

Report of the Head of Planning & Enforcement Services

Address 439 VICTORIA ROAD RUISLIP

Development: Change of use of from retail (Use Class A1) to financial and professional services (Use Class A2).

LBH Ref Nos: 67990/APP/2012/728

Drawing Nos: 1:1250 Location Plan
439/VR/R/01/AB Rev. B
439/VR/R/02/AB Rev. B
439/VR/R/03/AB Rev. B
Design and Access Statement

Date Plans Received: 27/03/2012 **Date(s) of Amendment(s):**

Date Application Valid: 27/03/2012

1. **SUMMARY**

This application seeks permission for the change of use of the ground floor of a corner property within a 4 unit retail parade from Class A1 (retail) to Class A2 (financial and professional services) and follows an application (67990/APP/2011/1964) to change the use of this unit to a Class A5 hot food takeaway and install an extract flue to the rear of the adjoining property which Members may recall was due to be considered at the North Planning Committee on the 17/11/11, but was withdrawn prior to the meeting. Although officer's had recommended the application for refusal as the proposed flue was considered to be intrusive to a neighbouring property and highway issues had not been resolved. No objections were raised to the principal of the loss of the retail unit. This proposal, for a financial and professional service unit does not raise similar concerns and is considered acceptable.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 **Time Limit**

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 COM4 **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1:1250 Location Plan, 439/VR/R/01/AB Rev. B, 439/VR/R/02/AB Rev. B, and 439/VR/R/03/AB Rev. B and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Unitary

Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

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 (July 2011) and national guidance.

NPPF	National Planning Policy Framework (March 2012)
LPP 6.3	(2011) Assessing effects of development on transport capacity
LPP 6.13	(2011) Parking
LPP 7.2	(2011) An inclusive environment
BE19	New development must improve or complement the character of the area.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
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
AM14	New development and car parking standards.
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

3 15 **Party Walls**

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

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

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

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

4 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.

5 115 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

6 125 Consent for the Display of Adverts and Illuminated Signs

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

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the north eastern side of Victoria Road, some 250m to the north west of the South Ruislip Local Centre, on a prominent corner plot at the traffic lighted junction with West Mead. It forms a two storey, end of terrace property within a retail parade comprising 4 units. This unit was previously in use as a domestic appliance shop, although it is now vacant. The adjoining unit is in use as a mini-supermarket (No. 441), No. 443 is a cafe/takeaway (Class A3/A5) and No. 445 is a nail salon (sui generis). The first floor is in use as residential flats. No.439A is accessed directly from West Mead via an external staircase, with the other three flats being accessed from the service road to the rear of West Mead via their rear yard areas and external staircases. The parade has two

projecting two storey wings at the rear and a number of the ground floor units have single storey extensions at the rear.

Adjoining the site to the rear and on the opposite side of West Mead are residential properties. To the south of the parade is an electricity sub-station. On the opposite side of Victoria Road are retail warehouses which are currently vacant but were last occupied by Focus DIY and Land of Leather.

The application site forms part of a retail parade as designated within the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3.2 Proposed Scheme

This application seeks the change of use of the application site from retail (Class A1) to financial and professional services (Class A2). Other than the removal of existing signage, no external alterations are proposed to the shopfront or building and the only internal alterations include the removal and installation of internal partition walls and formation of workspaces.

A Design and Access Statement has been submitted which advises that disabled access to the unit would be afforded by means the existing level threshold on the shop entrance and all internal doors would allow wheelchair access.

3.3 Relevant Planning History

67990/APP/2011/1964 439 Victoria Road Ruislip

Change of use of No. 439 Victoria Road from retail (Use Class A1) to hot food takeaway (Use Class A5) and installation of extractor duct to rear of Nos. 441/441A Victoria Road.

Decision: 17-11-2011 Withdrawn

Comment on Relevant Planning History

An application (67990/APP/2011/1964) to change the use of the retail shop (Class A1) to hot food takeaway (Class A5) and install an extract flue to the rear of Nos. 441/441A Victoria Road was placed on the North Committee agenda for the 17th November 2011 but was withdrawn before it could be considered.

Prior to being withdrawn the application was recommended for refusal for the following reasons:

1. The proposed extractor flue, by reason of its size and siting, in proximity to the first floor lounge window at No. 441A Victoria Road, would appear as a dominant and intrusive feature, resulting in an unacceptable loss of residential amenity to the occupiers of the adjoining residential flat. The proposal is therefore contrary to Policies BE21, OE1 and S6 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

2. The proposal fails to demonstrate that the proposed change of use would not give rise to additional on-street parking which would adversely affect traffic conditions on the public highway, including the local bus service and result in harm to the residential amenities of surrounding occupiers. The proposal is contrary to Policies BE19, OE1(iii), S6(iii) and (iv) and AM7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

The current application proposes an A2 use, as opposed to the A5 use which was previously sought and does not seek the provision of an external flue.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.19 To maintain a hierarchy of shopping centres which maximises accessibility to shops and to encourage retail development in existing centres or local parades which is appropriate to their scale and function and not likely to harm the viability and vitality of Town or Local Centres.
- PT1.20 To give priority to retail uses at ground floor level in the Borough's shopping areas.
- PT1.31 To encourage the development and support the retention of a wide range of local services, including shops and community facilities, which are easily accessible to all, including people with disabilities or other mobility handicaps.

Part 2 Policies:

- NPPF National Planning Policy Framework (March 2012)
- LPP 6.3 (2011) Assessing effects of development on transport capacity
- LPP 6.13 (2011) Parking
- LPP 7.2 (2011) An inclusive environment
- BE19 New development must improve or complement the character of the area.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- S6 Change of use of shops - safeguarding the amenities of shopping areas
- S7 Change of use of shops in Parades
- 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
- AM14 New development and car parking standards.
- LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

3 neighbouring properties have been consulted, together with the South Ruislip Residents' Association and a site notice has been displayed on site. No responses have been received.

Internal Consultees

Access Officer: No objection.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The main principle that needs to be considered with this application is the loss of a retail shop.

The main thrust of retail policy within the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) is to maintain an appropriate hierarchy of shopping areas to serve local communities. The application site forms part of a retail parade as designated by the adopted Hillingdon UDP Saved Policies (September 2007), one of the lower levels within the shopping hierarchy where only a limited number of essential shop uses would be expected, serving a small catchment area.

Policy S7 states that permission will only be granted for the change of use of Class A1 shops in parades if:

- (i) the parade retains sufficient essential shop uses to provide a range of shops appropriate to the size of the parade and to its function in the shopping hierarchy;
- (ii) the surrounding residential area is not deficient in essential shop uses; and
- (iii) the proposal accords with Policy S6.

This is a small retail parade comprising 4 units. Of these, No. 443 Victoria Road has been converted to a cafe/hot food takeaway and No. 445 is in use as a nail salon (*sui generis*). This leaves the application site which is currently vacant (although last used as a Class A1 shop selling domestic appliances) and No. 441 which provides a Class A1 convenience store which provides a grocery, off-licence and newsagent. Given the size of the parade, it is considered that the convenience store provides an appropriate range of goods relative to the size of the parade. Furthermore, the parade is some 240m from the northern edge of the South Ruislip Local Centre and 120m from the BP petrol filling station on Victoria Road which also has a BP Connect shop and cafe selling grocery goods, newspapers and beers and wine, together with bread and sandwiches. It should also be noted that the former use of the shop did not provide an essential use and therefore the proposal would not reduce the number of essential shop uses serving the surrounding residential area. As such, it is considered that no objections in principle can be raised to the loss of the retail use.

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 for a change of use only.

7.05 Impact on the green belt

Not applicable to the application site.

7.07 Impact on the character & appearance of the area

No external works are proposed as part of this application. The scheme complies with Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.08 Impact on neighbours

Policy S6 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) states that to safeguard the amenities of shopping areas, the Local Planning Authority will only grant permission for changes of use of class A1 shops if, amongst other criteria, the proposed use will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems.

Policy OE1 states that proposed uses should not have a detrimental impact on the character of an area or the amenities of neighbouring properties by reason of noise and vibration or the emission of dust, smell or other pollutants.

The proposed use as a financial and professional office would not give rise to any additional noise and general disturbance than that likely to be generated by the former use of the premises as a Class A1 shop. As such, the scheme would not be detrimental to the residential amenities of the first floor flats or other surrounding occupiers, in accordance with Policies S6 and OE1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.09 Living conditions for future occupiers

Not applicable to this scheme.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The London Plan does not stipulate minimum car parking standards for proposed development, only setting maximum limits and these standards require employment uses to generally provide less parking than retail uses. Policy S6 of the UDP Saved Policies (September 2007) advises that to safeguard the amenities of shopping areas, the Local Planning Authority will only grant permission for changes of use of class A1 shops if, amongst other criteria, the proposed use will not cause unacceptable traffic related problems. Policy AM7 at criteria (ii) advises that proposals should not prejudice highway and pedestrian safety.

The site does not provide any off-street car parking. However, it is considered that the proposal for a Class A2 office would not be likely to generate any additional demand for parking over and above that generated by the existing retail use. As such, the scheme would not be detrimental to highway and pedestrian safety as compared to the current situation, in accordance with policies S6 and AM7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.11 Urban design, access and security

Not applicable to this scheme.

7.12 Disabled access

The Submitted Design and Access Statement advises that there is an existing level threshold to the premises and the Council's Access Officer advises that on this basis the scheme, no specific access improvements are required and the scheme is acceptable although advises on the use of informatives to advise of provisions within the Equality Act 2010.

7.13 Provision of affordable & special needs housing

Not applicable to this scheme.

7.14 Trees, landscaping and Ecology

Not applicable to this scheme.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

If the application had not been recommended for refusal, the only drainage issue concerns the build up of fat in the sewers and an informative could have been added to any approval, recommending the use of a fat trap in accordance with best practice.

7.18 Noise or Air Quality Issues

This application raises no specific noise and air quality issues that have not already been considered in Section 7.08 of this report and by the Council's Environmental Health Officer

7.19 Comments on Public Consultations

No comments have been received.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

No enforcement issues are raised by this application at the application site.

7.22 Other Issues

This application does not raise any other planning issues.

8. Observations of the Borough Solicitor

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

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

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

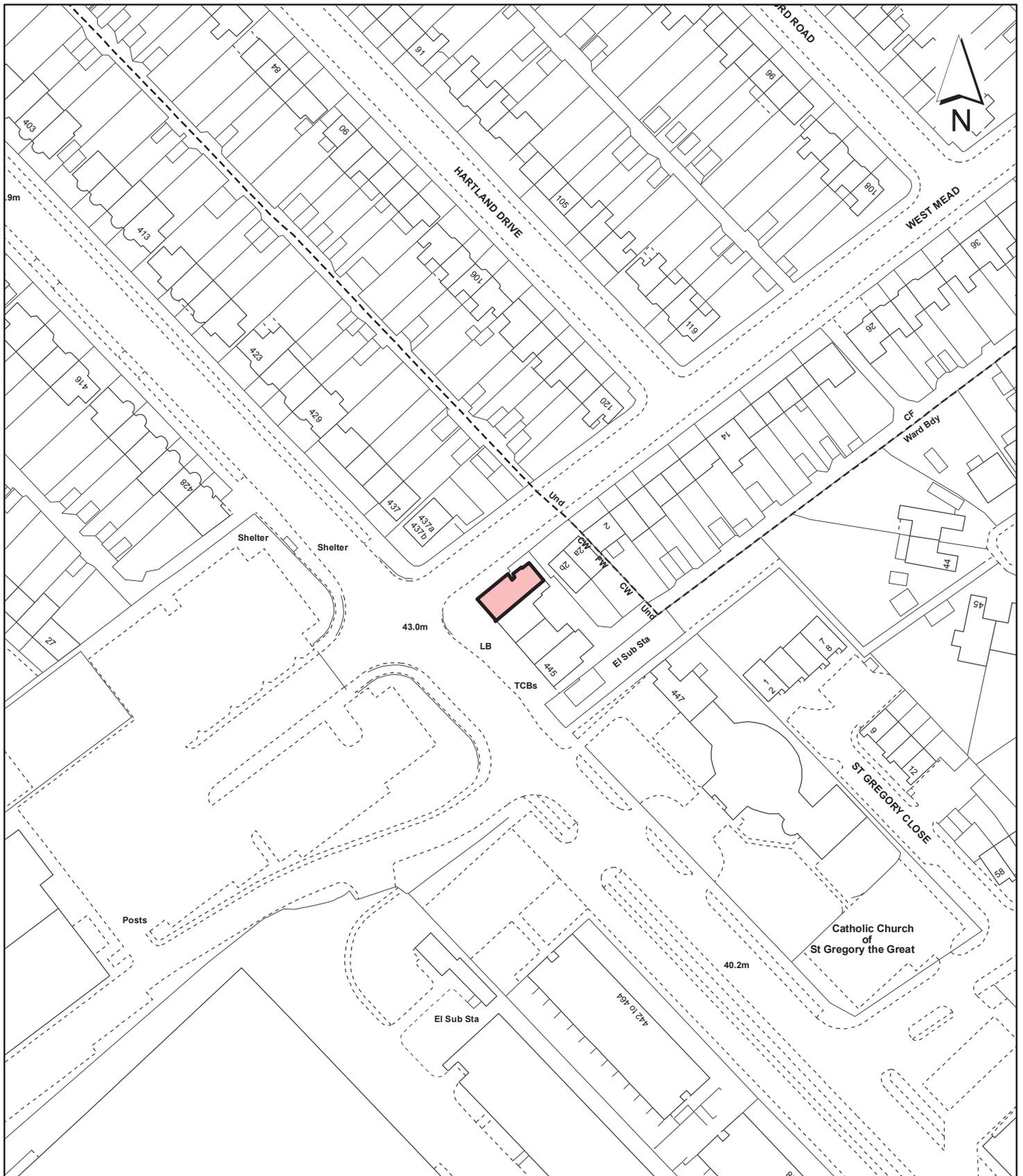
No objections are raised to the loss of this retail unit within a small parade, which would still retain a small convenience store and is sited close to the South Ruislip Town Centre. The proposed financial and professional services use would have no greater impact upon the amenities of the area and surrounding residential properties than the existing retail use and would have no greater requirement for parking. It is therefore recommended for approval.

11. Reference Documents

National Planning Policy Guidance, March 2012
London Plan, July 2011,
Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)
Consultation Responses

Contact Officer: Richard Phillips

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2012 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;">439 Victoria Road Ruislip</p>		<p>LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p> <p style="text-align: center;">  HILLINGDON LONDON</p>
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	<p>Planning Committee</p> <p style="text-align: center;">North</p>	<p>Date</p> <p style="text-align: center;">May 2012</p>	