

## Report of the Head of Planning & Enforcement Services

**Address** 214 WHITBY ROAD RUISLIP

**Development:** Change of use of ground floor from retail (Use Class A1) to dental surgery (Use Class D1)

**LBH Ref Nos:** 35710/APP/2012/171

**Drawing Nos:** Location Plan to Scale 1:1250  
Planning Statement  
0061\_GA\_op1 Rev. A

**Date Plans Received:** 24/01/2012                      **Date(s) of Amendment(s):**

**Date Application Valid:** 30/01/2012

### 1. SUMMARY

Planning permission is sought for a change of use from Class A1 (retail) to a Use Class D1 (Non-Residential Institutions) for use as a dental surgery involving no material external physical alterations to the appearance of the building. The change of use would comply with Policy S7 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and it is considered that the proposal would not impact on the amenities of adjoining occupiers, subject to conditions. The proposal is therefore considered acceptable in this instance.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1            HH-T8            **Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

#### 2            HH-OM1            **Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

#### REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### 3            OM7                    **Refuse and Open-Air Storage**

Details of on-site refuse storage (including any open-air storage facilities) for waste material awaiting disposal, including details of any screening, shall be indicated on plans to be submitted to and approved by the Local Planning Authority. Such facilities shall be provided prior to occupation of the development and thereafter permanently retained.

REASON

To ensure that residential amenities are not prejudiced, in accordance with policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 NONSC Non Standard Condition**

The premises shall only be used between the hours of 0900 and 1900 on Mondays to Fridays, 0900 to 1600 on Saturdays and not at all on Sundays, Bank and Public Holidays. There shall be no staff allowed on the premises outside these hours.

REASON:

To safeguard the amenity of surrounding areas in accordance with policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**5 NONSC Non Standard Condition**

The use hereby approved shall not commence until a scheme for the control of noise transmission to the adjoining dwellings has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the Local Planning Authority. 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 OE1 of the Hillingdon Unitary Development Plan.

**6 NONSC Non Standard Condition**

The rating level of the noise emitted from any plant or equipment shall be at least 5dB below the existing background noise level. 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 OE1 of the Hillingdon Unitary Development Plan.

**7 NONSC Non Standard Condition**

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

REASON

To safeguard the amenity of surrounding areas, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**8 A20 Access to Buildings for People with Disabilities**

Notwithstanding the submitted plans, the following adaptations to the building shall be made before the use hereby approved commences:

- i) Level access to the building entrance;
- ii) A minimum door width of 1000mm for the access door;
- iii) The Passageway to the treatment rooms should have a minimum width of 1200mm;
- iv) The doorways to the treatment rooms should have a minimum width of 850mm.

Once implemented these measures shall be maintained as long as the use remains.

#### REASON

To ensure that people with disabilities and families have adequate access to the development in accordance with the Hillingdon Design and Accessibility Statement (2010) and Policy 7.2 of the London Plan (July 2011).

#### INFORMATIVES

##### **1 I52 Compulsory Informative (1)**

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

##### **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
S12	Service uses in Secondary Shopping Areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
AM14	New development and car parking standards.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 7.2	(2011) An inclusive environment

##### **3 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings

requires the written consent of the Local Planning Authority.

#### **4**            115                    **Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

#### **5**            12                            **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

#### **6**            13                            **Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

#### **7**            15                            **Party Walls**

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

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

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

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building

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

### **3. CONSIDERATIONS**

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

The application site is in the middle of a terrace of purpose built three storey buildings with commercial uses on the ground floor and flats above. The surrounding area is residential in character and appearance and is within a Developed Area as identified in the policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

#### **3.2 Proposed Scheme**

The proposal is to change the use of the vacant ground floor unit from A1 to D1 (Dental Surgery). The first floor would remain in residential use. The applicant intends the Dental Surgery to be used for one dentist, one nurse and one receptionist but would be intended later to increase to 2 dentists and two nurses. The proposed opening times would be Monday to Friday from 9.00am to 6.00pm with late opening to 7.00pm on Wednesdays and Thursdays. Saturdays would be from 9.00am to 4.00pm.

#### **3.3 Relevant Planning History**

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

No planning history exists for the site.

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

#### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
S12	Service uses in Secondary Shopping Areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area

OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
AM14	New development and car parking standards.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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LPP 7.2	(2011) An inclusive 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**

30 neighbouring properties and the Eastcote Residents Association were consulted on 1 February 2012. One reply has been received making comments relating to what arrangements have been put in place regarding the storage, security and collection of clinical Waste.

Case Officer Comment: Refuse disposal conditions have been recommended.

### **Internal Consultees**

Landscape Officer: No objections.

Environmental Protection Unit: No objections subject to conditions relating to noise, hours of operation and waste.

Access Officer: 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.

The following observations are provided:

1. Level access and adequate front door width are assumed. If this is not the case, level access should be provided via a minimum door width of 1000mm for a single door.
2. The treatment rooms are accessed via a passageway which is shown to be 1100mm wide. This should be increased to 1200mm, with the internal doors leading into the said rooms, no less than 850mm wide.
3. The accessible toilet facility, whilst shown to be of a suitable width, appears not to be of the correct depth of 2.2m. However, taking into account the existing layout and the proposal to create two treatment rooms, there is no apparent solution to incorporate an accessible cubicle without

compromising the entire proposal. To this end, it would be acceptable to permit the undersized toilet facility, as a smaller facility would be preferable to not providing a facility for disabled people at all.

Conclusion: On the basis that revised plans would be submitted to address the detail raised in point 2 above, no objection is raised.

## **7. MAIN PLANNING ISSUES**

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

The principle policy relating to changes of use within a parade is Policy S7, which requires essential shop uses to be retained in a parade to provide a range and choice of shops to suit the locality and for the proposal to accord with Policy S6 relating to shopfront design, compatibility of use, residential amenity and traffic related issues.

There are currently two vacant shops amongst the six premises that comprise this side of the local parade, including this site which has been vacant since July 2011. The proposed change of use to a dental surgery (Use Class D1) would provide a useful local function within this parade of shops. Essential shop uses are defined in the UDP as chemist, Post Office counter, grocer, baker, butcher, greengrocer and newsagent. Within this parade are food stores, a newsagent and a chemist. The proposal is therefore considered to be complimentary to the balance of uses. The remaining policies of the Local Plan are designed for much larger areas and in this case are considered not to outweigh the overall acceptability of the reuse of a vacant shop for a complimentary use within this small local parade subject to conditions. Accordingly the proposal is considered to be acceptable and in compliance with Policies S6 and S7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

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

Not applicable to this application.

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

Not applicable to this application.

### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

### **7.07 Impact on the character & appearance of the area**

No material alterations are proposed to the external appearance of the building.

### **7.08 Impact on neighbours**

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, smell and disturbance.

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated.

The proposed development would be set within an existing commercial area where the free flow of movement and commercial uses are expected. The nearest residential properties lie adjacent, above and opposite to the application unit. Conditions requiring details of soundproofing, noise attenuation, waste disposal and hours of operation have been recommended.

Subject to these conditions, the proposal is considered be acceptable and in compliance with Policies OE1, S6 and S7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

**7.09 Living conditions for future occupiers**

Not applicable to this application.

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

The Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) requires 1 space per 25sqm for non-shop uses. This requirement is the same for shop uses. As no additional floorspace is proposed, no additional parking spaces are required.

Public car parking currently exists at the front of the the parade of shops and thus the proposal complies with policies AM2, AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

**7.11 Urban design, access and security**

Not applicable to this application.

**7.12 Disabled access**

The Access Officer raises no objections subject to a condition requiring the access corridor to be widened, which has been recommended. Subject to this the proposal is considered to be in accordance with HDAS: Accessible Hillingdon (January 2010).

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

Not applicable to this application.

**7.14 Trees, Landscaping and Ecology**

No objection has been received from the Landscape Officer.

**7.15 Sustainable waste management**

A condition has been recommended requiring details of waste management to be submitted to and approved by the Council. Sufficient space is available to the rear of the site for such provision to be made.

**7.16 Renewable energy / Sustainability**

Not applicable to this application.

**7.17 Flooding or Drainage Issues**

With regards to a Flood Risk Assessment (FRA), the site is in Flood Risk area Zone 2. However, as no external alterations are proposed mitigation requirements are not considered to be necessary. This scheme therefore complies with Policies OE7 and OE8 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

**7.18 Noise or Air Quality Issues**

The ground floor unit has residential properties above and adjoining the site, who may be affected by the use of machinery within the surgery. However, this can ber overcome by the provision of sound insulation and conditions relating to the provision of such insulation and the control of any noise that may be generated from the proposal are recommended. Subject to these the prioposal is considered to comply with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

**7.19 Comments on Public Consultations**

The issue of waste disposal has been covered in the main report.

**7.20 Planning Obligations**

Not applicable to this application.



## **7.21 Expediency of enforcement action**

Not applicable to this application.

## **7.22 Other Issues**

## **8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

## **9. Observations of the Director of Finance**

## **10. CONCLUSION**

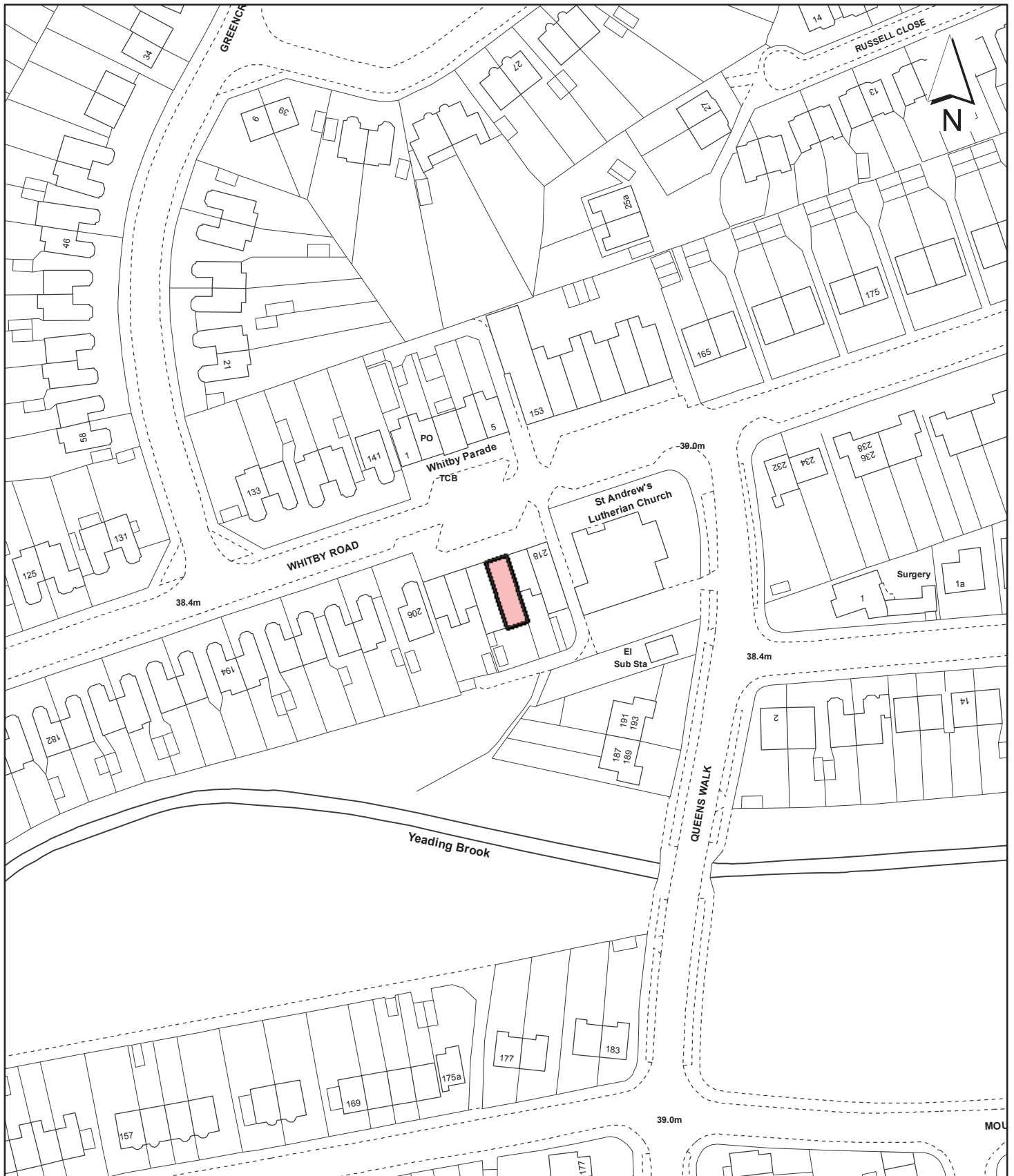
The change of use would comply with Policy S7 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and it is considered that the proposal would not impact on the amenities of adjoining occupiers, subject to conditions. The proposal is therefore considered acceptable in this instance.

## **11. Reference Documents**


Hillingdon Unitary Development Plan (Saved Policies September 2007).  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (January 2010).  
London Plan (July 2011).

**Contact Officer:** Clare Wright

**Telephone No:** 01895 250230



**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>214 Whitby Road Ruislip</b>	
Planning Application Ref:	Scale
<b>35710/APP/2012/171</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>April 2012</b>

**LONDON BOROUGH  
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