

## Report of the Head of Planning, Sport and Green Spaces

**Address** 428A VICTORIA ROAD RUISLIP

**Development:** Variation of condition No.1 of planning permission ref. 64445/APP/2008/1295 dated 03/09/2008 to allow the sale of A1 non food goods and preclude the sale of food and drink (variation of condition 2 of planning permission ref. 3953EG/96/1602 dated 09/05/97 to allow for extension of the range of goods available for sale from the premises to allow for the sale of sports goods and equipment, bicycles and associated equipment, play equipment, baby equipment and products, electronic games and equipment and other products associated with toys and children's entertainment)

**LBH Ref Nos:** 64445/APP/2013/1050

**Drawing Nos:** N01-AW Technical Note - Trip Generation Analysis  
Planning and Retail Statement  
1242-PL01 Site Location Plan  
Marketing Summary  
Transport Statement

**Date Plans Received:** 25/04/2013

**Date(s) of Amendment(s):**

**Date Application Valid:** 25/04/2013

### 1. SUMMARY

The applicant seeks to vary condition 1 of planning permission ref: 64445/APP/2008/1295, dated 03/09/2008, to allow a larger range of A1 non food goods to be sold from Unit A, a vacant A1 retail warehouse.

The range of goods that can be sold from Unit A has been extended through a number of applications to vary conditions restricting the type of goods. This proposal seeks to vary the existing condition to allow additional A1 non food goods, including clothes, footwear, fashion accessories and home wares, to be sold from the retail unit. The restriction on the sale of food and drink would be retained as part of the condition.

The proposal is considered to comply with Policies AM7 and LE2 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the National Planning Policy Framework (NPPF). The application is therefore recommended for approval.

### 2. RECOMMENDATION

**That delegated powers be given to the Head of Planning, Green Spaces and Culture to grant planning permission, subject to the following:**

**A. That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other legislation to secure the following:**

**1. Employment Strategy: An employment strategy to be entered into and adhered to address how local people will gain access to employment opportunities.**

**2. Travel Plan.**

**B. That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed.**

**C. That the officers be authorised to negotiate the terms of the proposed agreement.**

**D. That, if the S106 agreement has not been finalised within 3 months, under the discretion of the Head of Planning, Green Spaces and Culture, the application is refused under delegated powers on the basis that the applicant has refused to address planning obligation requirements.**

**E. That if the application is approved, the following conditions be attached:**

**1 COM12 Use Within Same Use Class**

Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development) Order 1995 (as amended), the premises shall be used solely for the sale of the following non-food goods: DIY articles, garden materials and goods, building and decorating equipment and related goods, self-assembly furniture, carpets, office goods and equipment, white goods and other electrical goods and accessories, gas appliances and computers, sports goods and equipment, bicycles and associated equipment, play equipment, baby equipment and products, electronic games and equipment and other products associated with toys and children's entertainment, clothing and footwear, soft and hard furnishings, household goods and homewares and for the sale of ancillary goods which are part of the usual product mix of retailers of the foregoing and for no other purposes, unless prior written consent is obtained from the Local Planning Authority.

**REASON**

To accord with existing restrictions on the sale of goods from the premises, to protect the vitality and viability of town and local centres and to limit retail activity on sites which are more readily accessible by private motor vehicles than by public transport, bicycles or pedestrians, in accordance with Policy LE2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**2 COM14 No additional internal floorspace**

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floorspace shall be created in excess of that area expressly authorised by this permission.

**REASON**

To enable the Local Planning Authority to assess all the implications of the development and to ensure that adequate parking and loading facilities can be provided on the site, in accordance with Policies AM14 and LE2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**3 NONSC Deliveries and Collections**

Deliveries and collections, including waste collections, shall be restricted to the following hours: 0800 hours to 1800 hours Monday to Fridays; 0800 hours to 1300 hours on Saturdays; and not at all on Sundays and Bank Holidays.

## REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (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 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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
LE2	Development in designated Industrial and Business Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 2.15	(2011) Town Centres

## 3. **CONSIDERATIONS**

### 3.1 **Site and Locality**

The application site covers 1.57 hectares and comprises two retail units (Unit A and Unit B) measuring a total Gross External Area (GEA) of 4,970.7m<sup>2</sup>, with car parking at the front. Unit A was previously occupied by Focus DIY whilst Unit B was previously occupied by Land of Leather. The retail units have been vacant since 2007 (Unit A) and 2009 (Unit B).

Unit A has a total Gross External Area (GEA) of 3973.3m<sup>2</sup> (including an existing mezzanine, external sales area and entrance porch and canopy). The site is accessed from a traffic light controlled junction on Victoria Road, whilst the service yard is accessed via a road along the southeast boundary.

Residential and commercial properties are located opposite the application site along Victoria Road. Residential properties are located to the north and northeast along with commercial units within the Braintree Road Industrial Estate. The former Express Dairy/Arla Foods site is located south and southeast of the application site. Part of the High Speed 2 (HS2) Draft Safeguarding Area (October 2012) is located at the rear of the site lies, beyond which lies London Underground and Chiltern Railway Line. RAF Northolt lies approximately 440m west of the site.

The application site is located within the Braintree Road Industrial and Business Area (IBA) and has a Public Transport Accessibility Level of 1b. The site is located approximately 300m away from the South Ruislip Core Shopping Area and is therefore outside the South Ruislip Local Centre.

### **3.2 Proposed Scheme**

Outline planning permission for the demolition of existing buildings and the erection of 3,716m<sup>2</sup> of Non-Food Retail warehousing (Class A1), 929m<sup>2</sup> of open garden centre plus servicing, car parking, landscaping and access was granted in May 1996 (ref: 3953/DS/93/1523) and imposed a condition (condition 11) restricting the type of goods that could be sold from the retail units:

"The development hereby approved shall be used solely for the sale of the following non-food goods: DIY articles, garden materials and goods, building and decorating equipment and related goods, furniture, self-assembly furniture and carpets. The premises shall be used for no other purposes, including any other use within Class A1 of the Town and Country Planning (Use Classes) Order 1987, unless prior written consent is obtained from the Local Planning Authority".

Planning application ref: 3953/EG/96/1602 was granted in May 1997 to vary condition 11 of planning permission ref: 3953DS/93/1523 to allow for extension of the range of goods available for sale from the premises. A condition was imposed (Condition 2) to allow the sale of the following non-food goods:

"DIY articles, garden materials and goods, building and decorating equipment and related goods, furniture, self-assembly furniture and carpets, office goods and equipment, white goods and other electrical goods and accessories, gas appliances and computers".

In September 2008 planning application ref: 64445/APP/2008/1295 was granted to vary condition 2 of planning permission ref. 3953/EG/96/1602, to allow for a further extension of the range of goods available for sale from Unit A (former Focus). A condition was imposed (condition 1) to allow the sale of the following non-food goods:

"DIY articles, garden materials and goods, building and decorating equipment and related goods, furniture, carpets, toys, sports goods and equipment, bicycles and associated equipment, play equipment, baby equipment and products, electronic games and equipment and other products associated with toys and children's entertainment".

Planning permission is now sought to vary condition 1 of the above planning permission (ref: 64445/APP/2008/1295) to allow the sale of A1 non food goods, including clothes, footwear, fashion accessories and home wares, and preclude (exclude) the sale of food and drink from Unit A. The applicant has submitted a suggested range of goods condition comprising the existing condition and the range of goods required by Matalan (in capitals):

"DIY articles, garden materials and goods, building and decorating equipment and related goods, self-assembly furniture, carpets, office goods and equipment, white goods and other electrical goods and accessories, gas appliances and computers, sports goods and equipment, bicycles and associated equipment, play equipment, baby equipment and products, electronic games and equipment and other products associated with toys and children's entertainment, CLOTHING AND FOOTWEAR, SOFT AND HARD FURNISHINGS, HOUSEHOLD GOODS AND HOMEWARES AND FOR THE SALE OF ANCILLARY GOODS WHICH ARE PART OF THE USUAL PRODUCT MIX OF

RETAILERS OF THE FOREGOING AND FOR NO OTHER PURPOSES".

### 3.3 Relevant Planning History

3953/DS/93/1523 430 Victoria Road Ruislip

Demolition of existing buildings and the erection of 3,716m<sup>2</sup> of Non-Food Retail warehousing (Class A1), 929m<sup>2</sup> of open garden centre plus servicing, car parking, landscaping and access (outline application)

**Decision:** 16-05-1996 Approved

3953/EG/96/1602 430 Victoria Road Ruislip

Variation of condition 11 of planning permission ref. 3953DS/93/1523 dated 16/05/96 for retail warehousing to allow sale of domestic electrical goods, gas appliances, and office equipment

**Decision:** 09-05-1997 Approved

3953/EH/96/1603 430 Victoria Road Ruislip

Variation of condition 11 of planning permission ref. 3953DS/93/1523 dated 16/05/96 for retail warehousing to allow sale of pets and pet products, auto accessories, bicycles, domestic electrical goods, gas appliances, photographic goods, computers and office equipment

**Decision:** 15-12-1997 Refused **Appeal:** 15-12-1997 Dismissed

64445/APP/2008/1295 428a Victoria Road Ruislip

VARIATION OF CONDITION 2 OF PLANNING PERMISSION REF. 3953EG/96/1602 DATED 09/05/97 TO ALLOW FOR EXTENSION OF THE RANGE OF GOODS AVAILABLE FOR SALE FROM THE PREMISES TO ALLOW FOR THE SALE OF SPORTS GOODS AND EQUIPMENT, BICYCLES AND ASSOCIATED EQUIPMENT, PLAY EQUIPMENT, BABY EQUIPMENT AND PRODUCTS, ELECTRONIC GAMES AND EQUIPMENT AND OTHER PRODUCTS ASSOCIATED WITH TOYS AND CHILDREN'S ENTERTAINMENT.

**Decision:** 03-09-2008 Approved

64445/APP/2008/2496 428a Victoria Road Ruislip

CHANGE OF USE OF RETAIL UNIT (A1) TO USE AS A BINGO CLUB (D2)

**Decision:**

64445/APP/2013/1000 428a Victoria Road Ruislip

Refurbishment of Unit A involving installation of mezzanine floor, installation of shop front, alterations to elevations, installation of trolley bays, alterations to car parking arrangements, involving demolition of existing mezzanine floor, external sales area, entrance porch and canopy

**Decision:**

#### Comment on Relevant Planning History

See above

#### **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.E5 (2012) Town and Local Centres
- PT1.26 To encourage economic and urban regeneration in the Hayes/West Drayton Corridor, designated Industrial and Business Areas (IBA's) and other appropriate locations.

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- AM14 New development and car parking standards.
- BE13 New development must harmonise with the existing street scene.
- LE2 Development in designated Industrial and Business Areas
- OE1 Protection of the character and amenities of surrounding properties and the local area
- LPP 2.15 (2011) Town Centres

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

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

#### **6. Consultations**

##### **External Consultees**

EXTERNAL

Consultation letters were sent to 45 local owners/occupiers and South Ruislip Residents Association. A site notice was also posted. No responses were received.

Ministry of Defence:

The MOD has no safeguarding objections to this proposal.

##### **Internal Consultees**

Projects & Environmental Planning:

In terms of retail impact, it is accepted that there are no other retailers with a similar offer operating in the Primary Catchment Area. As such, the impact of the store on surrounding centres is likely to be limited.

Highways:

The development proposals are for the refurbishment of an existing non food retail unit within the site, which will include demolition of the existing external sales area and entrance porch, to reduce the overall floor area of the unit by approximately 720m<sup>2</sup>. As part of the proposals the existing car parking layout within the site will be reconfigured and the current car parking provision of 218 parking spaces will be retained. Additionally, parking will be provided for 14 cycles, which will be

located adjacent to the building. There are no changes proposed in relation to access or servicing at the site or the adjacent retail unit.

In addition to the above, the proposals seek to vary the range of goods to be offered for sale, to include clothing, footwear, fashion accessories and home ware by the proposed operator, Matalan. As a result a Transport Statement (TS) has been submitted in support of the development.

The TS has undertaken assessment of the likely increase in vehicle trips associated with the change of goods to be offered for sale in comparison with the previous operator at the site, Focus DIY. This has demonstrated that the increase in vehicular traffic during the associated peak hours will be low and as a result, is unlikely to have a material impact along the adjacent highway.

In addition, when considering the proposed amendments to the car parking layout within the site and the retention of the existing car parking provision, this is considered acceptable.

Therefore, it is considered that the proposals would not be contrary to the Policies of the adopted Hillingdon Local Plan, 2012, Part 2, provided that the occupier of the site can be restricted to Matalan and that the details below are secured under a suitable planning condition/S106 Agreement. In the event that restrictions cannot be imposed in relation to the occupier at the site, the Transport Statement is required to be resubmitted to include an assessment of a non specific user, under the A1, Non Food Use Class.

1. Development shall not begin until details of all traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area. General parking bays shall be provided at 4.8m long by 2.4m wide, with a clear manoeuvring area of 6.0m provided behind all parking bays.

2. The parking provision within the site shall include a 10 % allocation for disabled and infirm, which will consist of 7% Blue badge and 3% Brown badge holders.

3. Prior to the commencement of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan, as submitted shall follow the current Travel Plan Development Control Guidance issued by Transport for London and will include:

- (1) targets for sustainable travel arrangements
- (2) effective measures for the ongoing monitoring of the Travel Plan
- (3) a commitment to delivering the Travel Plan objectives
- (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

Officer comments:

The applicant has submitted a trip rate review to address the Highways Engineer's concerns over the impact of a non specific A1, Non Food retailer.

Highways:

Further to reviewing the Trip Generation Assessment Note submitted in support of the above, I note

that the sample sites selected from within the TRAVL Database are limited.

However, it is considered that based on the nature of the development and the operates of the selected sample sites, the trip generation provided within the Transport Statement is considered acceptable for a non specific, non food retail use.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The application site is located within the Braintree Road Industrial and Business Area (IBA) and is therefore subject to Policy LE2 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), which designates Industrial and Business Areas (IBAs) for business, industrial and warehousing purposes (Use Classes B1-B8) and for Sui-Generis uses appropriate in an industrial area.

The application site has been used as Non-Food Retail warehousing (Class A1) since planning permission was granted in May 1996 (ref: 3953/DS/93/1523) until 2007 when Unit A (former Focus DIY) became vacant. The use of Unit A as Class A1 Non-Food Retail within the Braintree Road Industrial and Business Area (IBA) has therefore been firmly established in principle.

The range of goods that can be sold from Unit A has been extended through a number of applications to vary conditions restricting the type of goods. The 2008 permission extended the range of goods that could be sold to toys and children's entertainment, which are non bulky items, thereby establishing the principle of selling non bulky items at the site. This proposal seeks to vary the existing condition to allow additional A1 non food goods, including clothes, footwear, fashion accessories and home wares, to be sold from the retail unit. The restriction on the sale of food and drink would be retained as part of the condition.

#### **SEQUENTIAL ASSESSMENT**

Paragraph 24 of the National Planning Policy Framework (NPPF) establishes the requirement for a sequential assessment by advising that applications for main town centre uses such as retail development should be located within town centres, then in edge of centre locations and finally on out of centre sites. Annex 2 of the NPPF specifically includes local centres in the definition of town centres.

This approach is carried forward in the current London Plan (July 2011) and the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012).

- London Plan Policy 4.7 (Retail and Town Centre Development) requires retail and town centre development to relate to the size, role and function of a town centre and that development should be focused on sites within the town centres themselves.

- London Plan Policy 4.8 encourages a proactive approach to retail planning and bringing forward capacity for additional comparison goods retailing, particularly in the large international, metropolitan and major town centres with convenience retail supported in the district, neighbourhood and more local centres to secure a sustainable pattern of neighbourhood provision.

- Policy E5 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will accommodate additional retail growth within established centres in accordance with the conclusions of the latest evidence base. Growth for comparison goods will primarily be accommodated in District Centres as set out in Table



5.5 which excludes South Ruislip. Planning decisions will be taken in accordance with the provisions of national guidance, particularly the sequential and impact tests.

As the application site is located outside of the South Ruislip Local Centre a sequential assessment is required. The applicant has submitted a sequential assessment as part of the Planning and Retail Statement, which defines the application site as an "edge of centre location". The sequential assessment has been carried out on existing vacant premises in South Ruislip and nine other retail centres, including Ruislip, Northolt, South Harrow and Rayners Lane. The sequential assessment focuses on retail centres north of the A40 due to the existing Matalan store in Hayes, the A40 and the M40 providing a "boundary" to trips from the south.

The sequential assessment concludes that within the South Ruislip retail centre and the other retail centres studied, there were "no suitable, available or viable sites or units which could accommodate the Matalan store" as the units were all below the minimum trading floor area of 2,787 sq.m required by Matalan. The application site is therefore the most suitable and viable option for the applicant.

#### IMPACT ON WIDER AREA

The applicant has submitted a retail assessment as part of the Planning and Retail Statement. The assessment identifies a limited overlap between the goods sold by Matalan (comparison goods) and the goods sold in the retail centre within the Primary Catchment Area (PCA), (mostly convenience goods). The assessment considers that the store will meet an existing latent demand/level of expenditure currently unsatisfied within the PCA and would bring back expenditure that is currently lost to centres outside of the PCA, e.g. Watford and White City.

The retail assessment considers the anticipated trading effects of the proposed Matalan store, based on the assumption that 50% of the store's turnover would come from expenditure available within the PCA. In terms of the surrounding local centres, these are trading well with below national average vacancy rates.

North Harrow district centre would experience the greatest loss of comparison goods spending (-1.3%), followed by South Ruislip local centre (-1.03%), Rayners Lane district centre (-0.84%), South Harrow district centre (-0.81%) and Ruislip Manor local centre (-0.53%). The centres least affected by trade draw loss were Eastcote district centre (-0.41%), Pinner district centre (-0.4%) and Ruislip district centre (-0.23%). However, the growth in comparison goods expenditure from 2012-2015 is anticipated to offset trade draw loss within the centres.

The retail assessment identified the potential impact on the comparison goods element of the turnover of the centres only, although it is acknowledged that the turnover of the centres as a whole is greater than the comparison goods element on its own.

The retail assessment demonstrates that the proposal would not harm the vitality and viability of other local centres, given the anticipated trade draws. As such, the scheme is considered to be consistent with the National Planning Policy Framework (NPPF) and the Hillingdon Local Plan Parts 1 and 2.

The Council's Policy Team does not object to the variation to the range of goods sold as, in terms of the retail impact of the store, it is considered that the impact of the store on surrounding centres would be limited as no other retailers with a similar offer currently

operate in the Primary Catchment Area (PCA).

**7.02 Density of the proposed development**

This is not applicable to this application.

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

This is not applicable to this application.

**7.04 Airport safeguarding**

The application has been examined by the Ministry of Defence who do not raise any safeguarding objections to the proposals.

**7.05 Impact on the green belt**

This is not applicable to this application.

**7.06 Environmental Impact**

This is not applicable to this application.

**7.07 Impact on the character & appearance of the area**

With regard to impact on the character and appearance of the area, this proposal seeks an alteration to a condition restricting the sale of goods at an existing retail unit. As this proposal does not involve any external alterations, the proposal would not harm the appearance of the application property and the street scene, in accordance with Policies BE13 and BE15 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

**7.08 Impact on neighbours**

With regard to impact on residential amenity, this proposal seeks an alteration to a condition restricting the sale of goods at an existing retail park. As this proposal does not involve any external alterations, the proposed variation to a condition will not have a visual impact on nearby residential properties.

**7.09 Living conditions for future occupiers**

This is not applicable to this application.

**7.10 Traffic impact, car/cycle parking, pedestrian safety**

With regard to impact on traffic, parking and pedestrian safety, this proposal seeks an alteration to a condition restricting the sale of goods at an existing retail park. As this proposal does not involve any alterations to the car parking or traffic arrangements, the proposed variation to a condition would not cause harm to traffic and parking. The Council's Highways Engineer does not object to the proposal.

**7.11 Urban design, access and security**

This is not applicable to this application.

**7.12 Disabled access**

This is not applicable to this application.

**7.13 Provision of affordable & special needs housing**

This is not applicable to this application.

**7.14 Trees, Landscaping and Ecology**

This is not applicable to this application.

**7.15 Sustainable waste management**

This is not applicable to this application.

**7.16 Renewable energy / Sustainability**

This is not applicable to this application.

**7.17 Flooding or Drainage Issues**

This is not applicable to this application.

**7.18 Noise or Air Quality Issues**

This is not applicable to this application.

**7.19 Comments on Public Consultations**

No responses were received during the public consultation.

**7.20 Planning Obligations**

This is not applicable to this application.

**7.21 Expediency of enforcement action**

This is not applicable to this application.

**7.22 Other Issues**

- Crime and Amenity of the area

It should be noted that due to the vacancy of the unit, there has been a history of anti-social behaviour and vandalism at the site and such activity has a detrimental impact on the amenity of the area in general. Whilst this matter is currently dealt with through on-site security, bringing the retail unit back into use would be a preferable way to reduce such incidents and would serve to improve the amenity of the area. This benefit weighs in favour of the development.

- Jobs

Bringing the vacant unit back into use would ensure job provision to the benefit of the local economy. It is recommended that an employment strategy is secured to encourage local employment. The benefits of the additional local jobs also weighs in favour of the development.

**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**

This is not applicable to this application.

**10. CONCLUSION**

The applicant seeks to vary condition 1 of planning permission ref: 64445/APP/2008/1295, dated 03/09/2008, to allow a larger range of A1 non food goods to be sold from Unit A, a vacant A1 retail warehouse.

The range of goods that can be sold from Unit A has been extended through a number of applications to vary conditions restricting the type of goods. This proposal seeks to vary the existing condition to allow additional A1 non food goods, including clothes, footwear, fashion accessories and home wares, to be sold from the retail unit. The restriction on the sale of food and drink would be retained as part of the condition.

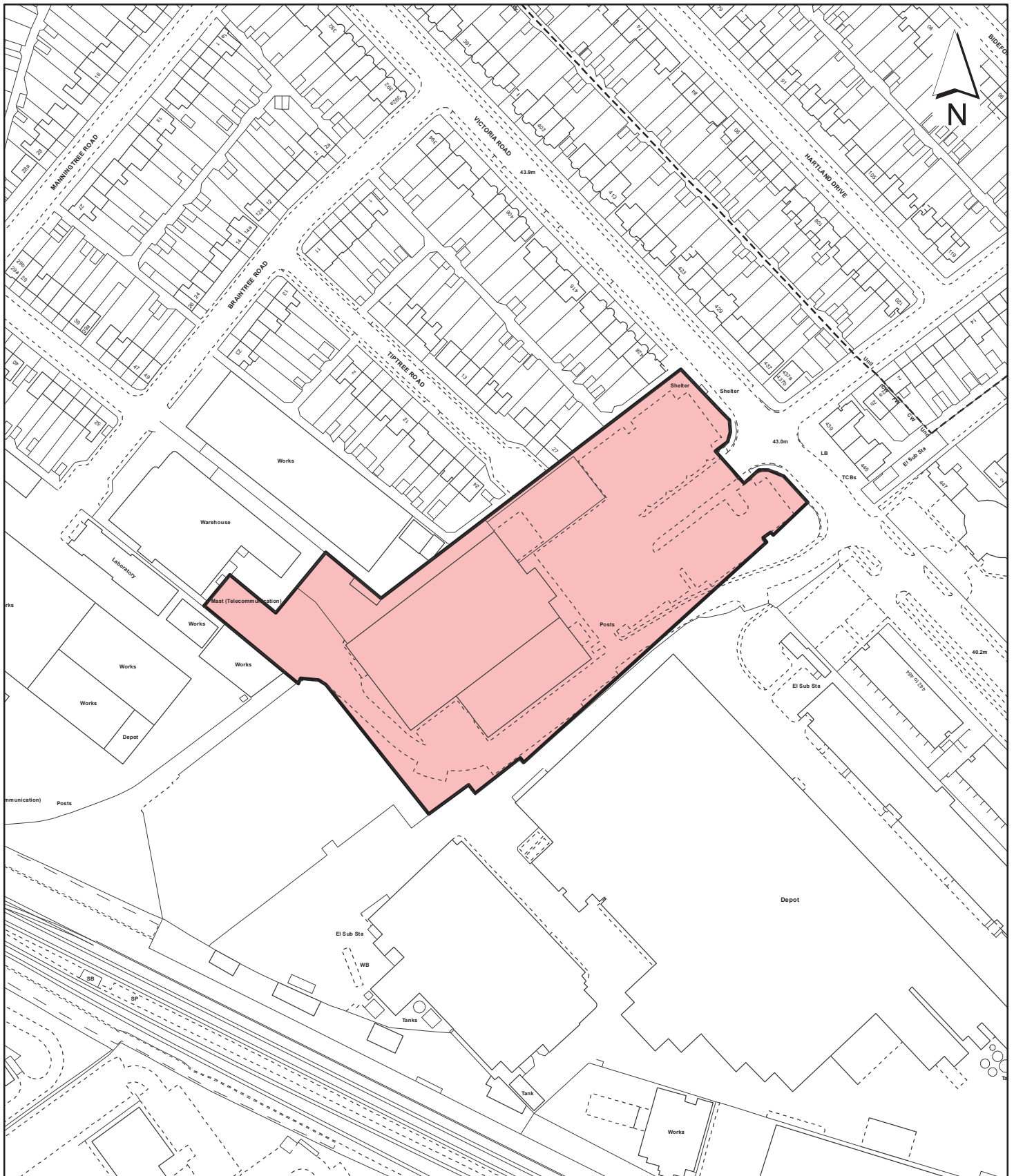
The proposal is considered to comply with Policies AM7 and LE2 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the National Planning Policy Framework (NPPF). The application is therefore recommended for approval.

**11. Reference Documents**

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)  
London Plan (July 2011)

**Contact Officer:** Katherine Mills

**Telephone No:** 01895 250230



**Notes**

 Site boundary

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Site Address

**428a Victoria Road  
 Ruislip**

**LONDON BOROUGH  
 OF HILLINGDON  
 Residents Services**

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

Planning Application Ref:  
**64445/APP/2013/1050**

Scale  
**1:2,000**

Planning Committee  
**Major Applications**

Date  
**October  
 2013**



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