB 7	Archaeological Priority Areas and archaeological Priority Zones
DMT 2	Highways Impacts
DMTC 1	Town Centre Development
DMTC 2	Primary and Secondary Shopping Areas
DMTC 4	Amenity and Town Centre Uses

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **29th January 2020**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

9 neighbouring units were notified on 25/10/2019 and a site notice was displayed. A press notice was also made. No objections or comments have been received.

Internal Consultees

Planning Policy Team

The application site is located within the Primary Shopping Area of Uxbridge town centre. Emerging Local Plan Part 2 Policy DMTC2 and saved UDP Policy S11 seek to protect the Primary Shopping Area of town centres as the focus of retail activity and policy DMTC 2 sets threshold of a minimum of 70% of town centre frontage being retained in class A1 retail use.

The proposed development is for a change of use from an A1 shop to a B1 office within the Pavilions Shopping Centre. The Council's most recent retail survey of Uxbridge town centre carried out in October 2019 identifies that the current level of A1 use in the town centre is 72.7% including 5.6%

vacancy (20 units). The vacant units do not include the application site which was most recently surveyed as a furniture shop.

Given that the current proportion of A1 units in the town centre is above the 70% threshold, and the availability of number of vacant A1 units, it is considered that the proposed change of use would not be contrary to policy and would not have a negative impact on the retail function of the Primary Shopping Area. The town centre surveys also shows that the adjacent units to the application site are currently in A1 use and will therefore not result in a separation of more than 12 metres between A1 uses as required by policy DMTC 2. In terms of the proposed B1 office use, this is recognised as a main town centre use and supported by policy DMTC 1 and DME 3 which support the provision of new office floorspace in Uxbridge town centre

Access Officer

No objection is raised from an accessibility perspective

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Given that the current proportion of A1 units in the town centre is above the 70% threshold, and the availability of number of vacant A1 units, it is considered that the proposed change of use would not be contrary to policy and would not have a negative impact on the retail function of the Primary Shopping Area and is acceptable in principle.

7.02 Density of the proposed development

Not applicable to this application.

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

The High Street itself is located within the Old Uxbridge/Windsor Street Conservation area which runs along the front elevation of the Pavilions shopping centre, but does not include the Pavilions. The site is within the covered area and the proposal is a change of use only. There will, thus, be no impact on the Conservation Area.

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

No external changes are proposed and thus, there would be no impact on the character and appearance of the street scene or the area.

7.08 Impact on neighbours

Given the nature of the use and the fact that the adjoining units are in commercial use, there would be no undue impact on adjoining occupiers.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

No issues are raised.

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

No issues 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

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

Not applicable to this application.

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

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 relates to a vacant shop unit located within The Pavilions, beneath Belmont House, on the southern side of High Street, within Uxbridge Town Centre. The application premises falls within the Primary Shopping Area of Uxbridge Town Centre

Given that the current proportion of Class A1 units in the town centre is above the 70% threshold, and the availability of a number of vacant A1 units, it is considered that the proposed change of use would not be contrary to policy and would not have a negative impact on the retail function of the Primary Shopping Area. The town centre surveys also shows that the adjacent units to the application site are currently in A1 use and will therefore not result in a separation of more than 12 metres between A1 uses as required by policy S11. In terms of the proposed office use, this is recognised as a main town centre use and supported by policies DMTC 1 and DME 3 which support the provision of new office floorspace in Uxbridge town centre.

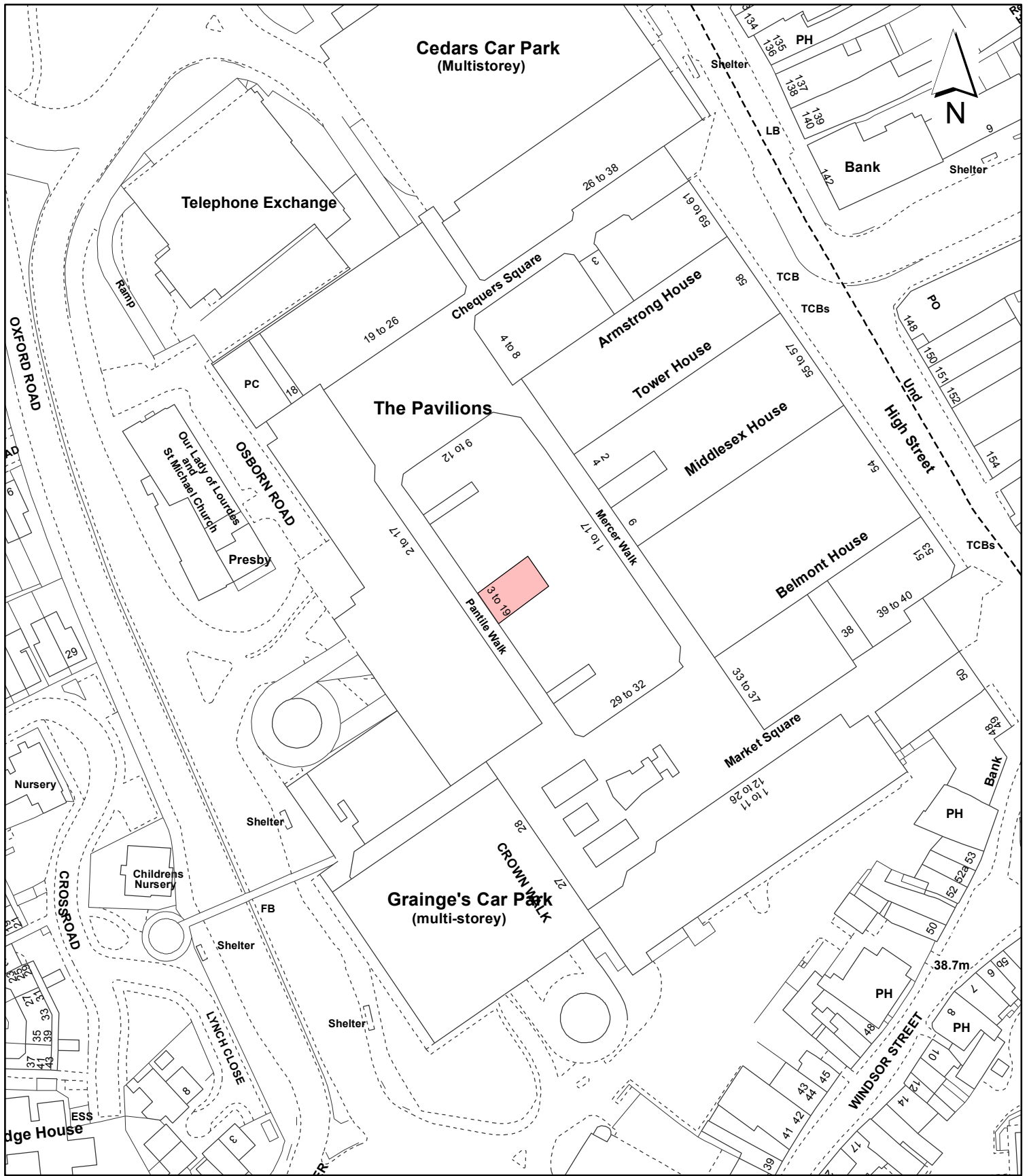
It is recommended that the application be approved.

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)
National Planning Policy Framework

Contact Officer: Cris Lancaster

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

5 - 7 Pantile Walk

Planning Application Ref:
43299/APP/2019/3405

Planning Committee:
Central & South

Scale:
1:1,250

Date:
January 2020

LONDON BOROUGH OF HILLINGDON
Residents Services Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

