

Report of the Head of Planning & Enforcement Services

Address 42 VICTORIA ROAD RUISLIP

Development: Change of use from retail (Class A1) to restaurant (Class A3) and erection of single storey extension to rear, relocated access to first floor and new extractor flue and ducting.

LBH Ref Nos: 38038/APP/2010/2179

Drawing Nos: 1774-04
1774-01
1774-02 Rev. B
1774-03 Rev. B
Planning, Design and Access Statement

Date Plans Received: 14/09/2010 **Date(s) of Amendment(s):** 14/09/2010
Date Application Valid: 22/09/2010 07/10/2010

1. SUMMARY

The application relates to the change of use of an existing vacant retail unit (Use Class A1) to a restaurant (A3) use. The 2010 retail frontage survey shows that Ruislip Manor Primary Shopping Area has a retail frontage with A1 use at 67.2%, which is already below the recommended level (70%). However, due to the extended period this unit has been vacant, together with the evidence of the unsuccessful marketing that has taken place and due to the negative impact this long-term vacant unit has on the primary shopping area, it is recommended that UDP policy is relaxed in this instance.

Furthermore, in relation to the proposed rear extension and extraction flue, it is considered the impact of these additions would be in-keeping with the design of the building and would not result in any material loss of residential amenity.

Therefore, it is considered that the loss of this vacant A1 (shop) use would not have a negative effect on this commercial area and subject to appropriate conditions relating to hours of operation, noise control, deliveries and waste management the proposal would bring an existing vacant unit back into commercial use. Therefore subject to conditions the application is recommended for Approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 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 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 M2 External surfaces to match existing building

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 H10 Parking/Turning/Loading Arrangements - Commercial Devs.

The turning/loading facilities and parking areas shown on the approved plans shall be constructed prior to occupation of the development and thereafter permanently retained and used for no other purpose.

REASON

To ensure that the loading, roads, turning facilities and parking areas are satisfactorily laid out on site in accordance with Policies AM3 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

5 H15 Cycle Storage - In accordance with approved plans

The development hereby permitted, shall not be occupied until the cycle storage area has been provided in accordance with the approved plans. Thereafter, these facilities shall be permanently retained on site and be kept available for the use of cyclists.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

6 H7 Parking Arrangements (Residential)

The storage area shown on the plans hereby approved shall only be used in association with the main use of the commercial premises at No. 42 Victoria Road.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with the proposed use and therefore also with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

7 NONSC sound insulation scheme

The development shall not begin until a sound insulation scheme for the control of noise transmission to the adjoining dwellings/premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before

the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

8 NONSC air extraction system

The use hereby approved shall not be commenced until details of all extract ventilation systems and odour control equipment including details of any noise levels and vibration reduction measures and external ducting, have been submitted to and approved by the local planning authority and the equipment so approved has been installed. The approved extract ventilation system equipment, odour control and vibration control equipment shall be operated at all times when cooking is carried out and maintained in accordance with the manufacturer's instructions. The external ducting shall be removed when no longer required.

REASON

To safeguard the residential amenity of the occupiers of nearby properties in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

9 NONSC Hours of operation

The premises shall only be used for the preparation, sale of food and drink and clearing up between the hours of 08:00 and 23:30. There shall be no staff allowed on the premises outside these hours.

REASON

To safeguard the residential amenity of the occupiers and nearby properties, in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

10 NONSC Deliveries and collections

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) and Policy 4A.20 of the London Plan (February 2008).

11 OM17 Litter Bin Required

The use hereby permitted shall not commence until the owner has made arrangements, to be submitted to and approved in writing by the Local Planning Authority, for the provision of a litter bins within and in the vicinity of the site.

REASON

To ensure that adequate provision is made for the disposal of litter likely to be generated by the proposed development, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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 (February 2008) and national guidance.

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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Service uses in Primary Shopping Areas
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 4A.22	Spatial policies for waste management
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

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 I3 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).

5 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

6 I15 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 should only be carried out between the hours of 08.00 hours and 18.00 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 and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

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

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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.

7 I34 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination

Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

8 125 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

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Please ensure that the entrance door is not be too heavy to open - the maximum opening force at the leading edge of the door should not exceed 30 Newton from 00 (closed position) to 300 and 22.5N from 300 to 600. An electronic - hydraulic assisted mechanism can be employed to stop the door from being disabling and considered "heavy" to many people. Further information can be obtained from Building Control on 01895 250804/5/6.

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Please note the installation of roller shutters at this site would require further planning consent. The Authorities Adopted Design Guidance on 'Shopfronts and Signage' Section 9.0 - 9.9 deals with security measures, and comments as follows, whilst the councils recognises the need for premises to be adequately secured and protected through appropriate security devices, it is concerned the character of the area can be adversely effected by inappropriate physical security measures. Solid and visually impermeable roller shutters can create a forbidding and unsafe environment after dark, preventing passive surveillance (both into the street and the shop). Their appearance also adversely

affects the character and appearance of the building and the area. These types of shutters are easy to vandalise with graffiti, which in turn can further negatively affect the character and image of the area. Therefore, external solid roller shutters (including punched, perforated or micro-perforated shutters) should be avoided and where necessary, internal open-mesh type screens and other visually permeable shutters should be used.

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Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is situated on the west side of Victoria Road and comprises a ground floor mid-terrace unit with residential flats above. The site has a wide footway to the front and an access/service road to the rear providing delivery/access to the commercial uses and residential flats above. The site falls within the Primary Shopping Centre of Ruislip Manor Town Centre as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for:

- Change of use of the ground floor from A1 (retail) to A3 (restaurant).
- Single storey rear extension (involving the demolition of the existing rear extension). The rear extension would be a maximum of 10.1m deep, 4.95m wide and would be finished with a flat roof at a maximum height of 3.4m.
- An extraction flue at the rear of the building. This would be positioned on the in-set area, against the flank wall of the three-storey flat roof rear projection and would be of a similar design and position to the existing flue situated at No.44.
- The existing external staircase to the rear would be relocated. A walkway would be provided along the roof of the proposed extension, with the staircase applied to the side of the end section of the extension. 1.05m high banisters would be added to the walkway and staircase.

3.3 Relevant Planning History

38038/APP/2004/80

42 Victoria Road Ruislip

CHANGE OF USE FROM A1 (RETAIL) TO A2 (FINANCIAL/PROFESSIONAL) ESTATE
AGENCY

Decision: 23-02-2004 Refused

38038/APP/2006/1840 42 Victoria Road Ruislip

ERECTION OF A SINGLE-STOREY REAR EXTENSION, RE-SITING OF EXTERNAL
STAIRCASE AND INSTALLATION OF RAILINGS OVER EXTENSION (INVOLVING
DEMOLITION OF EXISTING REAR ADDITION)

Decision: 25-08-2006 Approved

38038/APP/2010/1159 42 Victoria Road Ruislip

Change of use from Retail (Class A1) to Restaurant (Class A3), including single storey rear
extension, installation of an extract duct and relocation of external staircase at rear.

Decision: 23-07-2010 Refused

38038/APP/2010/1877 42 Victoria Road Ruislip

Single story rear extension with associated access, involving demolition of existing temporary
structure to rear.

Decision: 06-10-2010 Approved

Comment on Relevant Planning History

This is a resubmission of a previously refused application (38038/APP/2010/1159) for the:

1. Change of use of the ground floor from A1 (retail) to A3 (restaurant)
2. Single storey rear extension (involving the demolition of the existing rear extension). The rear extension measured 13m deep x 4.95m wide x 3.4m high.
3. An extraction flue at the rear of the building, positioned off-center on the rear elevation, behind the existing 1st floor projection. It would project 6m from the roof of the single storey extension
4. The relocation of the existing external staircase with a walkway provided along the roof of the proposed extension, with the staircase applied to the end. 1.05m high banisters would be added to the walkway and staircase.

The application was refused for the following reasons:

1. The proposed loss of the retail units would further erode the retail function and attractiveness of the primary shopping area of the Ruislip Manor Town centre, to the detriment of its vitality and viability. The proposal is therefore contrary to Policy S11 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and Policy 3D.3 of the London Plan (2008).
2. The proposed extract flue to the rear of the building, by reason of its position, size, height and materials, would appear as an obtrusive and incongruous feature detrimental to the visual amenities of the area contrary to policies BE13, BE15 and S6 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).
3. The proposal fails to make provision for waste management bin storage and would thus result in a detrimental impact on the surrounding area in terms of visual amenity and the

level of residential amenity. Therefore the proposal is contrary to policy BE19 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

4. The proposal has not demonstrated that sufficient off street parking/access arrangements would be provided, and therefore the development is considered to result in sub-standard car parking provision leading to on-street parking to the detriment of highway safety and contrary to policies AM7 and AM14 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the Adopted Parking Standards (Hillingdon UDP Saved Policies September 2007).

The current application seeks to overcome these reasons for refusal as a justification has been submitted relating to the change of use element, due to the length of time the unit has been vacant and marketed without interest. The flue extraction system has been repositioned, the extension has been reduced in depth to allow for off-street parking, and revised waste storage details have been supplied.

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:

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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Service uses in Primary Shopping Areas
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 3D.3	London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities.
LPP 4A.22	Spatial policies for waste management
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.

5. Advertisement and Site Notice

Not applicable

5.1 Advertisement Expiry Date:-

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

32 neighbouring properties and interested parties consulted, two responses received making the following comments:

- i) Since 2008, the financial crisis and recession, we are struggling and our business is losing money. There are too many catering businesses in the area, if more open they will share our business and we will suffer more. Therefore we strongly object.
- ii) The application has already been refused once.
- iii) The new extractor flue and ducting will add more pollution to the area.

Thames Water: Recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is: Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ. Tel: 0845 782 3333.

Internal Consultees

Waste Development Manager: I will re-iterate the points that I previously made about this premises operating as a restaurant.

- a) I would recommend the use of 1 X 1,100 litre bulk bins to safely and hygienically contain the residual waste. The dimensions of this bin bulk type are 1370mm x 990mm x 1260mm
- b) There is sufficient space at the back of the premises to provide storage for the above type of bin. The material used for the floor/base of the bin should be 100mm thick to withstand the weight of the bin.
- c) Any doorway should allow clearance of 150mm either side of the bin when it is being moved for collection. The door(s) should have a latch or other mechanism to hold them open when the bins are being moved in and out of the yard. However, there does not appear to be access to the storage yard, so I have a concern about how any bulk bin would be moved out for emptying.
- d) The collectors should not have to cart a bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard).
- e) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the path is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin

to level of the collection vehicle.

j) The client for the building work should ensure that the contractor complies with the Duty of Care requirements, created by Section 33 and 34 of the Environmental Protection Act.

Officer comments: These views were forwarded to the applicants agent and revised plans have been received which are considered to address these concerns.

Environmental Protection Unit: The proposed restaurant will be situated at ground floor with residential property above and nearby. The Design and Access statement recognises that measures will be necessary to improve sound insulation and deal with noise and odour from the air extraction system. In order to protect amenity of neighbouring residents, I recommend conditions as below.

1. The development shall not begin until a sound insulation scheme for the control of noise transmission to neighbouring 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 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 OE1 of the Hillingdon Unitary Development Plan.

2. 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 OE1 of the Hillingdon Unitary Development Plan.

I have noted that the applicant seeks opening hours on Saturday till midnight. In order to protect amenity of neighbouring residential properties, I recommend the following condition requiring opening hours for Saturday to end at 23:30 hours.

3. No customers shall be present on the premises, nor shall the premises be used for the preparation or sale of food, between the hours of 2330 hours and 0800 hours on any day.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

4. Deliveries and collections, including waste collections, shall be restricted to the following hours: 0800 hrs to 1800 hrs Monday to Fridays; 0800 hrs to 1300 hrs on Saturdays; and not at all on Sundays and Bank/Public Holidays

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

I also recommend the construction site informative.

Subject to the conditions and informative, as above, I have no objection on noise grounds to the proposed development.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The Local Planning Authority's aim is to retain the retail function of all shopping areas to meet the needs of the area each serves. Shops grouped conveniently together assist the

process of search for and comparison of goods and hence attract shoppers. As such the Local Planning Authority will exercise strict control over the loss of shops to other uses.

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 where there remain adequate retail facilities to accord with the character and function of the shopping centre, in order to maintain the vitality and viability of the town centre.

Policy S6 states changes of use applications will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion. The extraction flue proposed as part of the application would be sited to the rear and due to its position (on the in-set area of the rear elevation), would not appear out of keeping with the existing building or impact unduly on the visual amenities of the surrounding area. Loss of residential amenity and highway issues are dealt with elsewhere in the report and as such, the proposal is considered to comply with all the criteria listed in Policy S6 of the UDP (Saved Policies September 2007).

Policy S11 establishes the criteria where service use would be permitted in primary shopping frontages. To maintain the viability of the retail function of a centre, class A1 units should be separated by no more than 12m and at least 70% of the remaining frontage should be in A1 use. The proposal would create a separation of approximately 12m between the A1 units, however, the July 2010 survey indicates that the proportion of the frontage within this primary shopping area within retail use is already below the 70% threshold (67.2%), and therefore the loss of the A1 use could further undermine the already weakened retail element in Ruislip Manor Town Centre.

However, evidence has been submitted by the applicants agent to show that the unit has remained vacant for an extended period (2 years). This evidence includes marketing details of the unit with 2 commercial letting agents, together with details showing the applicant had agreed to reduce the rent in order to make the unit more attractive to prospective tenants. Despite these measures there has been little interest in the unit for A1 (retail) purposes.

As such, it is considered that reasonable steps have been taken to market the unit without success and therefore a relaxation of Policy S11 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) would be appropriate in this instance.

Policy 3D.3 of the London Plan (2008), states Boroughs should work with retailers and other to prevent the loss of retail facilities within these areas, however, whilst the current planning use for the unit is A1 and the authority would like to see this use remain, due to the extended period this unit has been vacant for is considered to have a negative effect on the existing retail area, resulting in harm to the viability and vitality of this Primary Shopping Area.

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

7.06 Environmental Impact

Not applicable to this application

7.07 Impact on the character & appearance of the area

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area, and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building.

The application proposes a 10.1m deep single storey rear extension. A previous application (38038/APP/2010/1877) for a similar extension, with an identical footprint, bulk and external appearance, save the internal layout, was approved on 06/10/2010 and as such this matter has already been established. Therefore, this aspect of the application is considered to accord with policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

The installation of an extractor flue would not be visible from the street front, although vantage would be gained from the adjacent properties and open land to the rear. However, due to its revised siting, this element would not appear out of keeping with the existing building or impact unduly on the visual amenities of the surrounding area.

Therefore the proposal is considered to accord with policies BE13 and BE15 of the Hillingdon UDP (Saved Policies, September 2007)

7.08 Impact on neighbours

With regard to any material loss of light or outlook that would rise as a result of this proposal. The application proposes a 10.1m deep single storey rear extension. A previous application (38038/APP/2010/1877) for a single storey rear extension, with an identical footprint, bulk and external appearance, was approved on 06/10/2010 and the impact on adjoining properties was considered acceptable. The situation has not changed in this regard, thus, this aspect of the application is considered to accord with policies BE20 and BE21 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

There is no off-street car parking for customers of this site, however, there is limited on-street parking available. It is not considered that the traffic generation between A1 and A3 would be significantly worsened if the proposal received permission. Furthermore, the amended plans show that two off street parking spaces (to the rear) would remain and the floor plans indicate the provision of an internal bicycle storage area. Therefore the proposal would comply with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

7.11 Urban design, access and security

Not applicable to this application

7.12 Disabled access

The Design and Access Statement submitted with the application confirms the proposal has been designed with suitable facilities to enable safe and convenient use by people with disabilities. However, it is recommended that if permission were to be granted an

informative is added advising the applicant of the need to comply with The Building Regulations Part M 'Access to and use of Buildings'. Therefore the proposal would comply with the intentions of Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon.

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

This application is a resubmission of a similar scheme (38038/APP/2010/1159) where one of the reasons for refusal related to waste management issues. The waste development manager stated that the previous application would only have worked if a 1,100 litre bulk bin could have been used to store waste arising and then be moved for emptying to a collection vehicle. A revised floor/site layout plan has been submitted which shows the provision of a suitable bin store and therefore subject to a condition requiring the implementation of these details before the use commences it is now considered this issue has been satisfactorily addressed.

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

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 Environmental protection officer has not raised an objection to the application subject to a number of safeguarding conditions being applied relating to the hours of operation, extract ventilation systems, odour control, noise, deliveries and litter. Therefore subject to these conditions the proposal is considered to accord with policies OE1 and OE3 of the UDP (Saved Policies September 2007).

7.19 Comments on Public Consultations

The issue of competition is not a material planning consideration. The other issues raised have been considered 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

None

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

Not applicable to this application

10. CONCLUSION

This application relates for change of use of the existing A1 Retail unit to an A3 restaurant, involving a single storey rear extension, relocated access to the first floor and the installation of an extraction flue. Due to the commercial nature and location of this building, it is considered that the alterations to the built development would be in-keeping with the existing and adjoining properties.

With regard to the change of use, it is considered that due to the extended period of vacancy and the extensive marketing that has occurred, it is considered that Policy S11 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007) should be relaxed in this instance and it is recommended permission should be granted, due to the negative impact the vacant unit is having on the viability and vitality of the remaining commercial area. Therefore, subject to appropriate safeguarding conditions, the proposal is not considered to result in further adverse impacts and is therefore recommended for approval.

11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)
London Plan (February 2008)
Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan, Saved Policies, September 2007)
Consultation responses

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Notes



Site boundary

For identification purposes only.

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Site Address

**42 Victoria Road
Ruislip**

Planning Application Ref:

38038/APP/2010/2179

Planning Committee

North

Scale

1:1,250

Date

**November
2010**

**LONDON BOROUGH
OF HILLINGDON**

**Planning, Environment
& Community Services**

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