

Report of the Head of Planning, Sport and Green Spaces

Address 524-526 VICTORIA ROAD RUISLIP

Development: Change of use from Use Class A1 (Shops) to Use Class D1 (Non-residential Institutions) to provide childcare provision involving alterations to rear elevation

LBH Ref Nos: 36666/APP/2013/395

Drawing Nos: 1035.2
Block Plan to Scale 1:500
7E
1035.3 Rev. A
1035.1 Rev. C
Supporting Statement
Travel Assessment
Travel Plan
Arrivals and Departures Profile Plan
Future Travel Parking Considerations
Childcare Sufficiency Assessment

Date Plans Received: 19/02/2013 **Date(s) of Amendment(s):**

Date Application Valid: 21/02/2013

1. **SUMMARY**

The site lies within the Core Area of South Ruislip Local Centre and the property is currently in A1 (retail) use, albeit vacant. It is considered that the proposed change of use would lead to an unacceptable loss of an A1 unit which would harm the vitality and viability of the shopping area.

Furthermore, the parking provision would be insufficient for the proposed development nor would a reliable source of parking be provided (as the allocated parking is outside the ownership of the applicant); leading to overspill parking in Victoria Road, which would be prejudicial to highway safety. Additionally, the proposed play area and parking would be poorly sited and would not provide a suitable location for a nursery play area or parking.

As such the application is recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed change of use from a retail unit to a use for childcare provision within the designated Core Area of the South Ruislip Local Centre would result in the loss of a retail unit and would undermine the attractiveness of the Core Area which has been defined to identify the minimum number and range of shops needed to carry out its function. The proposal would thus harm the vitality and viability of the South Ruislip shopping area and would be contrary to Policy S9 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2 NON2 **Non Standard reason for refusal**

It has not been demonstrated that the proposed car parking provision at the site would be adequate to serve the development or that it would be retained and available for the lifetime of the development and would also constitute a loss of parking for adjacent uses. The proposal would thus result in indiscriminate parking, undue traffic and congestion in the locality prejudicial to highway safety and contrary to Policies AM7, AM9, AM14 and R12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3 NON2 Non Standard reason for refusal

The character and visual quality of the rear service area is incompatible with the proposed use as play area by virtue of its poor quality landscaping, boundary treatment, lack of maintenance, lighting and poor natural surveillance and would thus not provide a safe and secure location for such a use, contrary to Policy BE1 of the Hillingdon Local Plan Part 1: Strategic Policies (November 2012) and Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4 NON2 Non Standard reason for refusal

The proposed parking area is not safe or secure by virtue of its lack of maintenance and inadequate lighting and as a result the area would not be suitable for the dropping off/picking up of children or for the use by pedestrians and cyclists. The proposal would thus be contrary to Policy AM9 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy BE1 of the Hillingdon Local Plan Part 1: Strategic Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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.
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
S9	Change of use of shops in Local Centres
R12	Use of premises to provide child care facilities
LPP 3.18	(2011) Education Facilities

3 I59 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 September 2007), 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 relates to a ground floor double retail unit within the shopping parade, which has been vacant for 8 months.

The building is three storeys in height with residential uses on the upper floors. The property has a gross internal floor area of 1,535 square metres and was formerly occupied by 'Gintred Limited' Suppliers of Wooden Flooring.

There is a wide footway to the front of the property, together with a service/access road to the rear.

The site is located on Victoria Road, a classified highway, and directly adjacent to the site there are parking restrictions that prevent parking during the daytime.

The site is situated within the Core Area of South Ruislip Local Centre and within the Developed Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The proposed development is for the change of use from A1 (Retail) to D1 (Non-Residential Institution) to provide a children's nursery. It is proposed that the Nursery will accommodate up to 30 children between the ages of 3 months and 5 years, who will attend either morning, afternoon or full daily sessions.

Opening hours would be 6.30am to 19.30pm Monday to Friday and 8.00am - 13.00pm on a Saturday.

The internal layout would comprise a large nursery area with associated office and staff room. To the rear would be a kitchen, store, three WC's and a babies room. A children's outdoor play area would be provided within the existing rear yard area. The bin storage areas are also proposed within the rear yard. An existing window on the rear elevation is proposed to be removed and a new door is proposed to be installed.

The applicant has stated that 12 members of staff would be employed, 4 of which would be employed full time and 8 would be employed on a part-time basis.

6 parking spaces are proposed, including 1 permanent parking space and 5 drop-off bays; albeit outside of the demise of the applicant's ownership. It is suggested by the applicant that 75% of children would arrive by foot being dropped off by parents en-route to work by public transport. Cycle parking would be provided for 4 bicycles.

3.3 Relevant Planning History

36666/A/92/3543 524-526 Victoria Road Ruislip
Installation of an internally illuminated fascia sign

Decision: 10-06-1992 Approved

36666/APP/2012/2958 524-526 Victoria Road Ruislip
Change of use from Use Class A1 (Shops) to Use Class D1 (Non-residential Institutions) to provide childcare provision involving alterations to rear elevation.

Decision: 04-02-2013 Refused

Comment on Relevant Planning History

Planning permission was refused under reference 36666/APP/2012/2958 for a change of use from Class A1 to D1 and associated alterations to provide a nursery on the following grounds:

1. The proposed change of use of from retail unit to childcare provision within the designated Core Area of the South Ruislip Local Centre would result in the loss of this retail unit and would undermine the attractiveness of the core area which has been defined to identify the minimum number and range of shops needed to carry out its function thus harming the vitality and viability of that shopping area. The proposal is therefore contrary to Policy S9 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

2. The applicant has failed to demonstrate that there will be adequate cycle and car parking facilities that will serve the development, particularly for the dropping off and picking up of children and would thus result in undue traffic and congestion in the locality and would be prejudicial to highway safety and traffic contrary to Policies AM7, AM9 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Post refusal discussions were held between the Applicant and Council Officers, where it was maintained by Officers that the principle of the development is unacceptable in this location. Nevertheless this re-submission application seeks to address the reasons for refusal of the previous application through the provision of additional information as follows:

- confirmation of cycle storage facilities,
- confirmation of the 6 parking spaces (including 1 permanent space and 5 drop-off bays),
- A Transport Assessment and a Travel Plan.

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:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
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.
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
S9	Change of use of shops in Local Centres
R12	Use of premises to provide child care facilities
LPP 3.18	(2011) Education Facilities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

5 neighbours and South Ruislip Residents Association were consulted and a site notice was erected adjacent the site.

A petition with 24 signatories in support of the scheme was submitted with the application.

Internal Consultees

Trees and Landcape Officer:

There are no trees or other landscape features of merit which might constrain development. No trees or other significant landscape features will be affected by the proposal. External storage for bins has been located in the rear service yard where it will be secure and screened from public view.

The character and visual quality of this area is currently incompatible with nursery use. Landscape conditions are necessary to enhance the visual amenities of the rear service yard if it is to be used

as an amenity/play space and to ensure that adequate facilities are provided (including the screening of the bin store).

No objection, subject to the above considerations and conditions COM9 (parts 1, 2, 4 and 5).

Access Officer:

The Applicant is proposing that they will convert one of the parking bays, dedicated for people with disabilities and wheelchair users. This proposal needs reviewing to ensure all backgrounds are catered for. Having reviewed all related documents and photographs, I consider that conditions pertaining to the above Planning Application, has been satisfactorily met.

Highways Officer:

When undertaking assessment of the development, it is noted that the applicant has submitted a Transport Statement and Travel Plan in support of the proposals. However, these are not in accordance with relevant guidance and fail to demonstrate that the proposed car parking provision at the site would be adequate to serve the development.

In addition, it is noted that the site is located along Victoria Road, which is a classified highway and close to the signal controlled junction with Long Drive. Directly adjacent to the site there are Traffic Regulation Orders restricting parking during the daytime. Therefore, any overspill parking along Victoria Road would obstruct the free flow of traffic to the detriment of highway safety.

Furthermore, when considering the parking area at the rear of the site, it is noted that this is not maintained nor does it provide any form of lighting. As a result, it is considered that this area is not suitable for the dropping off/picking up of children or for use by pedestrians and cycles.

Finally, it is noted that the proposed parking provision is outside the boundary of the application site and it is not clear if this parking can be retained for the lifetime of the development or constitutes a loss of parking relating to adjacent uses.

Therefore, an objection is raised as it is considered that the development would be contrary to Policies AM7, AM9, AM14 and R12 of the adopted Hillingdon Local Plan, 2012, (Part 2).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S9 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that in Local Centres the Local Planning Authority will only grant planning permission to change the use from Class A1 shops outside the core areas. Core areas contain the minimum number of shops and range of shops to enable Local Core Areas to function, providing for the needs of people who do not live close to a Town Centre; reducing the need to travel for goods and services. Thus the LPA will resist proposals for the loss of A1 in Core Areas. The site is located within the Core Area of South Ruislip Local Centre therefore no change of use from A1 would be permitted and the principle of the proposed development is thus unacceptable as it would harm the vitality and function of the shopping parade in which it lies, contrary to Policy S9 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Although the proposed development fails to meet Policies S9 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), such applications should be assessed under Policy S6. Policy S6

seeks to safeguard the amenities of shopping areas and permission will only be granted for a change of use of Class A1 Shops on the basis that the proposed development would

not be detrimental to visual amenity; shop frontage design; compatibility and road safety. There are no external alterations proposed to the frontage as part of this application, and therefore the proposal would not affect the visual amenity or the shop front. The use as a 'nursery' would not necessarily be compatible with a shopping parade, however if the development was considered acceptable in principle, conditions could be imposed to mitigate this. However, there would be a detrimental impact on the highway due to the lack of parking provision which would fail to meet the criteria relating to road safety, contrary to Policy S6 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Policy R11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), relates to the provision of childcare uses. The Council will permit such uses on the basis that there is no loss of residential units; it would not be prejudicial to highway safety and traffic; parking is in accordance with the Council's standards; and the noise and general activity would not detract from the amenity of nearby residential properties. The proposed development fails to meet the requirements of Policy R11 by failing to provide sufficient parking which would be prejudicial to highway safety and traffic and would therefore not be considered acceptable in principle.

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 resist any development which would fail to harmonise with the existing streetscene or complement or improve the character of the area.

It is considered that the minor alterations to the rear of the site comprising the removal of a window and installation of a door would not impact on the visual amenities of the streetscene. The proposal is therefore satisfactory in this respect.

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that would become detrimental to the amenity of the adjoining occupiers or surrounding area would not be approved. Policy OE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

The change of use from A1 (Retail) to D1 (Non-residential Institution) is considered not to result in any additional noise and disturbance over the current situation and therefore is considered to comply with Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The accompanying Transport Statement and Travel Plan are not in accordance with relevant guidance and fail to demonstrate that the proposed car parking provision at the site would be adequate to serve the development. On the basis that the site could not provide adequate parking, parking would overspill into the surrounding area. This would potentially have a highly detrimental impact on highway safety and the free flow of traffic as Victoria Road is a classified highway; there are parking restrictions adjacent to the site and there is a major signal controlled junction near the site on Long Drive.

Furthermore, the parking area at the rear of the site is not maintained nor does it provide any form of lighting and thus would be considered unsuitable for the dropping off/picking up of children, or for the use by pedestrians and cyclists. This is also discussed within Section 07.11 of this report.

Finally, the proposed parking provision is outside the boundary of the applicant's ownership therefore it is not guaranteed that parking can be retained for the lifetime of the development. In addition, the proposed parking may actually result in a loss of parking for adjacent uses.

Therefore the development would be contrary to Policies AM7, AM9, AM14 and R12 of the adopted Hillingdon Local Plan, 2012, (Part 2).

7.11 Urban design, access and security

It is considered that the existing rear yard would not be suitable location for a nursery play area by virtue of its location at the rear of the site, lack of illumination and lighting, poor surveillance and poor overall environment and quality contrary to Policy BE1 of the Hillingdon Local Plan Part One: Strategic Policies (November 2012). Furthermore, the poor conditions do not create a safe and secure environment for nursery children, their parents or guardians, visitors or members of staff.

7.12 Disabled access

The Access Officer has stated that the access requirements have been satisfactorily met, however it is noted that the introduction of a disabled parking bay would need to be reviewed to ensure that all backgrounds are catered for.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

The Tree & Landscaping Officer has stated that the character and visual quality of this area is currently incompatible with nursery use. This is also discussed within Section 07.11 of this report.

However, should the scheme be recommended for approval, it is considered that landscape conditions are necessary to enhance the visual amenities of the rear service yard if it is to be used as an amenity/play space and to ensure that adequate facilities are provided (including the screening of the bin store).

7.15 Sustainable waste management

Policy 5.6 of the London Plan requires development to have regard to and contribute to a reduction in waste produced. This could have been conditioned had the scheme been recommended favourably.

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

Not applicable to this application.

7.19 Comments on Public Consultations

The petition in support of the application has been noted and is considered within the main 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

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 overall the scheme is contrary to the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and the Hillingdon Local Plan: Part Two - Saved UDP

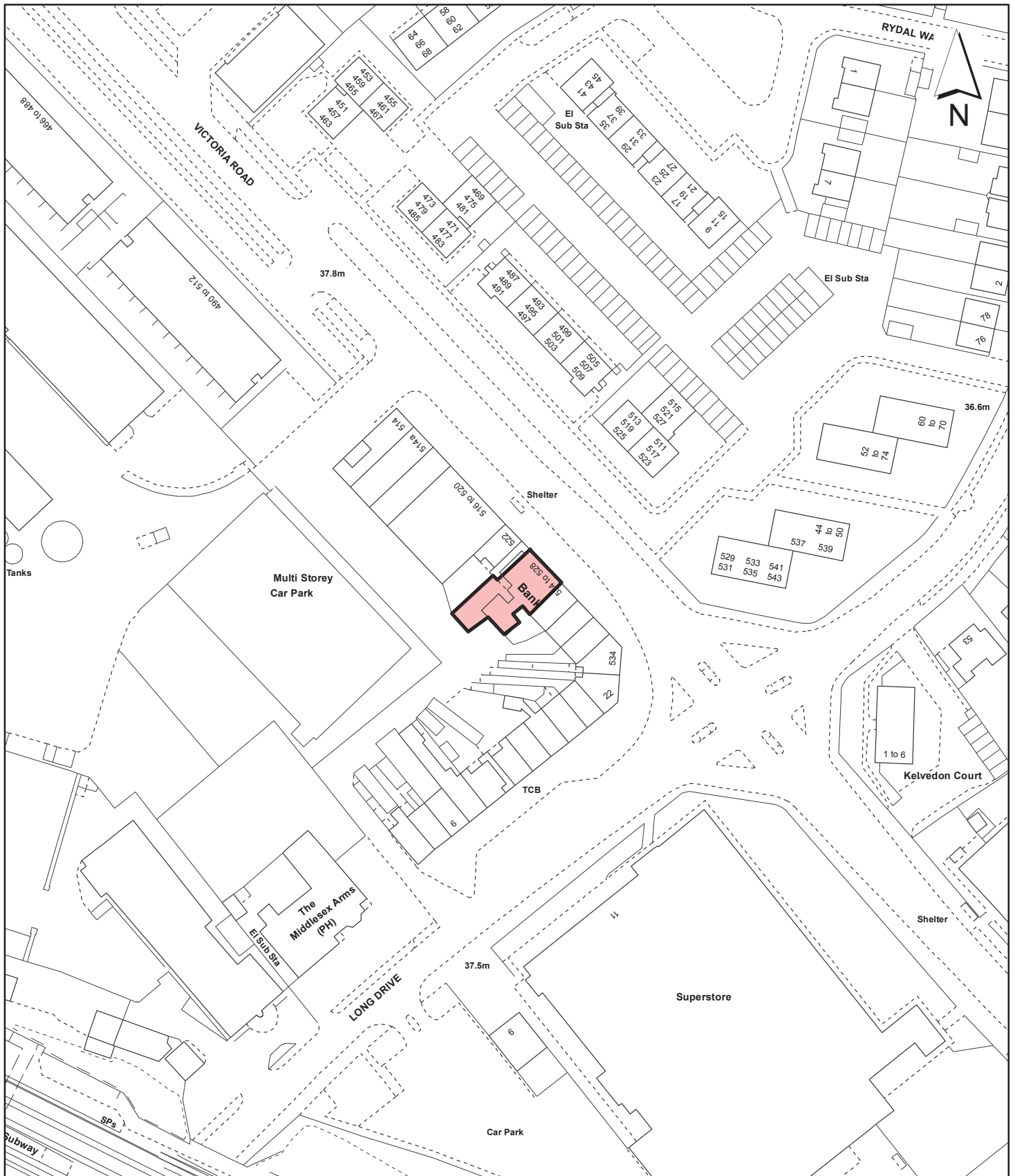
Policies (November 2012). The application is therefore recommended for refusal.



11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan 2011
Supplementary Planning Document 'Accessible Hillingdon'
National Planning Policy Framework

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<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 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center">524 - 526 Victoria Road Ruislip</p>		<p align="center">LONDON BOROUGH OF HILLINGDON</p> <p align="center">Residents Services</p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center">36666/APP//2013/395</p>	<p>Scale</p> <p align="center">1:1,250</p>	
	<p>Planning Committee</p> <p align="center">North</p>	<p>Date</p> <p align="center">June 2013</p>	
		 <p align="center">HILLINGDON LONDON</p>	