

Report of the Head of Planning & Enforcement Services

Address 101 VICTORIA ROAD RUISLIP

Development: Change of use of ground floor from retail (Use Class A1) to restaurant/cafe (Use Class A3) involving installation of extract duct to rear and new door to rear

LBH Ref Nos: 19448/APP/2012/2541

Drawing Nos: Design and Access Statement
6513/P/01/A
HS/RM/001
6513/P/02
6513/P/03

Date Plans Received: 16/10/2012 **Date(s) of Amendment(s):**
Date Application Valid: 16/10/2012

1. SUMMARY

Planning permission is sought for a change of use from retail (Use Class A1) to restaurant (Use Class A3) for use as a Lebanese restaurant. No changes are proposed to the external appearance of the front of the building. At the rear a new entrance is proposed, together with the installation of extract ducting associated with the proposed use.

A previous application for a change of use of the premises was refused earlier in 2012, although it is considered that the applicant has now addressed the previous reasons for refusal.

The proposed change of use would not adversely affect the vitality and viability of the shopping parade and there would be no adverse harm arising from the proposed use.

Subject to appropriate planning conditions it is therefore considered that the application would comply with Policies S6, OE1, OE3, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012). The application is thus recommended for approval.

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 6513 P 01 A, 6513 P

02, 6513 P 03, HS/RM/001, and the Design and Access Statement, 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 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Polices (November 2012) and the London Plan (July 2011).

3 NONSC Non Standard Condition

No air extraction system shall be used on the premises until a scheme for the control of noise and vibration emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Polices (November 2012).

4 NONSC Non Standard Condition

The premises shall only be used for the preparation, sale of food and drink and clearing up between the hours of 08:00 and 23:00 Monday to Saturdays, and 1000 to 1800hrs on Sunday, and Bank/Public Holidays. 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 Local Plan: Part Two - Unitary Development Plan Saved Polices (November 2012).

5 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 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Polices (November 2012).

6 NONSC Non Standard Condition

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 of the of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Polices (November 2012).

NONSC

~~Non-Standard Condition~~
Prior to the commencement of the provision details of the provision to be made for the secure and covered storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided on site prior to the premises being brought into use and thereafter maintained.

REASON

To ensure satisfactory provision is made for the storage of waste and recycling, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with Policy OE1 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Polices (November 2012).

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 of the Hillingdon Local Plan (November 2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
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
LPP 2.15	(2011) Town Centres
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 7.15	(2011) Reducing noise and enhancing soundscapes

3 I18 **Storage and Collection of Refuse**

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

4 115 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 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 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.

5

The proposed lobby as indicated on the submitted plan should be designed in accordance with 8300:2009. A minimum of 1570 mm, clear of doors swing areas, should be provided between the internal and external lobby doors.

The proposed accessible toilet should be designed in accordance with Part M to the Building Regulations 2000 (2004 edition). To this end, the internal fixtures and fittings should be positioned according to the specifications as per the above regulations. The orientation of the toilet pan shown on plan is incorrect and, therefore, it is likely that the position of other fixtures and fittings will also require some amendment.

6

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a "protected characteristic", which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

7 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in

September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located towards the north-eastern end of Victoria Road. It comprises a shop on the ground floor of a three storey, brick built parade of shops. The unit is currently vacant. The adjoining unit to the north-west is a dog grooming salon, Plush Pooches. To the south-east is a shop, Art Gallery. Flats are located on the first and second floor above and are currently occupied. The shop is accessed via Victoria Road which is a major distributor road providing good access for deliveries and emergency vehicle access.

The site lies within the Ruislip Manor Town Centre and is within the Secondary Shopping Area as identified in the policies of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012). The surrounding shopping frontage has a mix of A-class uses.

3.2 Proposed Scheme

Planning permission is sought for the change of use from retail (Use Class A1) to restaurant (Use Class A3) for use as a Lebanese Restaurant.

The unit would entail a seating area, bar, toilets (including disabled toilet) and a kitchen. A new door is proposed to the rear of the property although no change is proposed to the front elevation.

The proposed opening times of the A3 use would be Monday-Friday 11-3pm and 6-11pm; Saturdays 11am-11pm and Sundays 11am-10pm.

A kitchen extraction system would be installed and refuse storage would be located at the rear of the property.

Any advertisement on the shop front would be the subject of a separate advertisement application.

3.3 Relevant Planning History

19448/APP/2012/907 101 Victoria Road Ruislip

Change of use of ground floor from Use Class A1 (Shops) to Use Class A3 (Restaurants and Cafes) involving installation of extract duct to rear and new door to rear

Decision: 19-06-2012 Refused

Comment on Relevant Planning History

This application is a resubmission of a previously refused planning application ref. 19448/APP/2012/907. This was refused for the following reasons:

1. In the absence of any proposed kitchen extraction system specifying the odour control technology, the application has failed to demonstrate that the development would

safeguard the amenities of nearby residential properties from the potential impact of cooking odours. The proposal is therefore contrary to Policies S6 and OE1 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

2. The proposal has failed to provide adequate waste storage facilities, in a suitable location, in accordance with the council's adopted standards, and therefore the proposal is contrary to policy S6 of the Hillingdon Unitary Development Plan (Saved Policies, September 2007).

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.BE1 (2012) Built Environment

Part 2 Policies:

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

S6 Change of use of shops - safeguarding the amenities of shopping areas

S12 Service uses in Secondary Shopping Areas

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

LPP 2.15 (2011) Town Centres

LPP 4.7 (2011) Retail and town centre development

LPP 4.8 (2011) Supporting a Successful and Diverse Retail Sector

LPP 7.15 (2011) Reducing noise and enhancing soundscapes

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

24 adjoining and nearby properties and the Ruislip Residents Association notified of the application by means of a letter dated 23rd October 2012. A site notice was also displayed. 1 letter and a petition with 93 signatories received, objecting to the proposal on the grounds that whilst an empty

premises detracts from the appearance of a shopping area, Victoria Road does not need any more restaurants.

Internal Consultees

EPU:

Conditions relating to the provision of an air extraction system, hours of use and hours of deliveries and waste collections together with the construction informative are pertinent to this application.

ACCESS OFFICER:

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a "protected characteristic", which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

As the proposal relates to a change of use with minor alterations, the following accessibility considerations should be incorporated:

1. The proposed lobby as indicated on the submitted plan should be designed in accordance with 8300:2009. A minimum of 1570mm, clear of doors swing areas, should be provided between the internal and external lobby doors.
2. The proposed accessible toilet should be designed in accordance with Part M to the Building Regulations 2000 (2004 edition). To this end, the internal fixtures and fittings should be positioned according to the specifications as per the above regulations. The orientation of the toilet pan shown on plan is incorrect and, therefore, it is likely that the position of other fixtures and fittings will also require some amendment.

Conclusion: Acceptable subject to planning conditions that secure the above accessibility considerations.

(OFFICER COMMENT: As these suggestions relate to matters internal to the building, they are outside the scope of planning control. However, they are proposed to be included as informatives.)

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within the Secondary shopping frontage of Ruislip Manor Town Centre. Paragraph 8.24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) defines Secondary Shopping Areas as peripheral to the primary areas in which shopping and service uses are more mixed although Class A1 shops should still be the majority use. Paragraph 8.26 states that as a guideline, the Council will normally seek to prevent a separation or an increase in the separation of Class A1 units of more than approximately 12m. Class A1 shops should remain the predominant use in secondary areas and the Council will expect at least 50% of the frontage to be in Class A1 use.

Policy S12 establishes that it is acceptable for a change of use from Class A1 to non Class A1 uses in secondary frontages, where there remains 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.

The 2011 shopping survey shows that the overall position is that the centre continues to have a very low vacancy rate and relatively healthy A1 retail presence (56.4% of the frontages in the secondary shopping area). The percentage of A1 use is currently above the minimum 50% threshold stipulated in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012). The change of use would not result in a break in the retail frontage above the guidelines of 12m. Overall, it is considered that the change of use would not harm the vitality and attractiveness of Ruislip Manor Town Centre and that it would comply with Policy S12 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and Policy 2.15 of the London Plan (2011).

Policy S6 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) states that to safeguard the amenities of shopping areas, the local planning authority will grant permission for change of use of Class A1 shops if:

(i) The proposal will not be detrimental to visual amenity where the premises form part of a statutory or locally listed building or are located within a conservation area;

(ii) A frontage of a design appropriate to the surrounding area is maintained or provided (the local planning authority may impose conditions to ensure retention or installation of an appropriate frontage);

(iii) The proposed use is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems; and

(iv) Has no harmful effect on road safety and does not worsen traffic congestion or disrupt bus operations.

The proposal will not impact on the visual amenity of the area and the Council's Environmental Protection Unit has no objections to the kitchen extraction system proposed or the overall change of use, subject to conditions. As such, the scheme would address the previous reasons for refusal and comply with Policy S6 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

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.

7.07 Impact on the character & appearance of the area

No alterations are proposed on the front elevation and therefore the proposal does not impact on the appearance of the streetscene or the character of the area. The proposal would therefore comply with Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies and Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

7.08 Impact on neighbours

The first and second floor of the building is in residential use. The type of use proposed is typical of a town centre location and there are a number of other such uses in the centre. Thus, subject to conditions controlling the hours of use and noise and vibration from the extraction system it is considered that the proposal would not impact unduly on the surrounding residential occupiers such as to justify refusal. The application would therefore comply with Policy S6 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policies AM2 and AM7 state that all proposals for development will be assessed against their contribution to traffic generation and their impact on congestion and the present and potential availability of public transport and its capacity to meet increased demand.

Given the site's location within a town centre, with good access to public transport, it is considered that the change of use would not adversely impact on current parking provision within the area. The use would not generate additional parking demand over and above the previous use.

7.11 Urban design, access and security

No external changes are proposed to the shopfront, and the external appearance of the building from the street frontage would not therefore be adversely affected by the proposal. To the rear the alterations proposed are considered satisfactory and there are no design or access and security issues arising.

7.12 Disabled access

The shopfront would have level access and a door width of 1m. A disabled toilet is also proposed within the premises. Appropriate informatives are recommended to ensure that the facilities provided are of an appropriate standard and in accordance with the Equality Act 2010 and Part M of the Building Regulations.

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

The application would involve food waste and kitchen waste. The Design and Access Statement states that the refuse bins would be located at the rear of the building and all used cooking oil and refuse would be taken off the site by a licensed operator. It is considered that there is adequate space to the rear of the premises for refuse vehicles and refuse and recycling storage, and as such appropriate provision for such facilities to the rear can be secured by an appropriate planning condition.

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

Details of the fume extraction system have been submitted and EPU have requested that details of a scheme for the control of noise emanating from the site is submitted and approved prior to the commencement of any works. Subject to this and other conditions limiting hours of use and deliveries the proposal would not result in undue noise issues.

7.19 Comments on Public Consultations

None received.

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

It is considered that the principle of an A3 use on this site is acceptable, and that the proposed building and use would not be harmful to the character and appearance of the street scene, nor the amenities of nearby residents. Parking and highway safety matters are also satisfactory. The application accords with the Council's planning policies and is therefore recommended for approval, subject to appropriate conditions.

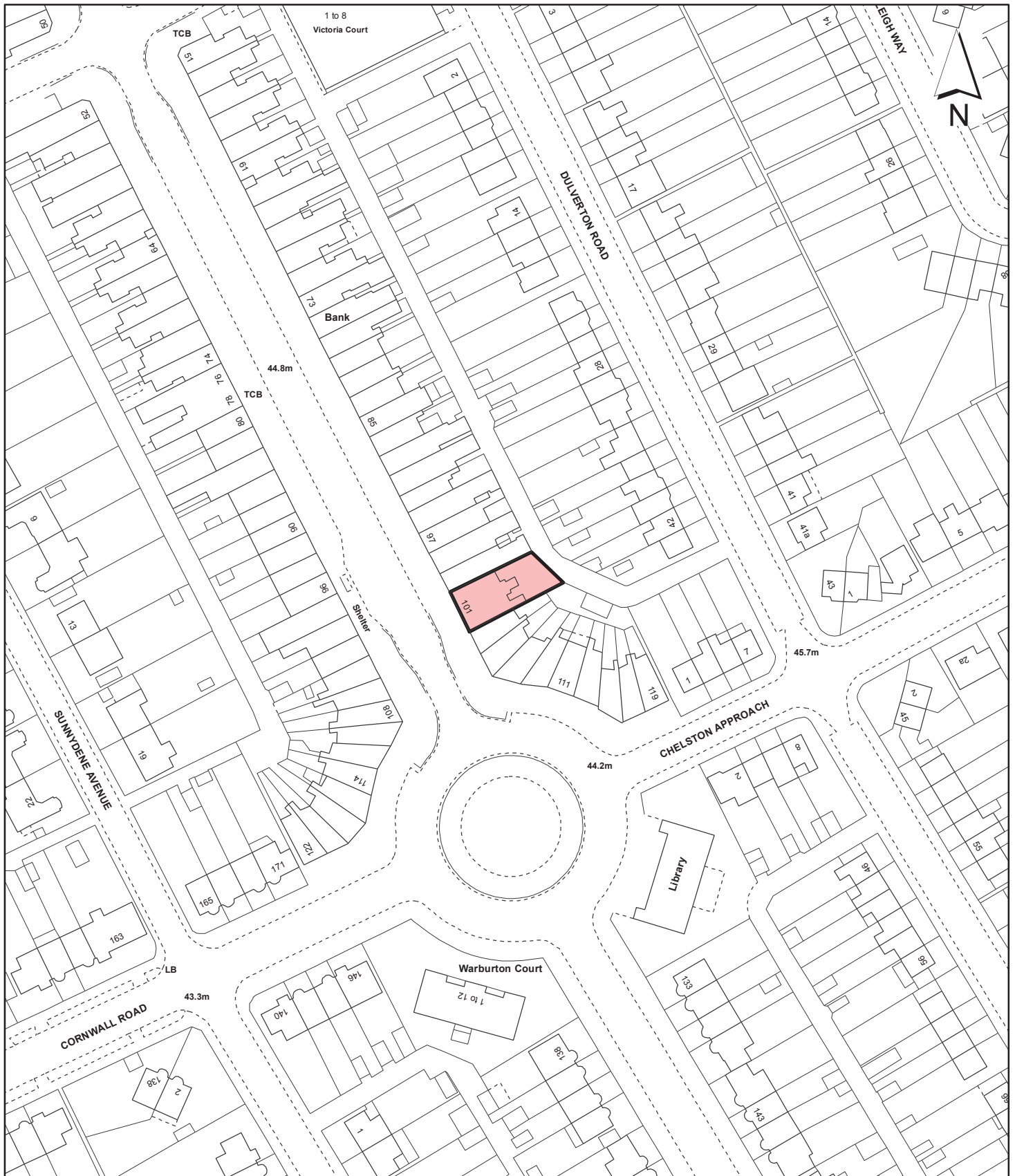
11. Reference Documents



London Plan (July 2011)
National Planning Policy Framework
Hillingdon Local Plan: (November 2012)

LBH Council's Supplementary Planning Guidance - Community Safety by Design
LBH Council's Supplementary Planning Guidance - Noise
LBH Council's Supplementary Planning Guidance - Air Quality
LBH Supplementary Planning Document - Accessible Hillingdon

Contact Officer: Mandeep Chaggar

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;">101 Victoria Road Ruislip</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">19448/APP/2012/2541</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>	 <p style="text-align: center;">HILLINGDON LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;">North</p>	<p>Date</p> <p style="text-align: center;">December 2012</p>	