

Report of the Head of Planning, Transportation and Regeneration

Address 197 HIGH STREET UXBRIDGE

Development: Change of Use from retail (Use Class A1) to mixed use comprising restaurant/takeaway (Use Classes A3/A5)

LBH Ref Nos: 74868/APP/2019/3726

Drawing Nos: AP(04)1512 Rev. P02
Covering Letter/Statement (Ref: BC/KS/P19-2493)
AP(04)1510 Rev. P01
AP(04)1511 Rev. P01
12.0
AP(05)1610 Rev. P02

Date Plans Received: 18/11/2019 **Date(s) of Amendment(s):**

Date Application Valid: 18/11/2019

1. SUMMARY

Planning permission is sought for the change of use from retail (Use Class A1) to mixed use comprising restaurant/takeaway (Use Classes A3/A5). The unit is located along the High Street but also forms part of Intu Uxbridge Shopping Centre.

The unit has been vacant since April 2019, having been formerly occupied by Greggs.

The most recent retail survey figures (October 2019), indicate that the proportion of frontage in the primary shopping area that remains in A1 uses is 71.5% and with the proposed change of use, it will be reduced to 71.4%. It is noted that another application for a change of use to a non-retail use is also reported to this committee. Should both of these applications be approved, it would result in the overall retail percentage in the primary shopping frontage being reduced to 71.1%. Thus the proposed loss of retail use is relatively minor and the figures comply with the policy threshold of a minimum 70%.

The change of use will result in frontage greater than 12m between A1 units, which would not comply with Policy DMTC 2, however it is considered that the proposed scheme will not harm the existing retail provision and function of the town centre as a whole.

In accordance to Policy DMTC 2, the maximum percentage of Use Class A5 hot food takeaways frontage is 15% and with this application, the percentage will increase to 0.6%.

This 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 plans, numbers AP(05)1610 Rev. P02, 12.0, and 3558 AP(04)1512 Rev. P02 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

3 COM17 Control of site noise rating level

The rating level of the noise emitted from the site shall be at least 5dB below the existing background noise level and by 10 dBA where the source is tonal. The noise levels shall be determined at [the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest British Standard 4142, 'Method for rating industrial noise affecting mixed residential and industrial areas'.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy DMTC 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

4 COM20 Air extraction system noise and odour

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy DMTC 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

5 COM24 Hours of use Hot Food Takeaways

The premises shall not be used for the preparation or sale of food outside the hours of 08.00 to 23.00.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy DMTC 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

6 NONSC Service and Delivery Plan

Prior to commencement of the use details of the service and delivery plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy DMTC 4 of the Hillingdon Local Plan: Part

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 Local Plan: Part Two - Development Management Policies (2020). set out below 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.

DMHB 1	Heritage Assets
DMHB 4	Conservation Areas
DMTC 1	Town Centre Development
DMTC 2	Primary and Secondary Shopping Areas
DMTC 4	Amenity and Town Centre Uses
LPP 2.15	(2016) Town Centres
LPP 7.8	(2016) Heritage assets and archaeology
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres
NPPF- 16	NPPF-16 2018 - Conserving & enhancing the historic environment

3 I28 **Food Hygiene**

The Council's Commercial Premises Section should be consulted prior to the use of the premises so as to ensure compliance with the Food Safety Registration Regulations 1990, Hygiene (General) Regulations 1970, The Food Act 1984, The Health and Safety at Work Act 1974 and any other relevant legislation. Contact: - Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Telephone 01895 250190).

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, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

5

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

3. CONSIDERATIONS

3.1 Site and Locality

The commercial unit is located north of High Street adjacent to Bella Italia. The size of the property is 60sqm with a shopfront measuring 5.2m wide. The shop is rectangular in shape with access onto Bonsey's Yard towards the rear. There is an existing extract system on the premises. The unit is situated on the ground floor of a part 3/part 4 storey building in which the upper levels are in residential use.

The surrounding area is predominantly commercial in character including a mixture of restaurants and retail with residential uses on upper floors. The application site is part of the Intu Uxbridge Shopping Centre and is within the Old Uxbridge/Windsor Street Conservation Area, Archaeological Priority Area, Uxbridge Town Centre and Primary Shopping Area, Rebalancing Employment Land: Uxbridge Town Centre and Air Quality Management Area.

3.2 Proposed Scheme

The applicant seeks consent for the change of use from Class A1 shop to mixed Class A3/A5 restaurant/takeaway (sui generis). The unit forms part of the Intu Uxbridge Shopping Centre however fronting onto High Street.

The proposal will generate approximately 9 jobs (5 full time and 4 part time) once in operation and the opening hours are between 11am to 11pm Monday to Sunday.

3.3 Relevant Planning History

42966/89/1287 Nashs Yard, George St, Chippendale Waye, High Street Uxbridge
Redevelopment, alteration and refurbishment to provide a shopping centre and new retail units, include uses falling within Classes A1, A2, A3 (Town and Country Planning (Use Classes) Order 1987), with ancillary uses including creche, retail management and car park management office and public conveniences; Offices and business units (Class B1 of the Town and Country Planning (Use Classes) Order 1987); Residential units; Highway works including the formation of new vehicular and pedestrian accesses and alterations to existing accesses; Car parking, servicing and landscaping

Decision: 06-06-1990 Approved

42966/AH/96/1862 Nashs Yard, George St, Chippendale Waye, High Street Uxbridge
Redevelopment, alteration, refurbishment and changes of use to provide a shopping centre and retail units to include uses falling within Classes A1, A2 and A3 together with ancillary uses, residential units, cinema, highway works, including the formation of new vehicular and pedestrian access, alterations to existing access for car parking, servicing and landscaping, together with associated highway works and other works incidental to the redevelopment of the application site

Decision: 11-11-1997 Approved

42966/Z/93/0210 Nashs Yard, George St, Chippendale Waye, High Street Uxbridge
Variation of condition 1 of planning permission ref. 42966/89/1287 dated 6.6.90 to allow extension in time for implementation of permission for redevelopment, alteration and refurbishment to provide a shopping centre and new retail units to include uses falling within Classes A1, A2 and A3 (Town and Country Planning (Use Classes) Order 1987)

and Country Planning (Use Classes) Order 1987) with ancillary uses including creche, retail management and car park management office and public conveniences, offices and business uses (Class B1), residential units, highway works including the formation of new vehicular and pedestrian accesses and alterations to existing accesses, car parking, servicing and landscaping

Decision: 07-04-1993 Approved

55556/ADV/2007/109 197 High Street Uxbridge

INSTALLATION OF NON-ILLUMINATED SHOP FASCIA SIGN AND DOUBLE SIDED PROJECTING BOX SIGN.

Decision: 12-10-2007 Approved

55556/APP/2007/2606 197 High Street Uxbridge

INSTALLATION OF A NEW SHOPFRONT AND HVAC EXTRACT SYSTEM TO THE REAR ADJACENT BUILDING WALL.

Decision: 12-10-2007 Refused

55556/APP/2007/3277 197 High Street Uxbridge

INSTALLATION OF A NEW SHOPFRONT AND HVAC EXTRACT SYSTEM TO THE REAR ADJACENT BUILDING WALL.

Decision: 21-12-2007 Approved

74868/ADV/2019/26 197 High Street Uxbridge

Installation of 1 fascia sign and 1 projecting sign and temporary hoarding sign

Decision: 22-08-2019 Approved

Comment on Relevant Planning History

An advertisement consent under planning reference 74868/ADV/2019/26 was granted on 22-08-19 for the installation of 1 fascia sign and 1 projecting sign and temporary hoarding sign.

Planning application under planning reference 55556/APP/2007/3277 was granted on 21-12-07 for the installation of a new shopfront and HVAC extract system to the rear adjacent building wall.

Planning application under planning reference 55556/APP/2007/2606 was refused on 12-10-07 for the installation of a new shopfront and HVAC extract system to the rear adjacent building wall.

An advertisement consent under planning reference 55556/ADV/2007/109 was granted on 12-10-07 for the installation of non-illuminated shop fascia sign and double sided projecting box sign.

Planning application under planning reference 42966/AH/96/1862 was granted on 11-11-97 for the redevelopment, alteration, refurbishment and changes of use to provide a shopping centre and retail units to include uses falling within Classes A1, A2 and A3 together with ancillary uses, residential units, cinema, highway works, including the formation of new vehicular and pedestrian access, alterations to existing access for car parking, servicing and landscaping, together with associated highway works and other works incidental to the redevelopment of the application site.

Under the S106 agreement of application 42966/AH/96/1862 (dated 12th November 1997), Part 12 states that:

"Not less than eighty per centum (80%) of the Retail Floor Space shall be used as retail space within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987 PROVIDED THAT for the purposes of this clause space used for purposes ancillary to retail use within such Use Class A1 shall itself be treated as being used for purposes within such Use Class A1 PROVIDED ALSO THAT for the avoidance of doubt this obligation shall not be construed as a positive obligation to trade".

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.E4 (2012) Uxbridge
- PT1.E5 (2012) Town and Local Centres
- PT1.HE1 (2012) Heritage

Part 2 Policies:

- DMHB 1 Heritage Assets
- DMHB 4 Conservation Areas
- DMTC 1 Town Centre Development
- DMTC 2 Primary and Secondary Shopping Areas
- DMTC 4 Amenity and Town Centre Uses
- LPP 2.15 (2016) Town Centres
- LPP 7.8 (2016) Heritage assets and archaeology
- NPPF- 7 NPPF-7 2018 - Ensuring the vitality of town centres
- NPPF- 16 NPPF-16 2018 - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- 27th December 2019

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed and expired on 23.12.19 and a total of 16 consultation letters were sent to local owners/occupiers. No responses were received.

Internal Consultees

Conservation and Urban Design Officer:

From a conservation perspective we have no comments to make in relation to the proposed change of use in this instance.

Access Officer:

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the proposal. However, the following informative should be attached to any grant of planning permission:

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

EPU Officer:

The existing extract system appears satisfactory relation to the height ,location and termination point of the external ducting for the purpose of preventing odour complaints to nearby residences.

I am aware that the previous use was A1 (Greggs) and the proposed change will include A3/A5, the applicant has not stated the type of cooking that will take place on the premises or if the proposal includes a seating area.

Although there is an existing kitchen extract ventilation system at the premise the type of cooking processes has not been mentioned and hence the suitability or efficacy of the existing system has not been determined. If you are considering the proposed change of use please consider the following matters:

Prior to occupation the applicant shall provide a Risk assessment for odour ,based on the proposed cooking processes or methods, demonstrating the suitability of the odour arrestment system.

the following conditions shall apply

1. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/ or smells created from cooking activities on the premise. All the equipment shall be effectively operated and maintained in accordance with the manufacturer's instructions for as long as the prepared use continues.

Reason

To ensure that the commercial and residential amenity of the adjoining properties are adequately protected from odour/fumes nuisance.

2. To prevent noise disturbance for nearby residences, consider the following noise condition

External noise from machinery, extract/ ventilation ducting, mechanical gates,etc.

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

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

Planning Policy Team:

Change of Use from Class A1 shop to mixed Class A3/A5 restaurant/takeaway (sui generis)

Development Plan

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

1.2 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)

1.3 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

1.4 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 (Intend to Public Version, December 2019)

1.5 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. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

1.6 The Mayor has considered the Inspectors' recommendations and, on the 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

1.7 Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may

be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the Intend to Publish version of the Plan. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

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

1.8 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.

1.9 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.

1.10 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.

1.11 The Council received the Inspector's Final Report on 22 October 2019. The Inspector concluded that, subject the Main Modifications set out in the Appendix to the report, the LPP2 is a sound plan that can be adopted. The examination of the Local Plan is therefore now complete and the Council is in the process of preparing for the formal adoption of the LPP2 in accordance with the statutory requirements. The adoption of the LPP2 as subsequently amended by the main and minor modifications, and the post examination corrections was recommended to Full Council on 17 December 2020. This version of the LPP2 is available at the following link:

<https://modgov.hillingdon.gov.uk/ieListDocuments.aspx?CId=115&MId=3478&Ver=4>

1.12 Formal adoption of the LPP2 will be considered by the Council on 16 January 2020. Noting that the targeted committee date for this application is after this proposed adoption date, I would advise that you work on the assumption that the LPP2 will form part of the Development Plan for the London Borough of Hillingdon at the time of determination.

Designations

Uxbridge Town Centre

Primary Shopping Area

Principle of Development

The proposed change of use would result in a loss of an A1 retail unit in the primary shopping area of Uxbridge Metropolitan Town Centre. Considering the requirements of Policy DMTC 2, the Council will support varied town centre uses provided that there is a 70% minimum of the frontage within the shopping area is retained in A1 use and that the change of use will not result in a separation of more than 12 metres between retail uses or a concentration of non-A1 uses that could be considered to cause harm to the vitality and viability of the town centre. Policy DMTC 2 also states that A5 hot food takeaways are limited to a maximum of 15% of the primary shopping area frontage.

The Council's retail survey on the Uxbridge Metropolitan Town Centre conducted in October 2019 highlights the current A1 retail percentage in the primary shopping area is 71.5% and if this proposed change of use is to be granted, there would be minimal change to A1 use percentage decreasing to

71.4%, so the minimum threshold of A1 retail would not be compromised. The retail percentage in the primary shopping area would still be above the 70% minimum requirements as outlined in Policy DMTC 2. According to the retail survey, there are currently 26 other vacant units which were previously A1 use in the primary shopping area indicating that there are other options for A1 uses that can replace the loss of these units. Currently, the percentage of A5 retail use in the primary shopping area is 0.4% increasing to 0.6% where there would be an acceptable change of use as the proportion of A5 use will remain within the maximum of 15% A5 frontage.

In terms of the adjacent units to the site, on one side is an A2 estate agent and on the other is an A3 restaurant. The change of use will result in a separation greater than 12m between A1 units, however it appears there will be no considerable harm to the existing retail provision or the functioning of the town centre and nor a concentration of A3/A5 units in the location of the site.

There is a provision in the S106 agreement for the Intu Uxbridge Shopping Centre that the overall proportion of A1 uses in centre should not fall below 80% which with the change of use, the percentage will remain well above this figure.

On the basis of the information summarised above, there is no objection to the proposed change of use from A1 to Sui Generis.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy DMTC 2 of The Local Plan: Part 2 - Development Management Policies (2020) states that in primary shopping areas, the Council will support the ground floor use of premises for retail, financial and professional activities and restaurants, cafes, pubs and bars provided that:

- i) a minimum of 70% of the frontage is retained in retail Use Class A1 use;
- ii) Use Class A5 hot food takeaways are limited to a maximum of 15% of the frontage; and
- iii) the proposed use will not result a separation of more than 12 metres between A1 retail uses. the frontage of the proposed use will not result in a separation of Class A1 uses of is no more than 12m interruption in frontage of between Class A1 shops; and
- iv) or the proposed use does not result in a concentration of non retail uses which could be considered to cause harm to the vitality and vibrancy viability of the town centre.

The application site is within the Uxbridge Town Centre and Primary Shopping Area. In accordance with the Hillingdon Local Plan: Part Two - Development Management Policies, the Local Planning Authority's aim is to retain a minimum of 70% of primary area frontage in Class A1. 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 if there are adequate retail facilities to maintain the character and function of the shopping centre.

The most recent shopping survey of Uxbridge Metropolitan Town Centre (October 2019) confirms that the retail percentage in the primary shopping frontage is 71.5% and if the proposed development is granted permission, this figure will fall to 71.4%. It should be noted that a similar application for another site is proposed within the primary shopping area of Uxbridge for a change of use that would result in an additional loss of another A1 retail use in the area. Should both applications be approved, the retail percentage in the primary shopping frontage will be 71.1%, which would remain above the 70% minimum requirement as per the requirements of Policy DMTC 2 of the Hillingdon Local Plan: Part Two - Development Management Policies.

The current Use Class A5 hot food takeaways is at 0.4% and will be increased to 0.6% should this application be approved. Therefore, the percentage is below the maximum 15% A5 frontage in accordance to Policy DMTC 2 of The Local Plan: Part 2 - Development Management Policies (2020).

The application site comprises of a relatively small frontage of 5.2m. The adjacent unit to the north-west is an A2 Professional Service (Cameron Estate) and on the south-east is an A3 Restaurant (Bella Italia). The change of use will result in a separation of more than 12m between A1 units. The Council's survey shows that in October 2019 there were 26 other vacant A1 units in the primary shopping area, indicating that a number of alternative options remain for those seeking an A1 unit in the town centre. In addition, the proposal would also bring a vacant unit back into use supporting the shopping centre as a whole and adding to the choice of services available within the town centre.

From an economic development perspective the decision to take up residence in a unit which has been unoccupied for some time is welcomed. Equally, the proposed design and layout of the restaurant serves a relatively small unit in such a way that it would compliment this area of Uxbridge High Street.

One of the attractions of Uxbridge High Street is the choice of eateries, outside cafes, coffee shops and the pub in the pedestrian zone between Windsor Street and Vine Street and is one of the towns unique selling points and particularly attractive to residents, town centre workers and visitors. The proposed development seeks to enhance this element of the High Street and given the relatively small size of the unit, it is considered that it would not result in an over concentration of A3/A5 uses within the Town Centre.

According to the S106 of the planning application 42966/AH/96/1862 (dated 12th November 1997), Intu Uxbridge Shopping Centre is required to maintain a minimum of 80% of the Retail Floor Space use as Class A1. Based on the figures provided by the applicant, the current proportion of A1 use comprises of 90.3% and with the resultant proposal, it would fall to 90.2%. As mentioned in previous paragraphs that another application will result in a loss of another A1 retail, the overall reduction of A1 retail shall both these application be granted, would be 89.7%, which would therefore remain significantly above the 80% required.

7.02 Density of the proposed development

Not applicable to this application.

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

Whilst the application site is located within the Old Uxbridge / Windsor Street Conservation Area and an Archaeological Priority Area, the scheme of proposal for this application is for the change of use class.

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

Policy DMTC 4 of The Local Plan: Part 2 - Development Management Policies (2020) states that proposals for restaurants and hot food takeaways, drinking establishments, betting shops, night clubs, casinos, amusement centres, minicab offices and other similar

uses will only be supported where it is clear provided that they:

- i) would not result in adverse cumulative impacts due to an unacceptable concentration of such uses in one area;
- ii) would not cause unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion; and
- iii) would not detrimentally affect the character or function of an area by virtue of the proposed use or visual impact.

The nearest residential properties are situated directly above the application site. However, given the location of the site and that adjacent uses along the High Street, it is considered that the proposal would not detrimentally cause unacceptable disturbance or loss of amenity to nearby properties and would therefore in accordance with Policy DMTC 4 of The Local Plan: Part 2 - Development Management Policies (2020).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

No changes to traffic or car/cycle parking arrangements are proposed as part of this application.

7.11 Urban design, access and security

No changes to the existing access of the unit as no external alterations are proposed as part of this application.

7.12 Disabled access

The Access Officer was consulted and no accessibility issues raised by the proposal.

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 existing kitchen extract exits at the rear of the unit and terminates above the flat roof to the rear of Bonsey's Yard. No changes are proposed as part of this application.

The Council's EPU Officer was consulted and no objections were raised subject to conditions.

7.19 Comments on Public Consultations

Refer to "External Consultees".

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

Waste

The applicant has noted that a dedicated refuse and recycling store will be located internally within the unit and the collections will be made in accordance with the existing arrangements, however, no further details were provided. If this application shall be approved, a planning condition can be secured.

Hours of Operation

The opening hours are between 11am to 11pm Monday to Sunday, which is in keeping with A3 uses adjacent to the site.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic.

Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

Planning permission is sought for the change of use from retail (Use Class A1) to mixed use comprising restaurant/takeaway (Use Classes A3/A5). The unit is located along the High Street but also forms part of Intu Uxbridge Shopping Centre.

The unit has been vacant since April 2019, having been formerly occupied by Greggs.

The most recent retail survey figures (October 2019), indicate that the proportion of frontage in the primary shopping area that remains in A1 uses is 71.5% and with the proposed change of use, it will be reduced to 71.4%. It is noted that another application for a change of use to a non-retail use is also reported to this committee. Should both of these applications be approved, it would result in the overall retail percentage in the primary shopping frontage being reduced to 71.1%. Thus the proposed loss of retail use is relatively minor and the figures comply with the policy threshold of a minimum 70%.

The change of use will result in frontage greater than 12m between A1 units, which would not comply with Policy DMTC 2, however it is considered that the proposed scheme will not harm the existing retail provision and function of the town centre as a whole.

In accordance to Policy DMTC 2, the maximum percentage of Use Class A5 hot food takeaways frontage is 15% and with this application, the percentage will increase to 0.6%.

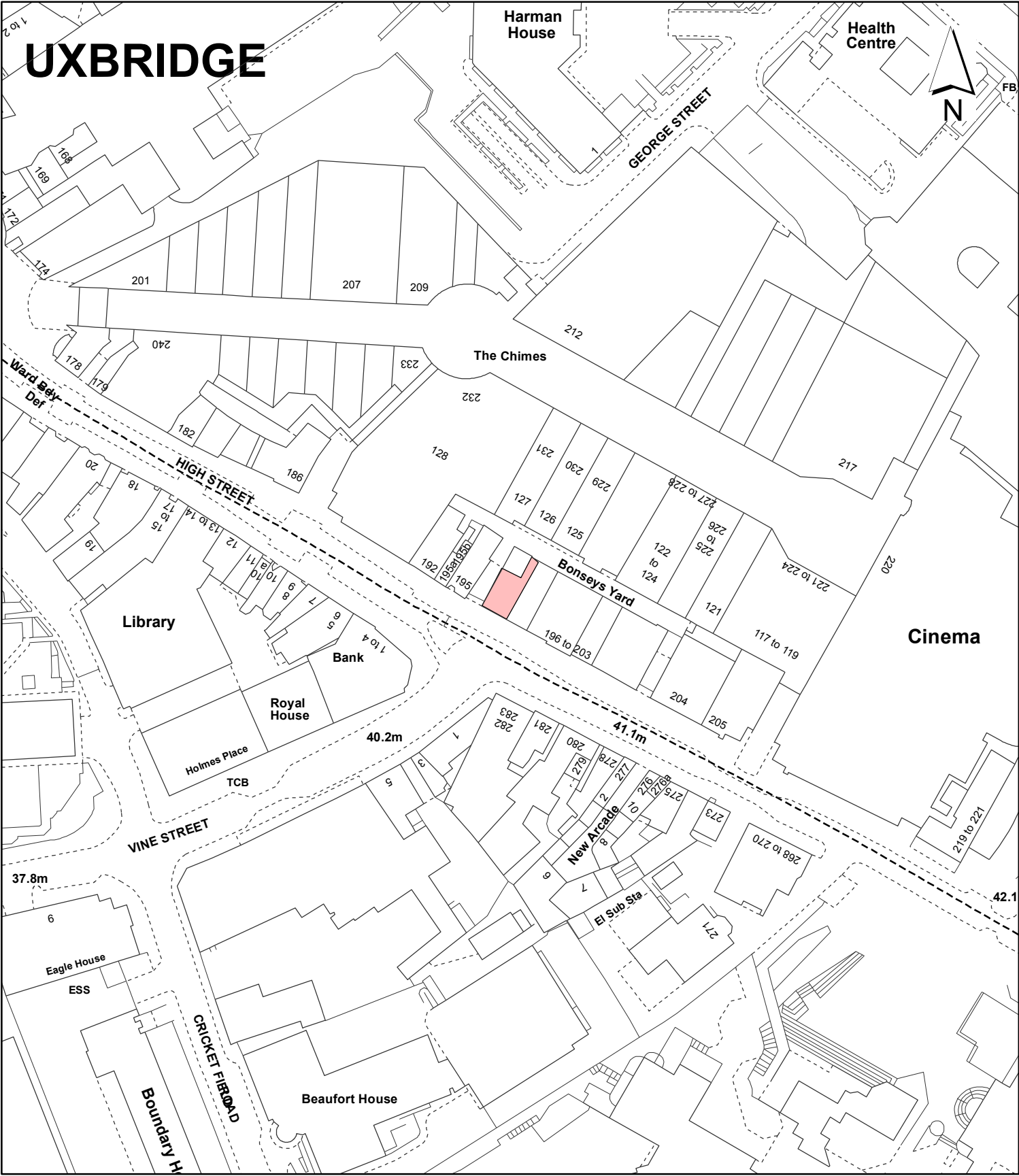
This application is recommended for Approval.


11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies
The London Plan (2016)
National Planning Policy Framework (2019)

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	Planning Application Ref: 74868/APP/2019/3726	Scale: 1:1,250	 HILLINGDON LONDON
	Planning Committee: Central and South	Date: February 2020	