



HILLINGDON
LONDON



North Planning Committee

Date: TUESDAY, 7 OCTOBER
2014

Time: 7.00 PM

Venue: COMMITTEE ROOM 5 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

To Councillors on the Committee

Eddie Lavery (Chairman)
John Morgan (Vice-Chairman)
Peter Curling (Labour Lead)
Duncan Flynn
Raymond Graham
Henry Higgins
John Morse
Jas Dhot
David Yarrow

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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
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A useful guide for those attending Planning Committee meetings

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Petitions and Councillors

Petitions - Those who have organised a petition of 20 or more borough residents can speak at a Planning Committee in support of or against an application. Petitions must be submitted in writing to the Council in advance of the meeting. Where there is a petition opposing a planning application there is also the right for the applicant or their agent to address the meeting for up to 5 minutes.

Ward Councillors - There is a right for local councillors to speak at Planning Committees about applications in their Ward.

Committee Members - The planning committee is made up of the experienced Councillors who meet in public every three weeks to make decisions on applications.

How the Committee meeting works

The Planning Committees consider the most complex and controversial proposals for development or enforcement action.

Applications for smaller developments such as householder extensions are generally dealt with by the Council's planning officers under delegated powers.

An agenda is prepared for each meeting, which comprises reports on each application

Reports with petitions will normally be taken at the beginning of the meeting.

The procedure will be as follows:-

1. The Chairman will announce the report;
2. The Planning Officer will introduce it; with a presentation of plans and photographs;
3. If there is a petition(s), the petition organiser will speak, followed by the agent/applicant

followed by any Ward Councillors;

4. The Committee may ask questions of the petition organiser or of the agent/applicant;
5. The Committee debate the item and may seek clarification from officers;
6. The Committee will vote on the recommendation in the report, or on an alternative recommendation put forward by a Member of the Committee, which has been seconded.

About the Committee's decision

The Committee must make its decisions by having regard to legislation, policies laid down by National Government, by the Greater London Authority - under 'The London Plan' and Hillingdon's own planning policies as contained in the 'Unitary Development Plan 1998' and supporting guidance. The Committee must also make its decision based on material planning considerations and case law and material presented to it at the meeting in the officer's report and any representations received.

Guidance on how Members of the Committee must conduct themselves when dealing with planning matters and when making their decisions is contained in the 'Planning Code of Conduct', which is part of the Council's Constitution.

When making their decision, the Committee cannot take into account issues which are not planning considerations such as the effect of a development upon the value of surrounding properties, nor the loss of a view (which in itself is not sufficient ground for refusal of permission), nor a subjective opinion relating to the design of the property. When making a decision to refuse an application, the Committee will be asked to provide detailed reasons for refusal based on material planning considerations.

If a decision is made to refuse an application, the applicant has the right of appeal against the decision. A Planning Inspector appointed by the Government will then consider the appeal. There is no third party right of appeal, although a third party can apply to the High Court for Judicial Review, which must be done within 3 months of the date of the decision.

Agenda

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Recommendation - Approval
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Report of the Head of Planning, Sport and Green Spaces

Address 1 STATION APPROACH SOUTH RUISLIP
Development: Change of use of ground floor from shop to residential.
LBH Ref Nos: 17174/APP/2014/2861
Drawing Nos: 1SA-PP1-01 REV A
Date Plans Received: 12/08/2014 **Date(s) of Amendment(s):**
Date Application Valid: 14/08/2014

Reason for Urgency

A decision is urgently required, because of the nature of Prior Approval Applications, whereby consent is deemed to have been given if no decision is made within 56 days of the date the application is registered.

The 56 days will expire on 8 October, and as such a decision is needed ahead of this date.

1. SUMMARY

The application relates to a two storey mid terrace property located on the northern side of Station Approach, South Ruislip. Situated on a small shopping parade, the property has an existing retail unit located on its ground floor with residential accommodation located above at first floor level.

The parade of shops is not located in a key shopping area (as designated by the Council's Local Plan).

The application seeks Prior Approval for the conversion of an existing ground floor retail unit into a 1 bedroom flat under Class IA of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

The GDPO states: Before development begins, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in relation to:

- i) transport and highways impacts of the development,
- ii) contamination risks in relation to the building,
- iii) flooding risks in relation to the building, and
- iv) whether it is undesirable for the building to change to a residential use because of the impact of the change of use on adequate provision of services of the sort that may be provided by a shop (but only where there is a reasonable prospect of the building being used to provide such services).

The Council's Highways officer has no objection to the proposal.

The Council's Flood Risk and Environmental Protection officers also have no objections

in terms of flooding and contamination.

Given the location, and proximity to other shops in the area, no objection is raised to the loss of the shop.

2. RECOMMENDATION

Prior Approval is granted.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a two storey mid terrace property located on the northern side of Station Approach, South Ruislip. Situated on a small shopping parade, the property has an existing retail unit located on its ground floor with residential accommodation located above at first floor level. To the front of the property is a small access road which has a number of short stay parking spaces situated on it. To the east of the site is an existing residential development.

The site is located within a developed area as identified in the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The application seeks Prior Approval for the conversion of an existing ground floor retail unit into a 1 bedroom flat.

3.3 Relevant Planning History

Comment on Relevant Planning History

None relevant to this application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.EM8 (2012) Land, Water, Air and Noise

PT1.T1 (2012) Accessible Local Destinations

Part 2 Policies:

OE7 Development in areas likely to flooding - requirement for flood protection measures

OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

OE11 Development involving hazardous substances and contaminated land - requirement for ameliorative measures

AM14 New development and car parking standards.

- AM7 Consideration of traffic generated by proposed developments.
S7 Change of use of shops in Parades

5. Advertisement and Site Notice

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

6. Consultations

External Consultees

A total of 23 neighbouring properties were consulted on the application on 18th August 2014.

12 comments along with a signed petition in objection to the proposal were received following the close of the consultation period.

In summary, the petition raised concerns over the impact from the loss of the shop, causing harm to vitality and viability of the centre.

Internal Consultees

Highways Officer: Given the proposal relates to the change of a shop to a one bedroom flat and the proximity of the site to the London Underground Tube station, no objection is raised.

Floodwater Management Officer: The building is not affected by flooding, although a portion of the rear yard is affected by surface water flooding, this would not affect future residents and as such no objection is raised.

Environmental Protection Officer: Based on Ordnance Survey historical map information, the site appears to be located on former farm land. When the residential development first appears on the post war maps, 1 Station Approach is indicated to be a post office, with a 'garage' (petrol station) adjacent to the west of the site. The former petrol station was redeveloped in 2007, and the tanks and impacted soils, which were located to the south west of the site and well away from the post office, were removed for off site disposal. This development also has basement car parking, so some unimpacted material was also removed.

I have no objections with regard to land contamination.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

In relation to the assessment of this type of application, the GPDO requires the Council to assess whether it is undesirable for the building to change to a residential use because of the impact of the change of use on adequate provision of services of the sort that may be provided by a shop (but only where there is a reasonable prospect of the building being used to provide such services).

In this regard it is noted the shop has been vacant for over a year. In establishing the acceptability of the impact of the change of use on adequate provision of services, Policy S7 of the Hillingdon Local Plan is relevant.

Policy S7 of the Local Plan Part 2 notes that permission to change the use of shops in parades will only be granted where:

- the parade will retain sufficient essential shops to provide a range and choice of shops, appropriate to the size of the parade.
- The surrounding residential area is not deficient in essential shops (defined as having less than 5 essential shops within 800m)

The site is approximately 550m from the core shopping area of South Ruislip containing local shops and Sainsbury's (corner Victoria Road and Long Drive), it is also only 300m from another parade of shops within the Local Centre on Station Approach.

The parade within which the site is located includes:

- a motor bike shop
- a tire shop
- a second hand car dealer
- a convenience store
- a Cafe
- a tanning salon

In this case, given the shops that would be retaining in the parade and the close proximity of shops and facilities in the Local Centre, it is not considered that the loss of this shop would unacceptably impact adequate provision of shopping services.

7.02 Density of the proposed development

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

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

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.04 Airport safeguarding

Not relevant to this application.

7.05 Impact on the green belt

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.06 Environmental Impact

CONTAMINATION

The application was referred to the Council's Contamination officer has no objection to the proposal.

7.07 Impact on the character & appearance of the area

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.08 Impact on neighbours

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.09 Living conditions for future occupiers

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

When considering traffic, servicing and parking demand for the shop against that needed for a 1 bed flat, and taking account of the near by tube station, there is not an objection to the scheme in terms if highway impacts.

7.11 Urban design, access and security

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.12 Disabled access

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.13 Provision of affordable & special needs housing

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.14 Trees, Landscaping and Ecology

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.15 Sustainable waste management

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.16 Renewable energy / Sustainability

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.17 Flooding or Drainage Issues

The site lies outside Flood Zones 3 and 2.

However the site lies in an area shown to potentially be at risk from surface water flooding. However no increase in hardstanding is proposed. The flooding officer has not raised an objection to this scheme and refusal is therefore not recommended for this reason.

7.18 Noise or Air Quality Issues

As this is an application for Prior Approval, this matter cannot be considered in determining the application.

7.19 Comments on Public Consultations

The objections received (including within the petition) by neighbouring residents and businesses raised the following issues:

- Over supply of flats in the area.
- Lack of adequate parking space
- Loss of a retail unit
- Loss of business on this small retail parade
- Unemployment
- Detrimental to the vitality of the area

These limited matters which can be considered by the Local Planning Authority are addressed in the relevant sections of this report. Other matters raised by the objections cannot be considered as part of this application.

7.20 Planning Obligations

Not relevant to this application.

7.21 Expediency of enforcement action

Not relevant to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not relevant to this application.

10. CONCLUSION

No concerns have been raised to the scheme by the Council's Highway, Flooding or Contamination officers. Further, it is not considered that the proposal would result in the provision of inadequate services of a sort which may be provided by a shop.

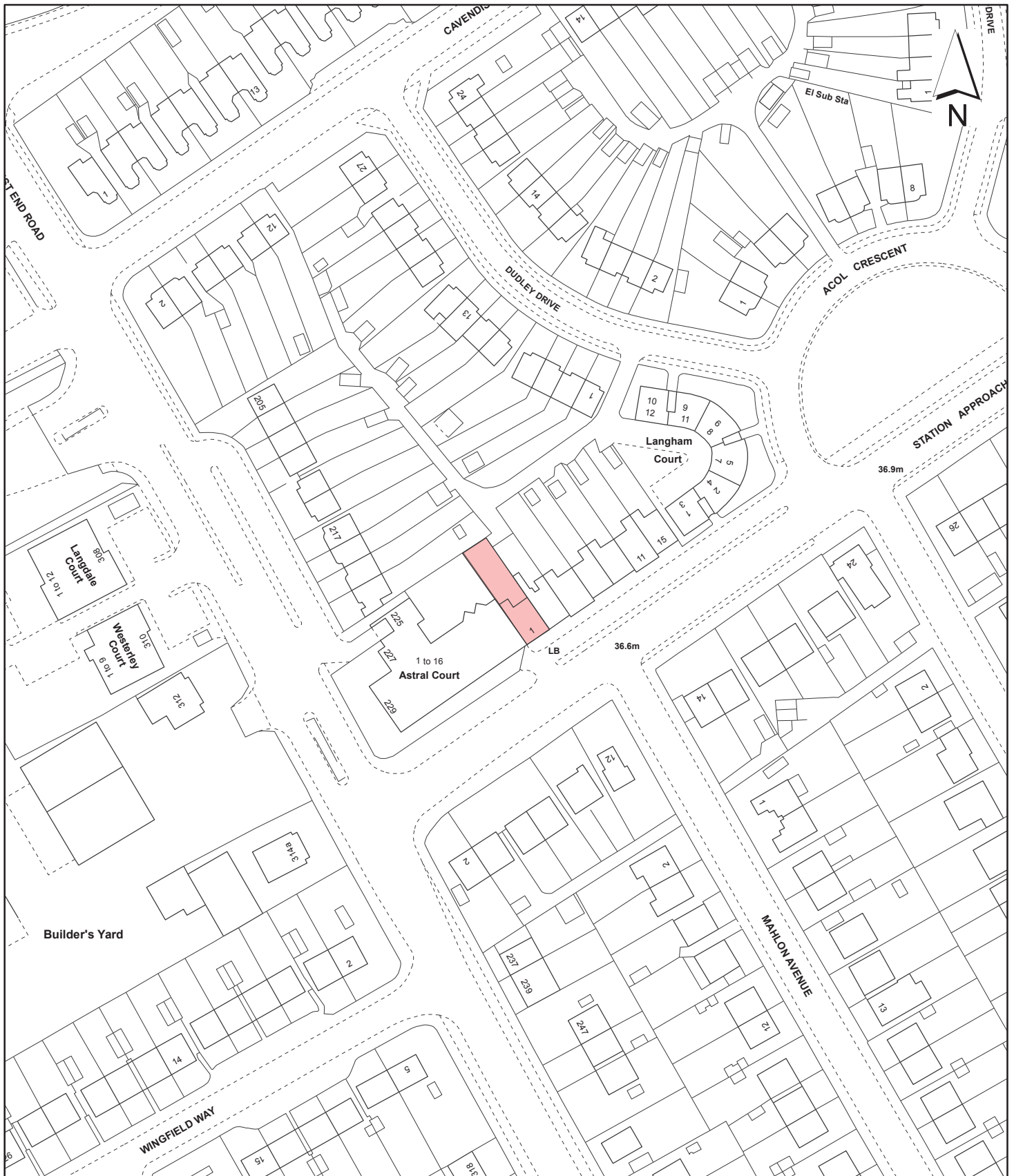
As such, it is recommended that prior approval for the proposed development is not required.

11. Reference Documents

Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

Contact Officer: Patrick Marfleet

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Notes

 Site boundary

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Site Address

**1 Station Approach
 South Ruislip**

Planning Application Ref:

17174/APP/2014/2861

Planning Committee

North Page 8

Scale

1:1,250

Date

October 2014

**LONDON BOROUGH
 OF HILLINGDON**

**Residents Services
 Planning Section**

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



HILLINGDON
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