

Report of the Head of Planning, Transportation and Regeneration

Address UNIT 202 UPPER MALL, STATION WALK, INTU UXBRIDGE HIGH STREET
UXBRIDGE

Development: Change of use from retail (Use Class Class A1) to a beauty treatment clinic
(sui generis)

LBH Ref Nos: 42966/APP/2019/3816

Drawing Nos: AP(04)1523 Rev. P01
AP(04)1521 Rev. P01
3558-AP(04)1520 Rev. P01
(SK) 001
AP(04)1522 Rev. P02
Planning and Heritage Assessment/Covering Letter (Ref: BC/KS/P19-2493)

Date Plans Received: 26/11/2019 **Date(s) of Amendment(s):** 27/11/2019
Date Application Valid: 26/11/2019 08/01/2020

1. SUMMARY

Planning permission is sought for the change of use of an existing retail unit (Use Class A1) within the Intu Uxbridge Shopping Centre, to a beauty treatment clinic (Use Class Sui Generis).

The site has been vacant since September 2017.

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 71.3%. It is noted that another application for a change of use to a non-retail use is also currently under consideration. 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 complies with the policy threshold of a minimum 70%. The proposal will not result in a frontage greater than 12m non-retail frontage and will not result in an over concentration of non-retail uses. Instead, the proposal will bring a long-term vacant unit back to use with a new offering to the town centre.

As the application site is located within the Intu Uxbridge Shopping Centre, the proposed change of use would not impact on the street scene or on the Old Uxbridge/Windsor Street Conservation Area.

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(04)1522 Rev P02, AP(04)1523 Rev. P01 and (SK) 001 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions The Local Plan: Part 2 - Development Management Policies (2020).

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 One - Strategic Policies (November 2012) and Hillingdon Local Plan: Part Two - Development Management Policies, 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
DMHB 11	Design of New Development
DMHB 13	Shopfronts
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 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.

4

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 application site comprises of a vacant retail unit located within the Intu Uxbridge Shopping Centre. The unit is 175sqm in size and is situated on the Upper Mall level. Access to the premise is via the main entrance, east of High Street and south-east from Uxbridge Underground Station concourse. The unit is located between a mixed A1/A3 use (Starbucks) and an A1 shop, Unit 204 (Accessorize).

The area in general is characterised by predominantly commercial and retail uses.

The application site is located within the Primary Shopping Area of Uxbridge Town Centre and the Old Uxbridge/Windsor Street Conservation Area. It is also within the Air Quality Management Area and Archaeological Priority Area.

3.2 Proposed Scheme

Planning permission is sought for the change of use of an existing retail unit (Use Class A1) within the Intu Uxbridge Shopping Centre to a beauty treatment clinic (Use Class sui generis). The proposed beauty treatment clinic will provide services including skin treatments, laser hair removal, botox and dermal fillers and will operate in line with the opening hours of the wider Intu Uxbridge Shopping Centre.

The clinic would comprise of a retail area at the front of the ground floor with three treatment/medical rooms, a consultation area, customer waiting area, a wheelchair accessible toilet and store room. The mezzanine/first floor would comprise of three treatment/medical rooms, a waiting area, a consultation area, a staff room and store rooms. Approximately 15 staff will be employed to manage the daily running of the clinic.

The shopfront consists of a black painted glass front projecting into the Mall, lighting, glazing and 600mm Test Height Text in black and white. The store logo is approximately 1800mm in diameter in purple and white.

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) 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

Comment on Relevant Planning History

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.HE1 (2012) Heritage

PT1.E5 (2012) Town and Local Centres

Part 2 Policies:

DMHB 1 Heritage Assets

DMHB 4 Conservation Areas

DMTC 1 Town Centre Development

DMTC 2 Primary and Secondary Shopping Areas

DMHB 11 Design of New Development

DMHB 13 Shopfronts

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:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed and expired on 27/1/20 and a total of 7 consultation letters were sent to local owners/occupiers. No responses were received.

Internal Consultees

Urban Design and Conservation Officer:

Taking into account the location and nature of the proposal we have no comments to make in this instance.

Planning Policy Team:

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 (Consolidated with Changes July 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 is currently considering the Panel report and recommendations and is preparing an 'Intend to Publish' version of the London Plan, which will be sent to the Secretary of State alongside with a schedule of the panel's recommendation and the Mayor's response to them. It is envisaged the Intend to 'Publish version' of the Plan will be sent to the Secretary of State by the end of the year.

1.7 Until the stages outlined above are passed only limited weight should be attached to the new London Plan. Some greater weight can be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made) or are subject to only minor amendment. However, anything that remains subject to the Inspector's recommendations can only attract very limited weight until the Mayor has published his report. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process.

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. Formal adoption is scheduled for January 2020.

1.12 When applying paragraph 48 of the NPPF the Council's approach to the weight that should be afforded to the LPP2 until formal adoption will be that all policies, including those incorporating the main modifications, hold substantial weight. This is due to the LPP2 being at the most advanced stage of preparation, the resolution of outstanding objections through the Inspector's Report and confirmation that the LPP2 is consistent with the NPPF.

1.13 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 until the LPP2 is formally adopted.

Designations

- Uxbridge Town Centre
- Primary Shopping Area

Principle of Development

The proposed change of use would result in the loss of an A1 retail unit within the primary shopping area of Uxbridge town centre. Consequently, the requirements of policy DMTC 2 apply which state that the Council will support of range of town centre uses provided that a minimum of the frontage within the shopping area is retained in A1 use and that the proposed change of use will not result in a 12 metre separation between A1 uses or a concentration of non-A1 uses that could cause harm to the vitality and viability of the wider town centre.

The applicant has provided evidence taken from the Council's October 2019 retail survey to demonstrate that the proposed change of use would not result in a reduction of A1 frontage below the 70% threshold. The applicant was requested not to use this information without undertaking their own separate verification/ update however this does not appear to be the case in this instance. Furthermore, the calculations undertaken by Council officers do not appear to directly concur with those stated by the applicant. By the Council's calculations the proportion of the frontage in the primary shopping area that remains in A1 uses is 71.6% with the proposed change of use reducing this further to 71.3%. It is acknowledged that this reduction is relatively minimal although it is worth noting how close to the policy threshold the current proportion of A1 uses is currently lying. The Council's data also 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. There are also no vacant Sui Generis units within the primary shopping area at present which would offer an alternative site.

In terms of the adjacent units, the site has an A3 cafe on one side and A1 shop on the other. Although the Council does not have the measurements for the cafe frontage, it does appear likely that the proposed change of use would result in a length of non-A1 frontage greater than 12 metres. However in terms of the overall provision within this part of the Intu centre, it is not considered that there will be an over concentration of non-retail uses. The proposal would also bring a long-term vacant unit back into use supporting the shopping centre as a whole and adding to the choice of services available within the town centre.

As the applicant also highlights, there is also provision in the S106 agreement for the Intu centre planning permission that the overall proportion of A1 uses in the centre should not fall below 80% and again the Council's evidence shows that this provision will continue to be met despite the proposed change of use.

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

Access Officer:

In light of this additional information provided by Pegasus Group, it would be acceptable for the application to proceed without the need for lift access to the existing mezzanine floor. Please attach the following informative 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.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy DMTC 2 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) 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 Local Plan: Part 2 - Development Management Policies (2020), the Local Planning Authority's aim is to retain a minimum of 70% of primary area frontage in Class A1. 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 71.3%. 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 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 proposed frontage is 6.65m in length. The adjacent units are a mixed A1/A3 use (Starbucks) and an A1 shop, Unit 204 (Accessorize). The proposed will not therefore create a non-A1 frontage of greater than 12m apart and would not result in a concentration of non retail uses. It will also bring a long-term vacant unit back into use and it will provide the town centre a new offering which would enhance the vitality and vibrancy of the area.

In accordance to the S106 of 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. The information provided by the applicant indicates that the current A1 proportion amounts to 90.3% and with the proposed application, the figures will be reduced to 89.8%. As mentioned in previous paragraphs that another application will result in a loss of another A1 retail, the overall reduction of the 2 x A1 retail if both applications were granted, would be to 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, no external alterations are proposed within 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 DMHB 4 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. In order to achieve this, the Council will: A) Require proposals for new development, including any signage or advertisement, to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area. B) Resist the loss of buildings, historic street patterns, important views, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification. C) Proposals will be required to support the implementation of improvement actions set out in relevant Conservation Area Appraisals and Management Plans.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states that A) All development, including extensions, alterations and new buildings will be required to be designed to the highest quality standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely

impact on the amenity, daylight and sunlight of adjacent properties and open space. C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs. D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Policy DMHB 13 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states A) New shopfronts and alterations to existing shopfronts should complement the original design, proportions, materials and detailing of the building of which it forms a part and the surrounding street scene. B) The Council will resist the removal of shopfronts of architectural or historic interest, particularly those listed on the Register of Locally Listed Buildings. C) New shopfronts must be designed to allow equal access for all users. D) Inset entrances on shopfronts should be glazed and well-lit to contribute to the attractiveness, safety and vitality of the shopping area and avoid blank frontages to the street. E) Shop signage will generally be limited to the strip above the shop window and below the upper floor, plus one projecting sign. Proposals for further advertising additional to the shop name will be resisted. F) Illumination to shopfronts must be sited and designed to avoid any visual intrusion from light pollution to adjoining or nearby residents. Flashing internal or external lighting and/or internally illuminated box lights will not be permitted. G) Blinds, canopies and shutters, where acceptable in principle, must be appropriate to the character of the shopfront and its setting. External security grilles will not normally be permitted, unless they are of good quality design. H) In order to improve and maintain the quality of the public realm, the design of shopfronts should be of a high quality, taking into consideration: i) retention and maintenance of active shopfronts at all times; ii) the relationship between the shopfront and upper floors; iii) the relationship with surrounding shopfronts and buildings; iv) the use of materials which are appropriate to and enhance the character of the local area; and v) the value of existing architectural and historic features.

The proposed site is located within the existing Intu Uxbridge Shopping Centre therefore will not be visible from the street. Although, it is within the Conservation Area, no exterior alterations are proposed that would impact on the character and appearance of the street scene or the wider conservation area. As such, the application is considered to accord with Policies DMHB 4, DMHB 11 and DMHB 13 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019).

7.08 Impact on neighbours

The site is located within the existing Intu Uxbridge Shopping Centre and no residential properties are in close proximity to the application site. As such, it is considered that the proposal would not be detrimental to the character or amenities of adjoining occupiers.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

No changes to the existing traffic or car/cycle parking arrangements of the Intu Uxbridge Shopping Centre forms part of this application.

7.11 Urban design, access and security

The change of use from an A1 retail unit to a sui generis beauty treatment clinic would not impact on the existing access and security arrangements of the Intu Uxbridge Shopping

Centre.

7.12 Disabled access

According to the layout proposed, the unit is located on a gentle slope from the entrance doors however part of the entrance indicates a levelled access. The internal staircase to the Mezzanine floor is to be reinstated.

The Council's Access Officer was consulted and following further information received from agent, the officer is now satisfied with 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

Not applicable to this application.

7.19 Comments on Public Consultations

None 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

Planning permission is sought for the change of use of an existing retail unit (Use Class A1) within the Intu Uxbridge Shopping Centre, to a beauty treatment clinic (Use Class Sui Generis).

The site has been vacant since September 2017.

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 71.3%. It is noted that another application for a change of use to a non-retail use is also currently under consideration. 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 complies with the policy threshold of a minimum 70%. The proposal will not result in a frontage greater than 12m non-retail frontage and will not result in an over concentration of non-retail uses. Instead, the proposal will bring a long-term vacant unit back to use with a new offering to the town centre.

As the application site is located within the Intu Uxbridge Shopping Centre, the proposed change of use would not impact on the street scene or on the Old Uxbridge/Windsor Street Conservation Area.

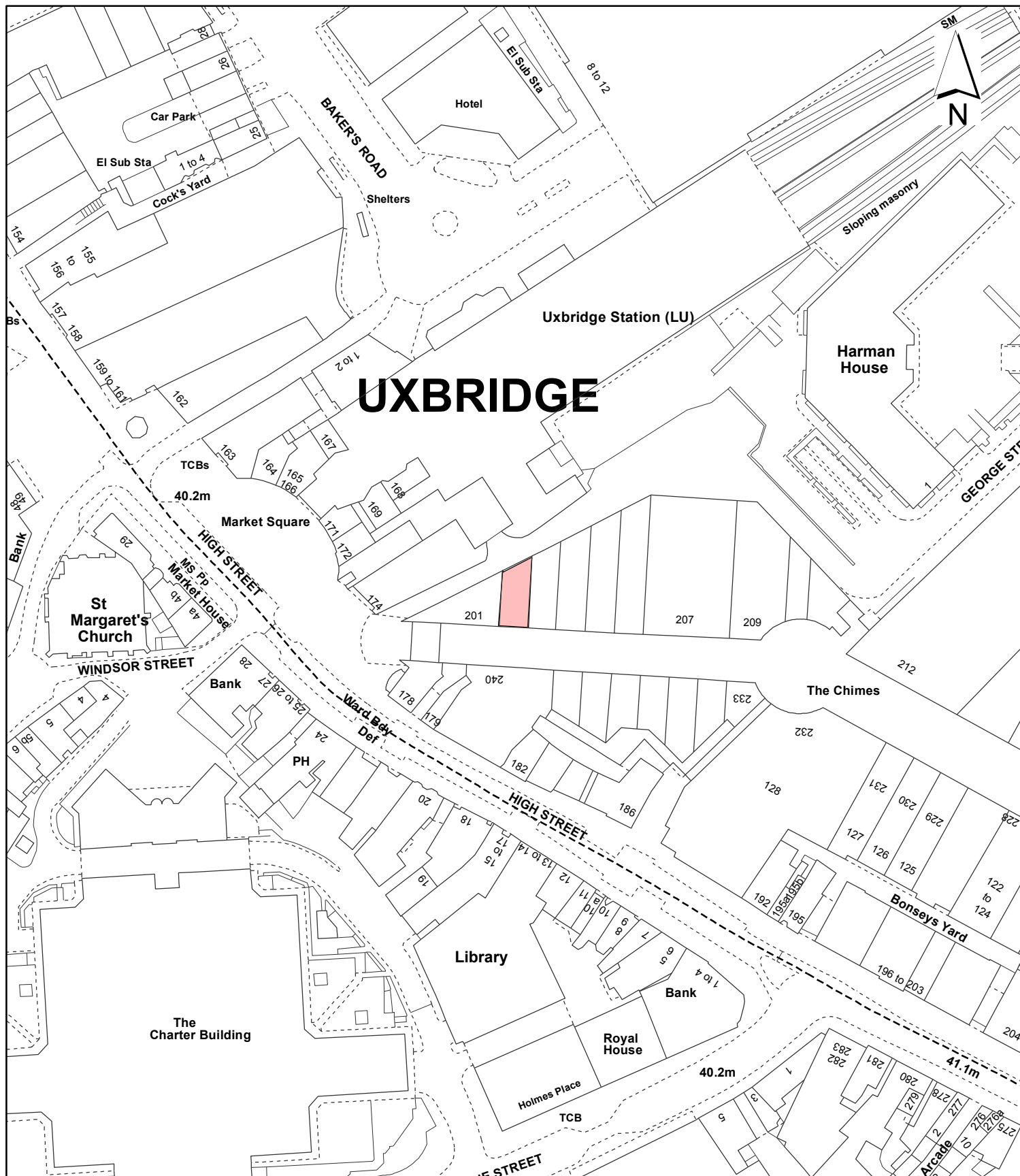
This application is recommended for approval.

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)

Contact Officer: Rebecca Lo

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 and database rights 2019 Ordnance Survey 100019283

Site Address:

**Unit 202 Upper Mall
Station Walk
INTU Uxbridge, High Street**

Planning Application Ref:

42966/APP/2019/3816

Planning Committee:

Central & South

Scale:

1:1,250

Date:

February 2020

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 01895 250111



HILLINGDON
LONDON