

## Report of the Head of Planning & Enforcement Services

**Address** 138 HIGH STREET RUISLIP  
**Development:** Change of use from Retail (Class A1) to Hot Food Takeaway(Class A5)  
**LBH Ref Nos:** 7855/APP/2010/2832  
**Drawing Nos:** Location Plan to Scale 1:1250  
**Date Plans Received:** 07/12/2010 **Date(s) of Amendment(s):**  
**Date Application Valid:** 07/01/2011

### 1. SUMMARY

The application relates to the change of use of an existing retail unit (Use Class A1) to a takeaway (A5 use). The July 2010 retail frontage survey showed that Ruislip Town Centre, Primary Shopping Area, has a retail frontage with A1 use at 67.6%, which is already below the recommended level (70%). However, due to the limited time this site has been in A1 use (approximately 3 months - since late November 2011) and due to the length of time the site has been used for non-retail, it is not considered the change of use would have an adverse affect on the established character of the High Street. Therefore, subject to appropriate conditions relating to hours of operation and noise control, deliveries, and waste management the proposal would not conflict with the relevant Adopted policies within the Hillingdon Unitary Development Plan (Saved Policies September 2007).

### 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 OM15 General Litter/Waste

No development shall take place until a scheme detailing the method of disposal, storage and collection of litter and waste materials, generated by the business and/or discarded by patrons, has been submitted to and approved in writing by the Local Planning

Authority. The details shall include a description of the facilities to be provided and the methods for collection of litter within and in the vicinity of the premises. The approved scheme shall be implemented in full thereafter.

**REASON**

To ensure that adequate provision is made for the disposal of litter and waste, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with policy S1 of the Hillingdon Unitary Development Plan.

**4 HLC4 Hot Food Takeaways**

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).

**5 N12 Air extraction system - noise and odour**

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).

**6 NONSC Non Standard Condition**

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

**REASON**

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

**7 DIS2 Access to Buildings for People with Disabilities**

Development shall not commence until details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities 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 Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

**8 N13 Sound insulation of commercial/entertainment premises**

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).

**9 MCD10 Refuse Facilities**

No development shall take place until details of facilities to be provided for the covered, secure and screened storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The approved use shall not commence until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

**REASON**

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

**INFORMATIVES**

**1 152 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).

**2 153 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.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
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
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
S11	Service uses in Primary Shopping Areas
S6	Change of use of shops - safeguarding the amenities of shopping areas

### **3            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).

### **4            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.

### **5            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).

### **6            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](http://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](http://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](http://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](http://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.

## 7

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 01895 250804.

## 8

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. It further recommends, 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.

## 9            115            **Control of Environmental Nuisance from Construction Work**

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

A) Demolition and construction works 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.

## 10

Permission has been granted for the proposed use on the basis of the recent history of non-retail use of the premises, which is considered to be a material consideration.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is situated on the west side of High Street, Ruislip and comprises a ground floor mid terrace unit with residential flats above. The site has a wide footway to the front and a pedestrian access point to the rear, also serving the residential flats above. The area is commercial in character and appearance and the site falls within the Primary Shopping Centre of Ruislip Town Centre as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

#### 3.2 Proposed Scheme

Planning permission is sought for the change of use of the ground floor unit from retail (A1) to hot food takeaway (A5). No external alterations are proposed.

#### 3.3 Relevant Planning History

7855/ADV/2000/102      138 High Street Ruislip  
INSTALLATION OF AN EXTERNALLY ILLUMINATED FASCIA SIGN

**Decision:** 07-11-2000    Approved

7855/ADV/2008/35      138 High Street Ruislip  
SITING OF AN A BOARD ON THE PAVEMENT.

**Decision:** 22-04-2008    Approved

7855/APP/2000/2274      138 High Street Ruislip  
INSTALLATION OF A NEW SHOPFRONT

**Decision:** 21-12-2001 Approved

7855/APP/2001/283 138 High Street Ruislip

CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (SANDWICH AND COFFEE BAR)

**Decision:** 21-12-2001 Approved

7855/APP/2002/2581 138 High Street Ruislip

VARIATION OF CONDITION 5 (TO VARY THE HOURS OPERATION FROM 08:00 HOURS TO 23:00 HOURS) OF PLANNING PERMISSION REF. 7855/APP/2001/283 DATED 21/12/2001; CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (SANDWICH AND COFFEE BAR)

**Decision:** 01-05-2003 Approved

7855/APP/2003/1457 138 High Street Ruislip

USE OF PREMISES FOR CLASS A3 (FOOD AND DRINK) PURPOSES WITHOUT COMPLYING WITH CONDITION 7 OF PLANNING PERMISSION REF. 7855/APP/2001/283 DATED 21/12/2001; CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (FOOD AND DRINK)

**Decision:** 04-08-2009 NFA

7855/APP/2004/257 138 High Street Ruislip

USE OF PREMISES FOR CLASS A3 (FOOD AND DRINKS) AS A RESTAURANT TAKEAWAY (APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT)

**Decision:** 15-03-2004 GPD

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

In 2004 the site was lawfully operating as a restaurant/takeaway (Use Class A3). At an unknown date, the unit then changed to a bookmakers (Use Class A2), which did not require planning permission. The site was used as a bookmakers (Use Class A2) until March 2010 after which it remained vacant until it was leased in November 2010 to a retail operator on a temporary basis. The agent has that advised that the rental return on the unit is below market level and has been let at this level in order to mitigate against the maintenance and security costs of a vacant unit.

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

None

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

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

Part 1 Policies:

Part 2 Policies:

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
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
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
S11	Service uses in Primary Shopping Areas
S6	Change of use of shops - safeguarding the amenities of shopping areas

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- **9th February 2011**

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

57 neighbouring properties and interested parties have been consulted, and five responses have been received (one of which was from the Ruislip Chamber of Commerce) which make the following comments:

1. The Ruislip Chamber of Commerce wishes to object strongly. There are already too many takeaways on the High Street and in this particular area;
2. A further A5 premises will not only upset the fine balance of retailing in the High Street but also fall outside the Council's agreed guidelines;
3. Should the A5 use be granted, it would then be possible to change to A3 (Restaurant) without the need for further change of use;
4. If approved please ensure suitable consideration is given to how deliveries will be made, how food will be stored and waste managed. There has been a problem with pests in the vicinity of this shop in the past;
5. Change of use should be subject to knowing who the incoming occupier is and exact details of their use. A blanket change of use could encourage occupiers offering products or services detrimental to the High Street;
6. The loss of retail in this section of the High Street is a major concern, the past years have seen a decline in trade and there is little retail in comparison to the number of restaurants, banks, hairdressers and estate agents. The remaining retail is predominantly made up of supermarkets and chemists



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.

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

WATER COMMENT: With regard to water supply, this comes within the area covered by the Veolia Water Company.

#### **Internal Consultees**

CONSERVATION OFFICER: This is an attractive 1930s shop front, within the Ruislip Village Conservation Area. The application is for a change of use from retail to a hot food take away. Whilst this would have no direct impact on the conservation area, any resulting litter may be detrimental to the visual quality of the area.

CONCLUSION: Acceptable from a conservation point of view.

#### **WASTE DEVELOPMENT MANAGER:**

a) The application is for a fast food take-away. One x 1,100 litre type of bulk bin is needed to safely and hygienically contain the waste arising from this type of business. This design of bin measures 1.37m x 990mm x 1.26mm

Further bins could be required for the separation of waste for recycling.

b) The bulk bin should be sited on an area of hard-standing, with a smooth surface, so that it can be washed down with water and disinfectant. The surface should be cambered so the run off follows towards a proper drain.

c) 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). The 26 tonne refuse collection vehicle would therefore have to access the site from between 126 to 130, and 132 High Street.

d) 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. The access road would have to be able to withstand the load of a 26 tonne refuse collection vehicle and should be 4 metres wide to allow staff vehicle manoeuvring. Alternatively the owners would have to present the bulk bin at an agreed collection point on the allocated day.

e) 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 matters were forwarded to the applicants agent and it was requested this matter was dealt with via condition.

ENVIRONMENTAL PROTECTION UNIT: I understand that no additional information is currently available in respect of any proposed kitchen extract system. However, I understand that the installation of such a system at this location would require a separate application for planning permission.

Should this proposal be recommended for approval I would advise conditions be added relating to hours of use, details of all extract ventilation systems and odour control equipment, deliveries and collections and litter. Please also add the construction site Informative.

## **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 change of use applications will be granted where i) a frontage of design appropriate to the surrounding area is maintained or provided; ii) the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and iii) would have no harmful effect on road safety or worsen traffic congestion. The proposal seeks change of use only and therefore would not have an effect on the existing frontage design. Loss of residential amenity and highway issues are considered acceptable (and are dealt with below), 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, retail units should be separated by no more than 12m and at least 70% of the remaining frontage should be in retail use. The proposal would create a separation of approximately 12m between the retail units, however, the July 2010 survey shows that the frontage within this primary shopping area within retail use is already below the 70% threshold (67.6%), and therefore the loss of the A1 use could further undermine the already weakened retail element in Ruislip Manor Town Centre. However, it is noted this site has not been in retail use until very recently (November 2010), prior to which it was in non-retail use as a bookmakers and/or restaurant/takeaway for a considerable period of time (approximately 10 years). In fact at the time of the survey it would have been classed as a vacant non-retail use. Given this, it is not considered that a reversion of the site to a non-retail use would have an adverse impact on the vitality and viability of the town centre.

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 retail and whilst the authority would like to see this use remain, due to the limited period this unit has been in retail use, it would be difficult to argue that the proposal would have a further negative effect on the existing retail area, thereby resulting in harm to the Primary Shopping Area. It should be noted that approval is only recommended due to the circumstances of the case and an informative is attached to reflect this fact.

### **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**

There are no external alterations proposed as part of this application. As such the proposal is considered to comply with Policy BE13 of the UDP (Saved Policies September 2007).

**7.08 Impact on neighbours**

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

The nearest residential properties lie above the application property and adjoining properties. No ventilation duct/or mechanical equipment is proposed, however there appears to be sufficient area at the rear for such equipment. A condition is recommended requiring that no such equipment is installed until the details have been approved by the local planning authority. The Environmental Health Officer has raised no objections to the proposed change of use.

It is considered that planning conditions requiring details of the installation of appropriate sound attenuation and insulation between floors and the imposition of limitations on hours of operation and deliveries would be sufficient to maintain the residential amenity of the occupiers of adjoining and nearby residential properties, should planning permission be granted. The proposal would therefore comply with policies OE1 and S6 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and 4A.20 of the London Plan 2008.

**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 the traffic generation between A1 and A5 would be significantly worsened if the proposal received permission. 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**

There are no external alterations proposed as part of this application, the application is for change of use only. However, it is recommended if permission were to be granted condition is added requiring details of disabled access and provision to be submitted and approved. Therefore the proposal would comply with 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**

No details of waste receptacles are shown. However this could be secured by way of a planning condition so as to comply with the Council's standards, given that there is a yard area to the rear of the premises.

#### **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**

See Section

#### **7.19 Comments on Public Consultations**

With regard to point 5, this is not be a material planning consideration and the planning system cannot control occupiers of individual units. The remaining points are addressed in the full 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**

Whilst the proposed use would not fully comply with the Council's policies, it is considered that, due to the limited period of retail use that has occurred at the site and the lengthy history of non-retail use it would be difficult to argue that the proposal would harm the viability and vitality of the town centre. Therefore, subject to appropriate conditions relating to hours of operation and noise control, deliveries, and waste management the proposal would not conflict with the relevant Adopted policies within the Hillingdon Unitary Development Plan (Saved Policies September 2007).

**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

**Contact Officer:** Catherine Hems

**Telephone No:** 01895 250230



**Notes**

 Site boundary

For identification purposes only.

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Site Address

**138 High Street  
Ruislip**

Planning Application Ref:

**7855/APP/2010/2832**

Planning Committee

**North**

Scale

**1:1,250**

Date

**March 2011**

**LONDON BOROUGH  
OF HILLINGDON**

**Planning, Environment  
& Community Services**

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



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