

Report of the Head of Planning & Enforcement Services

Address UNIT 3, RUISLIP RETAIL PARK VICTORIA ROAD RUISLIP

Development: Construction of a 1,810 sq.m mezzanine within Unit 3, Ruislip Retail Park.

LBH Ref Nos: 43510/APP/2010/1979

Drawing Nos: PP-001
PP-002 Rev. A
PP-003
PP-004 Rev. A
PP-005
Planning and Retail Statement
Transport Assessment
Energy Statement

Date Plans Received: 20/08/2010 **Date(s) of Amendment(s):**
Date Application Valid: 17/09/2010

1. SUMMARY

Planning permission is sought for the installation of a mezzanine sales and storage area, which will add an additional 1,810m² in floor space to an existing vacant retail unit, formally occupied by MFI, at the Ruislip Retail Park, Victoria Road.

The application is supported by a detailed planning and retail impact statement which concludes that the proposal would not result in a significant detrimental impact on retailing in the adjoining local centre, given the type of business likely to operate from this particular unit. Subject to the existing sales restrictions, and a condition preventing the sub division of the unit, the additional floorspace would not have a significant detrimental impact on the vitality or viability of nearby centres. Accordingly, there are no objections to the principle of the development.

The increase in showroom area is unlikely to translate into a significant increase in customers visiting the store or in vehicle trips. The existing car parking and servicing facilities for the retail park would be retained for use by the proposed unit and would continue to meet the needs of the proposed unit and retail park as a whole.

The proposed external amendments are minor and would remain in keeping with the character and appearance of the surrounding area.

The development would not result in any detrimental impact on the amenity of nearby residential occupiers, subject to conditions.

The development proposes acceptable accessibility arrangement which could be secured by way of condition.

Subject to conditions, the proposal is considered to be acceptable and to accord with the provisions of the development plan. Accordingly, approval is recommended.

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 NONSC Non Standard Condition

The retail unit shall not be sub divided unless otherwise agreed in writing by the Local Planning Authority.

REASON

To enable the Local Planning Authority to assess the implications of the intensification of the use of the floorspace in the context of the relevant development plan policies for retail development, specifically in terms of its impact on traffic, car parking and other environmental issues.

3 NONSC Non Standard Condition

Development shall not commence until details of the location and dimensions of the lift to the mezzanine have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

4 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

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

5 DIS1 Facilities for People with Disabilities

All the facilities designed specifically to meet the needs of people with disabilities including the disabled parking bays that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy AM15 and R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

6 NONSC Non Standard Condition

The premises shall not be used for the retail sale of food (other than refreshments restricted for consumption on the premises by customers), clothing and footwear (other than clothing, footwear and accessories intended for use in connection with building and construction, DIY, motor cycling, cycling or vehicle repair and maintenance activities), cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines and books (other than those related to DIY goods, vehicle repair and maintenance), stationery, jewellery, toys, luggage, sports goods and fancy goods.

REASON

To accord with existing restrictions on the sale of goods from the premises, to protect the vitality and viability of town and local centres and to limit retail activity on sites which are more readily accessible by private motor vehicles than by public transport, bicycles or pedestrians in compliance with London Plan Policies 2A.8 and 3D.1 and relevant policies contained in PPS4: Planning For Sustainable Economic Growth (December 2009).

7 MCD13 Extraction Vent or Chimney

No development shall take place until details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out until the vent/chimney has been installed in accordance with the approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

REASON

In order to safeguard the amenities of adjoining properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 4B.1 and 4A.19.

8 SUS1 Energy Efficiency Major Applications (full)

The measures to reduce the energy demand and carbon dioxide emissions of the development contained within the submitted report entitled Energy Report Ref: BWLLP/17684/A5/SM/jp dated 16 September 2010, comprising the exclusive use of low energy light fittings, shall be integrated into the development and thereafter permanently retained and maintained.

REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with policies 4A.1, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, and 4A.10 of the London Plan (February 2008).

9 SUS6 Green Travel Plan

Prior to the commencement of the development hereby permitted a Travel Plan shall be

submitted to and approved in writing by the Local Planning Authority. The Travel Plan, as submitted shall follow the current Travel Plan Development Control Guidance issued by Transport for London and will include:

- (1) targets for sustainable travel arrangements;
- (2) effective measures for the ongoing monitoring of the Travel Plan;
- (3) a commitment to delivering the Travel Plan objectives; and
- (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

REASON

To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with Policies 3C.1, 3C.2 and 3C.3 of the London Plan (February 2008)

10 NONSC Non Standard Condition

The car parking areas, including marked out parking spaces, loading and servicing facilities for the Ruislip Retail Park shall be retained and made available for users of Unit 3 for its lifetime.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policies AM7 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan (February 2008).

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.

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE13	New development must harmonise with the existing street scene.

OE1	Protection of the character and amenities of surrounding properties and the local area
R16	Accessibility for elderly people, people with disabilities, women and children
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.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
PPG13	Transport
PPS1	Delivering Sustainable Development
PPS1-A	Planning and Climate Change - Supplement to Planning Policy Statement 1
PPS4	Planning for Sustainable Economic Growth

3 I25 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).

4 I25A The Party Wall etc. Act 1996

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) 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. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

5 I14 Installation of Plant and Machinery

The Council's Commercial Premises Section and Building Control Services should be consulted regarding any of the following:-

The installation of a boiler with a rating of 55,000 - 1¼ million Btu/hr and/or the construction of a chimney serving a furnace with a minimum rating of 1¼ million Btu/hr;
The siting of any external machinery (eg air conditioning);

The installation of additional plant/machinery or replacement of existing machinery.

Contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190). Building Control Services, 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

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 16 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.

8

Your attention is drawn to conditions 3, 4, 7 and 9, which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of these conditions.

9 134 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is a 1,858m² retail unit, one of four retail outlets, forming part of the larger Ruislip Retail Park (totalling 5,855m²). The retail park is located on the southwest corner of the junction of Field End Road and Victoria Road, South Ruislip and falls within the Stonefield Way Industrial Estate, a designated Industrial and Business Area. The current car parking provision for the retail park is 204 spaces (including 10 for disabled drivers). The 4 units in the Retail Park which are part of the applicant's landholding are currently occupied as follows:

Unit 1: Furniture Village

Unit 2: Carpetright

Unit 3: Application Site. Vacant (formerly occupied by MFI)

Unit 4: Halfords

To the west of the four units is a Wickes DIY Store, which, whilst part of the Ruislip Retail Park, is not part of the applicant's landholding. There are a further 100 spaces in an adjoining car park for the neighbouring Wickes DIY Store. Servicing and deliveries to Units 3 and 4 are provided via Field End Road, whilst servicing access to Units 1 and 2 is provided via Stonefield Way.

Ruislip Retail Park is located in close proximity to a number of other retail outlets and retail parks. Stores include Argos Extra, Homebase, Brantano (on the Victoria Retail Park); Pets at Home, Allied Carpets (on the Brook Retail Park); Currys, DFS, Kwik Fit, Comet, Rosebys and Bensons Beds as well as a number of car showrooms (including Honda and VW).

Alongside the existing retail units and retail parks located along Victoria Road there are a

variety of industrial units, which extend south of Victoria Road along Stonefield Way. This area, including Ruislip Retail Park, extending west to the defined South Ruislip Local Centre and south to the rail line, is designated within the Adopted London Borough of Hillingdon UDP as an Industrial and Business Area.

Unit 3 has stood vacant for the past 18 months, following MFI's closure in 2008. The applicant has stated that the only interest in the unit is from operators after a larger unit (3 names given).

3.2 Proposed Scheme

Full planning permission for the construction of a 1,810 sq.m. mezzanine within Unit 3, Ruislip Retail Park. On completion, Unit 3 would therefore comprise a gross floorspace totalling 3,716 sq.m.

In order that the proposed mezzanine complies with building regulations, it will be necessary to provide a safe route of exit to the front of the unit in the event of fire. As such, a fire exit door will be created on the front elevation of the unit. Furthermore, it is proposed that 2 additional disabled car parking bays are provided, which will reduce the car parking spaces to 303. Servicing and deliveries to Unit 3 will continue to be provided via Field End Road.

The application is supported by a number of reports that assess the impact of the proposal. Any reference to the application for a variation to the condition restricting the range of goods that can be sold from Unit 3 should be discounted, as this was being dealt with under a separate application which has been withdrawn. A summary and some key conclusions from these reports are provided below:

Design and Access Statement.

This report outlines the context for the development and provides a justification for the design, appearance and access for the proposed development.

Planning and Retail Assessment

The scope of the assessment is intended to address the current application and a separate application to vary the range of goods that could be sold at unit 3. However, the latter application has been withdrawn by the applicants. This document includes a sequential site assessment, which indicates that there are no suitable alternative sites which would meet the requirement of the proposed occupier of unit 3. The Assessment concludes that the proposal would not have any unacceptable impact on the vitality and viability of nearby existing centres and would comply with the tests set out in PPS4.

Transport Statement

This report considers the impact of the proposed development on the local road network. It concludes that the level of additional traffic as a result of the development will be insignificant in comparison with baseline conditions. There will therefore be a negligible impact on traffic flows on the surrounding road network. Parking provision on the existing retail park is sufficient to accommodate the predicted demand for on site parking, as a result of the development proposals. The Transport Statement also include a Framework Travel Plan.

Energy Statement

This energy statement has shown how the potential increase in energy demand created by the proposed mezzanine floor can be reduced with the use of energy saver bulbs and with the use of locally sourced material and local labour where possible.

3.3 Relevant Planning History

Comment on Relevant Planning History

Application 2120/S/85/0645 Erection of two single storey retail buildings for limited retail purposes within Class I (one building of 60,000 sq feet to be occupied by MFI and one of 19,500 sq feet to be occupied by Wickes), was allowed on appeal on 1 August 1986 (appeal decision ref. R5510/A/85/36786).

The Inspector in allowing the appeal, did not include a condition restricting the type of goods to be sold from the units or any conditions restricting subdivision or additional internal floorspace. However, on the 26 September 1986 the applicants for the original application entered into a Section 52 Agreement with the Council which stipulated that: The site shall not be used for the retail sale of food (other than refreshments intended for consumption on the site by customers), clothing, footwear and accessories (other than clothing footwear and accessories intended for use in connection with building or DIY activities) cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines, books (other than those relating to DIY and car maintenance manuals), and stationery, jewellery, toys, luggage, sport and fancy goods.

2120AC/87/2107 Planning permission to use part of the MFI building for the retail sale of vehicle parts and accessories and associated products was granted in January 1988.

In terms of subsequent planning history, the following most relevant planning application to the current application proposals is Planning Application 43510/APP/2000/2485 which was granted permission on 14 March 2003 for:

The refurbishment of existing retail units, with new cladding on all elevations, new covered walkway on northern frontage (facing Victoria Road) and changes to service arrangements and car parking with enhanced frontage landscaping, incorporating disused service road.

The conditions of specific relevance are as follows:

Condition 10:

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990, no additional internal floorspace shall be created in excess of that area expressly authorised by this permission.

This condition is to enable the Local Planning Authority to assess the implications of any increased floorspace in the context of the relevant development plan policies for retail development in terms of its impact on demand for road space, car parking and other planning and environmental issues.

The permission also included Condition 11 which stipulates the following:

The premises shall not be used for the retail sale of food (other than refreshments restricted for consumption on the premises by customers), clothing and footwear (other than clothing, footwear and accessories intended for use in connection with building and construction, DIY, motor cycling, cycling or vehicle repair and maintenance activities), cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines and books (other than those related to DIY goods, vehicle repair and maintenance), stationery, jewellery, toys, luggage, sports goods and fancy goods.

The reason for this condition is:

To accord with existing restrictions on the sale of goods from the premises, to protect the vitality and viability of town and local centres and to limit retail activity on sites which are

more readily accessible by private motor vehicles than by public transport, bicycles or pedestrians.

43510/APP/2003/1601: A proposal for the addition of a 158m² mezzanine for unit 4.
Approved
11/09/2003.

43510/APP/2003/1447: Variation of condition 10 (to allow for installation of mezzanine floor to provide additional 1,170m² of floorspace) together with details of access to mezzanine as required by condition 8 of the same consent of planning permission ref. 43510/APP/2000/2485 dated 14/03/2003;
refurbishment of existing retail units, cladding on all elevations, new covered walkway on northern frontage. Approved 10/09/2003.

4. Planning Policies and Standards

PPS1: Delivering Sustainable Development (January 2005)

PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system.

Planning and Climate Change (Supplement to PPS1) (December 2007)

The underlying objective of the Supplement to PPS1 is to reduce carbon emissions from domestic and non-domestic buildings, by way of action against climate change.

PPS4: Planning For Sustainable Economic Growth (December 2009)

PPS4 was published relatively recently and brings together all of the Government's planning policies relating to the economy in both urban and rural areas into one single PPS. It replaces PPS6, PPG5 and PPG4 in their entirety as well as sections of PPS7 and PPG13. PPS4 emphasises the Government's support for sustainable economic growth and the need for local authorities to take a positive approach to identifying sites and determining applications. It defines economic development as development within the B Use Classes, public and community uses, main town centre uses as well as any development that either: provides employment, generates wealth or produces an economic output.

Policy EC10 of PPS4 sets out considerations which should be applied to all economic development including whether it has been planned to minimise carbon dioxide reductions, the accessibility of the site, whether it achieves a high quality and accessible design, the impact on economic and physical regeneration and the impact on local employment. Policies EC14, EC15, EC16 and EC17 of PPS4 set out the information which is required to support applications for Town Centre Uses and the approach to the assessment of applications for such uses in out of centre locations.

PPG13: Transport (March 2001)(Amended January 2011)

The objectives of PPG13 are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices. It recognises that our quality of life depends on transport and easy access to jobs, shopping, leisure facilities and services, and that we need a safe, efficient and integrated transport system to support a strong and prosperous economy. It encourages development which facilitates

cycling and walking, as well as the use of public transport.

LONDON PLAN

Policy 2A.8, Policies 3D.1-3 and statements on town centres in Chapter 5 of the London Plan set out the strategic policies that will support the development of London's town centres over the lifetime of the plan and guide the location of retail and leisure activity.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.23 To encourage industry and warehousing to located within existing Industrial and Business Areas and offices and other business uses, shops and public buildings employing or attracting large numbers of people to located within Town Centres or other areas identified for such purposes.
- PT1.24 To reserve designated Industrial and Business Areas as the preferred locations for industry and warehousing.

Part 2 Policies:

- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- BE13 New development must harmonise with the existing street scene.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- R16 Accessibility for elderly people, people with disabilities, women and children
- 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.3 London Plan Policy 4A.3 - Sustainable Design and Construction.
- PPG13 Transport
- PPS1 Delivering Sustainable Development
- PPS1-A Planning and Climate Change - Supplement to Planning Policy Statement 1
- PPS4 Planning for Sustainable Economic Growth

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **20th October 2010**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The proposal has been advertised as a major application and 57 nearby owner/occupiers have been

consulted individually. Site notices were posted on the site. No responses have been received in relation to the consultation.

HARROW BOROUGH COUNCIL: No objection.

SOUTH RUISLIP RESIDENTS' ASSOCIATION: No response.

Internal Consultees

POLICY AND ENVIRONMENTAL PLANNING

- i) The site is located in an IBA and the provisions of Saved Policy LE2 in the UDP is relevant.
- ii) It would be useful if the applicant could confirm the vacancy rate on the retail park and how this relates to the viability of the unit in the context of its current permission.
- iii) The applicant's retail statement refers to the provisions of policy EC.15 in PPS4 and addresses the key tests relating to the sequential test. Further guidance on these matters is contained in 'Planning for Town Centres: Practice guidance on need, impact and the sequential approach'. In particular, this document provides guidance on how to apply the key tests of suitability, availability and viability as part of a sequential test assessment. The document states that:
'When judging the suitability of a site it is necessary to have a proper understanding of scale and form of development needed, and what aspect(s) of the need are intended to be met by the site.'
- iv) The submission does not provide a clear explanation of the need for the proposed additional floorspace in the context of the sequential test assessment and this makes it difficult to determine whether alternative sites are available in town centre/edge of centre locations.

Paragraph 6.42 of the practice guidance states that:

'It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make, either individually or collectively, to meeting the same requirements. It is suggested that the checklist at paragraph 6.52 of the practice guidance should be used as a basis for the sequential assessment of sites.

v) Given the nature and scale of the proposals, an impact assessment is required to support the application. The applicant has addressed the key criteria for impact assessments as set out in policy EC.16 of PPS4. Criteria (d); the impact of the proposal on in-centre trade/turnover, should be addressed using the 'Steps' approach set out in Appendix D of the PPS4 good practice guidance.

vi) Turnover figures for the proposed development should be based on the highest potential sales density that could be achieved if permission was granted. Table 7.8 in the submission indicates that this is £5,097 sales per sq. metre.

vii) Sequential Test: These considerations are relevant to both the determination of planning applications and the allocation of sites through the LDF process. Paragraph 6.42 relates to matters for consideration when judging the suitability of sites and is therefore relevant to the proposal.

Paragraph 6.26 of the practice guidance to PPS4 states that:

'It is important to distinguish between cases where needs arise because of a gap or deficiency in the range, quality or choice of existing facilities, and where the commercial objectives of a specific developer or occupier are the prime consideration. The latter situation would appear to apply in relation to these proposals and a sequential test is essential to justify the proposals. As discussed.

Officer's Note: (These comments relate primarily to the associated planning application ref: 43510/APP/2010/1977 seeking to amend condition 11 of Planning Permission 43510/APP/2000/2485 to allow for the sale of non bulky comparison goods. That application has now been withdrawn)

HIGHWAY ENGINEER: No objections.

TRANSPORT PLANNER

Main concern with the submitted travel plan is with target setting. The indicative targets set should be based on either TRAVL data or other data sources available. The idea of the Travel Plan is that it sets the level of sustainability for this site using the Transport Assessment as the basis. The Consultant has specified the mode share/trip rate targets for the Borough to assess if these are appropriate.

It will be necessary to fully access the baseline criteria. In addition, measures to ensure a sustainable mode split should be built in from the start and maintained throughout the lifetime of the site/Travel Plan obligation.

(Note: A full Travel Plan has been secured by condition.)

ACCESS OFFICER

The proposed lift should be located and designed to allow its use during a fire emergency. Reference to the Council's Supplementary Planning Document Accessible Hillingdon (adopted January 2010), is advised.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The Application Site falls entirely within the designation of Industrial and Business Areas and Saved Policy LE2 of the Adopted UDP confirms that Industrial and business areas (IBAs) are designated for business, industrial and warehousing purposes (use classes B1-B8), and for sui generis uses appropriate in an industrial area. The Local Planning Authority will not permit development for other uses in industrial and business areas unless it is satisfied that:

- i) there is no realistic prospect of the land being used for industrial or warehousing purposes in the future; and
- ii) the proposed alternative use does not conflict with the policies and objectives of the plan.
- iii) The proposal better meets the plan's objectives particularly in relation to affordable housing and economic regeneration.

The application site is located in an existing retail park within the Stonefield Way Industrial and Business Area, as designated within the Saved Policies UDP. Ruislip Retail Park is an established retail location that includes a range of retailers that sell both bulky and non-bulky comparison goods. The sale of comparison goods and food is currently restricted on the retail park. The existing restriction on the sale of goods is in place in order to ensure that the retail park does not have an unacceptable impact on vitality or viability of local shopping centres.

Furthermore, the more recent policy contained within PPS4, confirms that retail, along with other town centre uses are all forms of economic development and as such employment generating. The proposal seeks to bring the unit back into economic use, a key aim of Policy LE2. Given that the site is an existing retail park and no change of use is proposed, there is no objection in terms of Policy LE2 of the Saved Policies UDP.

However, the application would increase the amount of floorspace available on the site and allow for an increased volume of goods to be sold from the enlarged retail unit, which could potentially impact on the vitality and viability of town and local centres. The applicants have therefore submitted a Planning and Retail Assessment, the scope of which is intended to address the current application and a separate application to vary the range of goods that could be sold at unit 3 (The latter application has been withdrawn by the applicants). This document includes a Sequential Site assessment and Impact

Assessment, as set out in PPS4.

Policy EC14 of PPS4 concerns the supporting evidence required for planning applications for main town centre uses. This includes any applications which create additional floorspace. The policy requires that for planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan, both a sequential assessment (EC14.3) and an impact assessment are required (EC14.4). Policy EC15 of PPS4 sets out the consideration of sequential assessments and Policy EC16 of PPS4 sets out the impact assessment. Policy EC17 of PPS4 then concerns the consideration of such planning applications.

Sequential Assessment

Policy EC15 of PPS4 requires that all development proposals for sites that are not in an existing centre, nor allocated in an up-to-date development plan document should be subject to a sequential assessment as to whether the proposal could be located within a town centre. Whilst the application site is located within an established retail location, it does not fall within a defined centre, nor is it allocated for retail development in an up-to-date development plan document. As such the site is considered to occupy an out of centre location.

The sequential approach as set out in Policy EC15 of PPS4 requires that the following be considered:

- ensure that sites are assessed for their availability, suitability and viability;
- ensure that all in-centre options have been thoroughly assessed before less central sites are considered;
- ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access; and
- ensure that in considering sites in or on the edge of existing centres, developments and operators have demonstrated flexibility in terms of:
 - i. scale: reducing the floorspace of their development;
 - ii. format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;
 - iii. car parking provision; reduced or reconfigured car parking areas; and
 - iv. the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable sites. However, local planning authorities should not seek arbitrary sub-division of proposals.

The applicant has submitted that the proposals are necessary to improve the operational effectiveness of Unit 3 and to meet a specific requirement from operators for a better configured retail unit within this location. As such the applicants do not consider it appropriate or necessary to consider the disaggregation (separation) of the additional floorspace from the existing ground floor area of the unit. The applicant argues that the proposals represent a location specific requirement, the aims of which would not be achieved in any other location.

The applicants consider and officers agree that the wider catchment of Victoria Retail Park is the most appropriate catchment in assessing the availability, viability and suitability of sequentially preferable sites within this area. South Ruislip Local Centre is the only defined centre which is encompassed within this catchment area, and therefore the sequential site assessment has been limited to this centre.

The sequential assessment has identified two defined centre sites, 514/514a Victoria Road, and 1, Long Drive. Both sites only comprise a relatively small floor areas and as such are not considered suitable to accommodate the proposal.

The sequential assessment has also identified South Ruislip Library Site (Sites A and B), Victoria Road, located on the north side of Victoria Road opposite the Sainsbury's store, just outside of the Core Shopping Area of South Ruislip. The site currently comprises the library building, the library car park and a new youth centre, currently under construction. The site has been the subject of three recent planning applications (Planning Applications 67080/APP/2010/1420, 67080/APP/2010/1419 and 66408/APP/2009/2202. It is proposed to redevelop Site A (for a new library building and adult education facility together with a number of residential units. It is proposed to develop Site B with a residential development of flats. Whilst either Site A or Site B would be large enough to accommodate the application proposals, given the current proposals for providing new community facilities on the sites and considering that the existing library is still in operation on Site A, the assessment concludes that the sites are not available for comparison goods retailing.

The assessment identifies Unit 3, Ruislip Retail Park as being located within an established retail location to the east of South Ruislip Local Centre. The unit is accessible to South Ruislip Local Centre, as well as being accessible to various forms of public transport (including bus and rail services). The unit is, and has been available for over 18 months and is considered both suitable and viable to accommodate the proposals.

It is noted that the sequential appraisal has failed to include the vacant Focus DIY Store at 428a Victoria Road, South Ruislip. This has a floor area of area of 2,840m². Adjacent to this site is another vacant retail unit (929m²) which was formally occupied by Land of Leather. This site was also not included in the appraisal. The applicants contend that these sites were not included, because under the definition of Annex B of PPS4, they constitute out of centre sites, which is no more sequentially preferable than the application site. It is acknowledged that these sites, located to the north of the South Ruislip Local Centre are somewhat divorced from the other bulky goods outlets along Victoria Road and would not therefore necessarily result in linked trips to the retail parks to the south of the local centre.

Overall, it is considered that the sequential assessment has demonstrated there are no sites in the local centre or edge of centre that are sequentially preferable and are appropriate to accommodate the proposals and as such accord with Policy EC15 of PPS4.

Impact Assessment

In respect of impact, Policy EC14.4 sets out that planning applications for retail development over 2,500 sq.m in edge or out of centre locations are required to assess impact as set out under Policy EC16. Policy EC14.5 goes on to state that such assessments of impact may also be required for planning applications of less than 2,500 sq m which are not in an existing centre and not in accordance with an up to date development plan and would be likely to have a significant impact on other centres. The proposal is for less than 2,500 sq.m of additional floorspace and as set out elsewhere in this report, it is not considered that the proposal would have a significant impact on surrounding centres. Nevertheless, an impact assessment has been submitted and the key policy considerations, together with justifications are summarised below:

Policy EC10 of PPS4 seeks consideration of the following:

a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.

The re-use of the building will create less waste materials than demolition and require fewer raw materials than creating new development. As such the proposal will limit carbon emissions over the lifetime of the development.

b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.

In assessing the proposals impact on the above criteria, the applicants have drawn on the technical evidence presented within the Transport Assessment, as well as the Design and Access Statement and Sustainability Appraisal submitted with the application. The proximity of the site to the surrounding industrial area, the remainder of Victoria Road (an established retail destination) as well as South Ruislip Centre is likely to result in an increase of linked trips. A travel plan is submitted with the application, and the location of the site itself on an established bus route, and in close proximity to South Ruislip Underground station will also encourage those working and shopping within the unit to walk, cycle or travel by existing public transport.

c. Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.

The proposal seeks to provide additional internal floorspace within an existing unit. As such, the external appearance of the unit will remain unchanged. The mezzanine floor itself will be constructed from steel and glass. The use of steel and glass provides an appropriate engineering solution to creating a mezzanine for the benefit of future occupiers as well as future shoppers, whilst minimising any impact on the character and appearance of the surrounding area.

d. The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.

The Unit has remained vacant for 18 months, and the proposal seeks to bring it back into economic use, which will improve the attractiveness of the Retail Park, reduce the risk of crime and improve safety. It is therefore considered that the proposal accords with the above impact test. The applicants contend that the additional floorspace is sought to allow greater flexibility in the range of potential occupiers of the unit. Unit 3 has remained vacant for the past 18 months, with no viable interest shown by retail operators. The proposal seeks to improve the commercial attractiveness of the unit, meeting the requirements of operators.

e. The impact on local employment.

Along with the other units on the Retail Park, the unit is currently restricted to the sale of bulky comparison goods. However, following MFI's departure in 2008 the applicants have stated that there has been no interest of any significance in the unit. When occupied by

MFI the unit typically employed 21 full time employees/equivalents (FTE). It is anticipated that the reoccupation of the unit, alongside the proposed additional internal floorspace would create some 42 FTE jobs. The proposals are therefore considered to accord with the impact criteria set out in Policy EC10 of PPS4.

Policy EC16 of PPS4 requires the Impact Assessment to address the following issues:

a. The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal:

The only designated centre encompassed within the catchment of Ruislip Retail Park is South Ruislip Local Centre, which is underpinned by a Sainsbury's foodstore. In addition the Centre is served by a varied mix of small shop units located in parades along both Victoria Road and Station Approach. Services within the Centre include a local library, as well as a hotel, public house and the South Ruislip London Underground Station. Neither the Adopted UDP or draft Local Development Framework documents identify any location specific investment strategies for South Ruislip Local Centre. There are very few vacant units (three in total).

A number of District Centres surround the catchment area, including Ruislip, Eastcote, South Harrow and Rayners Lane, as well as Ruislip Manor, identified as a Minor Centre. The Council's 2006 Retail Study provides catchment information for each of the above centres and this confirms that none of these centres draw heavily from the catchment area of the application proposal. Furthermore, each of these Centres serve a very specific function in meeting the day to day needs of local residents, and as such the applicants do not consider that those operators who have expressed an interest in occupation of the application site, would consider occupying units within these surrounding centres. As a consequence the applicants do not consider that the proposal would impact on future investment within these Centres.

b. The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer:

Each of the District Centres which surround the application site, including Eastcote, Ruislip, South Harrow and Rayners Lane have experienced a reduction in the level of vacant units, suggesting an overall improvement in the health and attractiveness of each centre. By way of comparison the average vacancy rate across all centres within the UK totals 11%. It is also clear that each of the surrounding neighbourhood (district, minor and local) centres comprises a wide variety of uses with a significant proportion of units in convenience goods and service uses. Also of note is the fact that there are very few clothing and footwear retailers located within each centre, suggesting that the role and function of these local and district centres does not cater for this category of comparison goods shop, with shoppers preferring to travel further afield to larger retail destination such as Westfield.

An assessment of the surrounding Local Parades was also carried out by the applicants, based on the Council's Local Parades Study, supplemented with more recent site visits. The Local Parades Study (2006) provides an assessment of the health of each Parade. In summary the assessment concludes that all of the designated Parades surrounding the application site continue to perform well, with an adequate mix of uses to serve the local community within which they are located.

The proposal seeks an increase in the level of retail floorspace within the unit through the

installation of a mezzanine. As such there will be no impact on the convenience or service related offer of any of the surrounding centres or parades. In respect of comparison goods, the Unit is already permitted to sell predominantly bulky comparison goods, including domestic appliances, large and small electrical goods, DIY products, flooring and furniture, motor accessories and bicycles, computer equipment, and home furnishings. The applicants contend that many of the independent retailers trading from each of the surrounding centres and parades trade in these product categories, and given that there remain very few vacant units within these centres, it is clear that the existing Retail Park, along with the surrounding retail warehouse uses have not been detrimental to the ongoing health of these centres.

The applicants submit that none of the operators who have currently expressed an interest in the site (namely TK Maxx, Matalan and Asda Living) trade within these centres and given the specialist nature of many of the retailers trading within these centres, it is not anticipated that they will directly compete with them. The assessment concludes that it is more likely that these potential operators would stem the leakage of trade which is currently directed to out of centre stores of a similar format, as well as the larger retail destinations such as Westfield. As such, the proposals would not impact on the vitality or viability of any of the surrounding centres or parades.

c. the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan:

There are no out of centre sites within the defined catchment area identified within the adopted UDP and draft Local Development Framework for retail development. The Draft Core Strategy identifies the extension of Uxbridge Town Centre, which is intended to accommodate a mix of uses. Uxbridge falls outside of the catchment area of the application proposal and given its status as a Metropolitan Centre, Uxbridge draws from a wide catchment area for which there is little overlap with the catchment of the proposal. As such the proposal is not anticipated to impact on the delivery of the Town Centre extension.

d. In the context of a retail or leisure proposal, the impact of the proposal on in centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy:

As a consequence of the level of expenditure growth within the vicinity of the site and given the complementary function of the Retail Park in relation to the surrounding centres, it is not considered that the proposal will have any noticeable impact on the trade/turnover of surrounding centres. Furthermore, whilst the applicants consider that it is most likely that the proposals will compete with larger surrounding retail destinations, the level of additional turnover resulting from the proposal is minimal and insignificant in the context of the turnover of these larger centres. It is therefore not considered that any centre within the wider area will suffer as a result of the proposals.

e. If located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace), in relation to the size of the centre and its role in the hierarchy of centres:

The Application Proposals seek to provide additional internal floorspace within an existing retail unit on an established retail park. As such the scale of the proposals is consistent with the existing and accepted use of the site. It is therefore considered that the proposals

accord with the above impact test.

f. Any locally important impacts on centres:

The Draft Core Strategy summarises the perceived threats to the neighbourhood centres within Hillingdon, which are said to include:

- Impact of larger town centres
- New out-of-borough town centre regeneration schemes
- E-economy
- One stop supermarkets in out-of-centre locations
- Car parking issues.

It is not considered that the proposal will exacerbate any of the above identified issues.

In summary, it is considered that the proposal accords with Policies EC10 and EC16 of PPS4. Given this and the acceptability in meeting the requirements of Policy EC15 (sequential test), it is considered that the proposal also meets the criteria set out in Policy EC17 of PPS4.

It is noted that whilst the majority of retailers operating from Victoria Road trade in bulky comparison goods, a number of non-bulky comparison goods operators such as Brantano (footwear), and Argos Extra (general comparison goods) also operate from the locality. Any competition is more likely to occur between other retailers located on Ruislip Retail Park, which will encourage linked trips between retailers of the same type.

Importantly PPS4 does not preclude the location of main town centre uses within edge or out of centre locations, where no sites can be identified within appropriate existing centres. The increase in floor area is not considered to result in a significant detrimental impact on retailing in the South Ruislip Local Centre given the type of goods operating from this unit.

It is also noted that mezzanine floors have previously been permitted within Units 1 and 4 and therefore the principle of allowing mezzanine sales floorspace within the Ruislip Retail Park has already been established.

A condition in permission 43510/APP/2000/2485 already restricts sales in the store solely to bulky goods. It is recommended that this condition be reimposed on the additional mezzanine floorspace. It is also recommended that a condition be imposed preventing the sub division of the resulting Unit 3. This will prevent another tenant within the same use class to use the floor space more intensively, with different retail and traffic generating impacts, without the consent of the Local Planning Authority. Subject to the recommended conditions, which would restrict use of the mezzanine to bulky non food goods, it is considered that the proposal would not have any unacceptable impact on the vitality and viability of nearby existing centres and would comply with the tests set out in PPS4.

7.02 Density of the proposed development

The proposal seeks permission for a retail unit, considerations relating to residential density are therefore not relevant.

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

The proposed development would not involve any groundworks and accordingly would not result in any detrimental impacts on archaeology and the site is not within a Conservation Area, Area of Special Local Character or located in proximity to any Listed Buildings.

7.04 Airport safeguarding

The proposal would not conflict with airport or aerodrome safeguarding criteria.

7.05 Impact on the green belt

The application site is not located within, nor is it conspicuous from any land within the Green Belt.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The proposed unit would occupy the existing building envelope of Unit 3 with the external physical alterations being limited to a new fire escape door on the front elevation. The external alterations are minor and it is not considered they would significantly alter the external appearance of the retail unit, which would remain in keeping with the design and character of the existing retail park. Accordingly, the proposal is considered to comply with Policies BE13 and BE25 of the Saved Policies UDP.

7.08 Impact on neighbours

The application proposals does not involve any major external alterations thus the proposed development will not have a visual impact on nearby residential properties. In terms of additional traffic/shoppers attracted to the retail park, the application site is within an established retail location where there are sufficient car parking facilities and also existing arrangements for accessing the site via public transport. It is acknowledged that the re-use of the vacant unit will increase the number of visitors to the Retail Park, but it is not felt that any increased trips will have a detrimental impact on residential amenity. It is not considered that this would result in any impacts detrimental to the amenity of nearby residential occupiers. It would therefore comply with Policies BE20, BE21, BE24, OE1 and OE3 of the Saved Policies UDP.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

TRAFFIC GENERATION

The mezzanine will result in a maximum of 1,810 sqm of additional floor space. The accompanying Transport Statement demonstrates that the proposal will not have an unacceptable impact on the local highway network. The Transport Statement argues that the increase in floor space is not expected to produce an increase in trading on a pro rata basis and by extension trips to the store. Trading surveys by other bulky goods retailers have shown that sales from mezzanines have resulted in increases in trading over the original store of 23% to 32% on an area by area basis. In addition, it is argued that not all the traffic would be new to the retail park and it is likely that a substantial proportion of this traffic would be already visiting other units on the retail park, creating linked trips. A normal allowance for linked trips would be 30% of the attracted traffic. In carrying out a transport assessment, a generous 50% increase in trading has been applied for the traffic impact assessment.

Access to the Retail Park is provided via Victoria Road, with egress provided on to Field End Road. Saturday has been shown to have the largest increase in traffic flows and the assessment has shown that the Victoria Road/Field End Road Roundabout will continue to work within operational capacity, that the impact of the proposals will be minimal and will have an imperceptible effect on the operation of the adjoining highway network.

The predicted trip generation figures are based on the assumption that Unit 3, including the mezzanine, will be operated as one unit. A condition is therefore recommended preventing the unit from being sub divided, in order to ensure that the Local Planning

Authority has the ability to assess the implications of intensification of the use of the floorspace in terms of its impact on traffic, should the unit be sub divided.

Overall, it is considered that the increase in floor space is unlikely to translate into a significant increase in customers visiting the store or in vehicle trips, given the sales restrictions. The Highways Engineer advises that the nature of the use is such that there will not be any significant impacts on traffic. It is not considered that the additional floor space will not have an adverse impact on road safety or congestion in compliance with saved Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

TRAVEL PLAN

A Framework Travel Plan (FTP) has been submitted as part of this application. The key objectives of the FTP include:

- Reducing the level of single occupancy private cars.
- Ensure the employees and visitors/ shoppers have a wide range of alternative travel modes.
- Minimise the adverse transport impacts of the development on the local area.

The site is located on two bus routes and is within close proximity of South Ruislip and Northolt stations. Therefore this location will encourage those working and shopping within the Unit to walk, cycle or travel by existing public transport. Whilst the broad thrust of the FTP is considered acceptable, the Council's Transportation Officer has questioned some of the base line assumptions and has requested that measures to ensure a sustainable mode split should be built in from the start and maintained throughout the lifetime of the travel plan obligation. A condition is therefore recommended, requiring the submission of a full Travel Plan, based on the FTP, in order to ensure measures aimed at influencing choice of travel, with an emphasis on reducing reliance on single occupancy cars and encouraging the use of alternative modes such as public transport, walking, cycling and car sharing, are achieved.

SERVICING

The additional floorspace would be serviced by the existing service yard which is accessed via Field End Road within the Industrial and Business area. The Council's Highways Engineer has reviewed the proposal in this respect and considers that the existing service yard is of an adequate size to accommodate the needs of the enlarged unit as proposed alongside the existing needs of the wider retail park. No objection is raised in this respect subject to a condition ensuring that the service yard is maintained and made available for the use of the unit for its lifetime.

The service yard and car parking area for the retail park lie outside of the application site, however they lie within the blue outline identifying that they are within the same ownership. The imposition of conditions to ensure that the service yard and car parking are retained and made available is therefore recommended.

PARKING

In terms of car parking arrangements the Ruislip Retail Park provides 304 car parking spaces, of which 204 are within the applicant's control. Of these spaces 10 are set aside for disabled users. It is intended as part of the proposals that 2 additional disabled car parking bays are provided, which will reduce the number of car parking spaces to 303.

The submitted Transport Statement provides car parking details which indicate the site has sufficient spare parking capacity to accommodate the demand should permission be granted.

The Transport Statement estimates the additional demand for parking associated with the proposed mezzanine floor, based on the demand for additional parking amounting to 50% of the existing demand, is 15 spaces. The total number of parking spaces for the retail park is 304. A parking accumulation survey was carried out on Friday and Saturday, 9th and 10th July. The maximum demand was recorded at 125 spaces between 12.30 and 12.45 hrs. This represents a car park occupancy level of 41%, and confirms that the car park has a reserve capacity of 179 spaces. A predicted increase of 15 spaces can therefore easily be accommodated in the existing car park.

PPG13 makes it clear that a developer should not be required to provide more parking than considered necessary unless there are exceptional circumstances. It is therefore considered that there is no need to provide additional car parking spaces.

Cycle/Pedestrian Facilities

Currently the Retail Park benefits from 18 cycle parking spaces, located in front of the terrace of retail units. The Retail Park is also accessible by workers and shoppers by foot with pavements linking the site to South Ruislip and nearby bus stops. It is not considered that it would necessitate the provision of any additional cycle parking facilities, given the nature of the goods likely to be sold from the retail outlet.

In conclusion, the Council's Highways Engineer has reviewed the submission and raises no objection to the proposal in terms of traffic generation or car parking, subject to conditions restricting the use of the mezzanine to the existing sales restrictions and requiring that the car parking for the retail park be retained and made available for users of the unit for its lifetime.

7.11 Urban design, access and security

Issues relating to design and accessibility are addressed elsewhere within this report. The application seeks only minor physical alterations. It is not considered that the proposal would have any implications in relation to security issues.

7.12 Disabled access

The mezzanine level proposed as part of this application will be accessible for all users including wheelchair users and parents with pushchairs, as the additional retail floorspace will be accessed via a lift as well as a staircase. The internal floorplate demonstrated on the plans is open as would be standard within a submission for a retail unit. No objection is raised by the Access Officer, with regard to disabled access. Details of the lift are secured by condition. Subject to this condition, it is considered that the proposal would comply with Policies 4B.1 and 4B.5 of the London Plan and the Accessible Hillingdon SPD.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Existing landscaping on the boundaries of the retail park and within the existing car park lies outside of the application site and is located at such a distance that it would not be impacted on by the limited level of physical works proposed. It is considered that the existing level of landscaping within the wider retail park is sufficient and it is not considered that the level of physical alterations proposed would necessitate provision of

any additional landscaping within the wider retail park. Accordingly, it is considered that the proposal would comply with Policy BE38 of the Saved Policies UDP.

7.15 Sustainable waste management

The waste and recycling would be accommodated in a similar manner to those of the previous occupier of the unit. There would be adequate space for the provision of facilities for the storage of waste and recycling either within the existing service yard to the rear of the building or within the building itself. Accordingly, the proposal is considered to comply with Policy 4A.22 of the London Plan.

7.16 Renewable energy / Sustainability

The London Plan sets out requirements for developments to implement measures to reduce impacts on climate change at policies 4A.1, 4A.3, 4A.4, 4A.6 and 4A.7 which are intended to relate to new developments or material changes of use. However, it is considered that these requirements need to be applied in a manner which has regard to and is commensurate with the scope and scale of the application.

In this respect, whilst the application seeks additional floorspace, there are minimal aspects of the proposal which would serve to alter the existing energy use of the building and it should be noted that:

- i) There is no material change of use taking place which would materially alter the energy profile of the building;
- ii) The building envelope and internal capacity remain unchanged by the proposal, which will mean there will be minimal changes in heating requirements or energy loss through the building envelope.
- iii) The additional floorspace proposed will be limited to non-food goods only and accordingly any additional energy demand will be related solely to additional lighting.

Having regard to the scope of the development and the minor implications on the energy use profile of the building, it is considered that any increase in energy demand would be almost entirely associated with the provision of additional lighting. Accordingly, it is considered that in this instance a condition requiring that only low energy light fittings be installed within the building would ensure an appropriate reduction in the developments carbon dioxide emissions in accordance with London Plan requirements. It is further considered that to require measures above this by condition would not be reasonable in relation to the scope of the proposed development and would fail to comply with the requirements of Circular 11/95.

Subject to a condition requiring that only low energy light fitting be utilised no objection is raised to the development in terms of energy use or climate change.

7.17 Flooding or Drainage Issues

The proposal would not alter the footprint of the existing building or the level of hardstanding and accordingly would not serve to worsen floor risk or increase surface water run off from the existing situation.

7.18 Noise or Air Quality Issues

NOISE

The proposal would not alter the use or servicing arrangements from those of the existing retail unit, which is located approximately 100m from the nearest residential unit. Since the unit will be subject to the same operational restrictions as are applied to the wider retail park, it would not give rise to any detrimental impacts by way of noise. Accordingly the proposal would comply with Policies OE1 and OE3 in this respect.

AIR QUALITY

The proposal is not considered to give rise to any significant additional traffic generation as discussed in the traffic impact section of this report. Accordingly, it would not result in any significant detriment to local air quality and would comply with policy OE1 of the Saved Policies UDP and Policy 4A.19 of the London Plan and the Council's Air Quality SPG.

7.19 Comments on Public Consultations

No comments have been received.

7.20 Planning Obligations

The proposal would not give rise to any impacts which would need to be mitigated by way of planning obligations.

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

It is considered that the proposed additional retail floorspace meets the sequential and

impact tests of PPS4 and would not have a significant detrimental impact on the vitality or viability of nearby centres. In addition, the principle of allowing mezzanine sales floorspace within the retail park has already been established. The proposal is therefore considered to be acceptable in planning policy terms. Accordingly, there are no objections to the principle of the development, subject to conditions restricting the new retail floor space to the sale of bulky comparison goods.

The Application Proposals comprise the internal refurbishment of a retail unit, which in itself will reduce carbon emissions over a new build development of a similar size. The location of the site on the Victoria Road means the site is accessible by a choice of means of transport. The proposals seek to bring back into economic use a long standing vacant unit, which will improve the character, quality and inclusiveness of the Retail Park within the locality. The Proposal will have a positive impact on the economic and physical environment and regeneration of the area, as well as having a positive impact on local employment, and will increase economic output.

The proposed external amendments are minor and would remain in keeping with the character and appearance of the surrounding area. The development would not result in any detrimental impacts on the amenity of nearby residential occupiers, subject to conditions. The development proposes acceptable accessibility arrangements which are secured by way of condition.

The development would not result in any significant increase in traffic generation whilst, the existing car parking and servicing facilities for the retail park would be retained for use by the proposed unit and would continue to meet the needs of the proposed unit and retail park as a whole.

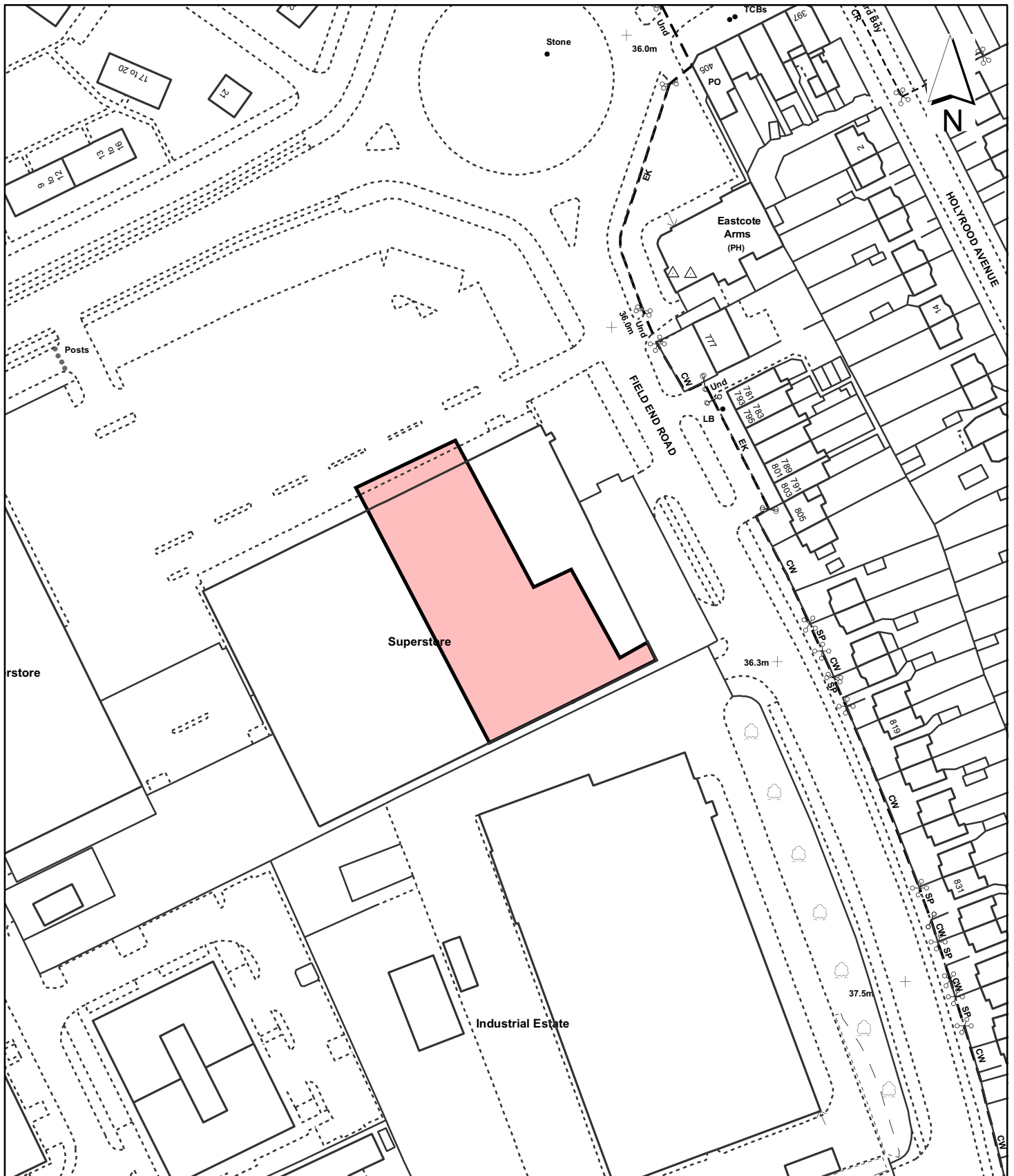
Overall, subject to conditions the proposal is considered to be acceptable and accord with the provisions of the development plan. Accordingly, approval is recommended.

11. Reference Documents


Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1
Planning Policy Guidance 13: Transport
Planning Policy Guidance 24: Planning and Noise
The London Plan
Accessible Hillingdon SPD
Air Quality SPG
Noise SPG
Planning Policy Statement 4: Planning for Sustainable Economic Growth

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Unit 3, Ruislip Retail Park Victoria Road Ruislip	
Planning Application Ref:	Scale
43510/APP/2010/1979	1:1,250
Planning Committee	Date
North	December 2010

LONDON BOROUGH OF HILLINGDON

Planning, Environment & Community Services

Civic Centre, Uxbridge, Middx. UB8 1UW
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