

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

**Address** UNIT B NEW PETS AT HOME STORE VICTORIA ROAD RUISLIP MIDDX

**Development:** Change of use from Use Class A1 (Shops) to mixed Use Class A1/Sui Generis for use as a shop with a pet care and treatment facility

**LBH Ref Nos:** 60026/APP/2013/2989

**Drawing Nos:** CC/BRP/SLP  
5476/04 REV A  
5476/10 REV C  
FLOOD RISK ASSESSMENT  
Product List

**Date Plans Received:** 11/10/2013                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 11/10/2013

### 1. SUMMARY

Planning permission is sought for the change of use from Use Class A1 (Shops) to mixed Use Class A1/Sui Generis for use as a shop with a pet care and treatment facility. The proposal involves only an internal alteration to provide 122sq.m of floorspace for pet care.

A temporary planning permission is requested by the applicant as the owner of the site would not be prepared to agree to a permanent change of use as this would effect future occupancy and the value of the asset.

It is considered that the temporary proposal is not harmful to the overall retail use of the site nor will it harm the amenity of adjoining occupiers. The Council's Highways Officer has raised no objections and the given the nature of the proposed development the proposal is not considered harmful to issues of flood risk as confirmed in the supporting flood risk assessment.

Finally, it is considered that an appropriate condition can be imposed to provide a temporary permission as requested by the applicant.

Accordingly the application is 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 5476/04 REV A and 5476/04 REV C and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

### **3 NONSC Temporary Use**

The use of the premises as a Pet Care and Treatment Facility shall be limited to the area of the retail unit as illustrated on Drawing 5476/04 REV C and shall be carried out only whilst the remainder of the unit is in use for the retail sale of pets and pet related products.

#### REASON

To ensure the long term viability of the retail unit and that it contributes positively to the local economy in accordance with the the National Planning Policy Framework

### **4 NONSC Restriction on Goods**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification or the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order with or without modification the Class A1 floorspace hereby approved shall not be used for the retail sale of food and drink (other than refreshments intended for consumption on the premises by customers), clothing & footwear (other than clothing, footwear & accessories intended for use in connection with motor vehicles, motorcycling, or vehicle repair and maintenance activities), cosmetics, toiletries, pharmaceutical products, photographic equipment, newspapers, magazines & books (other than those related to vehicle repair and maintenance), stationary, jewellery, toys, luggage, sports goods and fancy goods without the prior written consent of 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 encourage retail activity on sites which are more readily accessible by private motor vehicles in accordance with Policy E5 of the Hillingdon Local Plan Part One: Strategic Policies (November 2012), Policy LE2 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), and Policies 2.15 and 4.7 of the London Plan (July 2011) and the National Planning Policy Framework.

### **5 NONSC No Mezzanine**

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 Policy E5 of the Hillingdon Local Plan Part One: Strategic Policies (November 2012), Policy LE2 of the Hillingdon Local Plan: Part Two Saved UDP Policies

(November 2012), and Policies 2.15 and 4.7 of the London Plan (July 2011) and the National Planning Policy Framework.

## INFORMATIVES

### **1 147 Damage to Verge**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

### **2 152 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).

### **3 153 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) 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.
S6	Change of use of shops - safeguarding the amenities of shopping areas
OE7	Development in areas likely to flooding - requirement for flood protection measures

### **4 159 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 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.

### **5**

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.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application relates to a semi-detached retail warehouse unit, located within Brook Retail Park on the southern side of Victoria Road. The surrounding area is predominately commercial in nature, with a car dealership to the west, a further retail park to the east and Goals sports centre to the north.

The south of the site is bordered by railway tracks with residential dwellings and agricultural land further to the south.

The site is located within the Developed Area as identified in the Hillingdon Local Plan Part 2 Saved Policies (November 2012) and within Flood Zone 2.

#### **3.2 Proposed Scheme**

The proposed development comprises the change of use from Use Class A1 (Shops) to mixed Use Class A1/Sui Generis for use as a shop with a pet care and treatment facility.

The proposal involves only an internal alteration to provide 122sq.m of floorspace for pet care by the current operator, Pets at Home.

A temporary planning permission is requested by the applicant as the owner of the building would not be prepared to agree to a permanent change of use as this would effect future occupancy and the value of the asset.

#### **3.3 Relevant Planning History**

60026/ADV/2005/26      Unit B New Pets At Home Store Victoria Road Ruislip Middx  
INSTALLATION OF TWO INTERNALLY ILLUMINATED AND FIVE NON-ILLUMINATED  
SIGNS

**Decision:** 21-04-2005    Approved

60026/APP/2005/483      Unit B 664 Victoria Road Ruislip  
USE OF PREMISES FOR THE RETAIL SALE OF PETS AND PET RELATED PRODUCTS AS  
SPECIFIED IN ATTACHED SCHEDULE 2 (APPLICATION FOR A CERTIFICATE OF  
LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT)

**Decision:** 08-04-2005    GPD

#### **Comment on Relevant Planning History**

There is no relevant planning history to the current proposal. Planning permission for the retail unit containing Pets At Home was approved as part of application reference 27060/APP/2003/1105 dated 23rd February 2004 for erection of car showroom and

workshop and two retail units with car parking and access from Civic Way.

#### **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.EM6 (2012) Flood Risk Management

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

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

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

#### **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 letters were sent to adjoining occupiers on 17 October 2013 and the site notice was posted on 21 October 2013. No representations were received in response to the public consultation.

##### **Internal Consultees**

The Council's Highways Officer concludes that the proposal will not materially increase traffic movements and raises no objection.

The MOD have no objections to the proposal.

The Council's Access Officer has no objection.

#### **7. MAIN PLANNING ISSUES**

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

The application site was previously in industrial use, prior to the development of the retail units at the site in 2004. As such, the site is not within a designated retail area as the development pre-dates the allocation of the retail areas within the Council's saved UDP policies. Therefore, the Hillingdon Local Plan (November 2012) has no Policies relating to the loss of retail floor space within this unit.

The applicant has applied for a number of similar developments within other Local Planning Authorities as the applicant's business model has a clear preference for having ancillary treatment centres within their pet stores. The National Planning Policy framework requires Local Planning Authorities to consider the social, economic and environmental

benefits of any planning application as part of its determination. Whilst the proposal would result in the loss of 122 sqm. of A1 floor space, the development would likely provide the economic benefit of additional jobs within the store, as the treatment centre would require additional staff, above that which is currently employed within the unit (it is noted that the applicant has failed to provide this information on their application form) and there would be little harm caused to the continued operation of the shop within the unit.

In the absence of any Policies to prohibit the change of use, the small floor area involved and given the anticipated economic benefits, the proposed development is considered to comply with the NPPF, London Plan (July 2011) and Hillingdon Local Plan (November 2012) and is acceptable in principle.

**7.02 Density of the proposed development**

Not Applicable

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

Not Applicable

**7.04 Airport safeguarding**

Not Applicable

**7.05 Impact on the green belt**

Not Applicable

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

No external alterations are proposed therefore this aspect is not applicable.

**7.08 Impact on neighbours**

The proposed development only comprises an internal alteration and there are no external alterations or extensions. In addition, the the pet care use would only operate during the same time that the pet shop is open therefore there will be no additional impact upon neighbouring occupiers. The site is also located within an established commercial area. Therefore, it is considered that the proposed development would not have a detrimental impact upon neighbours, as such the proposed development complies with policy of the Hillingdon Local Plan Part 2 Saved Policies (November 2012).

**7.09 Living conditions for future occupiers**

Not Applicable

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

The development is for the change of use from Use Class A1 Retail use to mixed Use Class A1 Retail/Sui Generis, for the use as a shop with a pet care and treatment facility.

From reviewing the information submitted in support of the proposals, it is considered that there would not be a material increased in vehicular trips or the demand for additional car parking associated with the development.

Therefore, it is considered that the development would not be contrary to the Policies of Part 2, of the adopted Hillingdon Local Plan, 2012 and an objection is not raised in relation to the highway or transportation aspect of the proposals this instance.

**7.11 Urban design, access and security**

Not Applicable

**7.12 Disabled access**

The Council's Access Officer has no objection to the proposed development.

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

Not Applicable

**7.14 Trees, Landscaping and Ecology**

Not Applicable

**7.15 Sustainable waste management**

Not Applicable

**7.16 Renewable energy / Sustainability**

Not Applicable

**7.17 Flooding or Drainage Issues**

The application site falls within Flood Risk Zone 2. The application site is less than 1 hectare and would not add more than 250 square metres to the application site, as no built development is proposed. Therefore, the Environment Agency's Standing Advice would be applicable in this instance. Based on the evidence submitted in the flood risk assessment and the nature of the proposed use ie no new building work no objection is raised on this issue and the proposal is considered to comply with Policy OE7 of the Hillingdon Local Plan (November 2012).

**7.18 Noise or Air Quality Issues**

Not Applicable

**7.19 Comments on Public Consultations**

Not Applicable

**7.20 Planning Obligations**

No further comments required.

**7.21 Expediency of enforcement action**

None required.

**7.22 Other Issues**

The applicant has put forward the following case to support their request:

A temporary change of use is sought in this instance as the owner of the Retail Park will not provide its consent to a permanent change of the use of the floorspace given its impact on the investment value of the site.

Section 57 of the Town and Country Planning Act 1990 (as amended) provides a mechanism for applications to seek permission for a use for a temporary period of time. It confirms that planning permission is not required to change the floorspace back to the original use. It specifically states:

(2) Where planning permission to develop land has been granted for a limited period, planning permission is not required for the resumption at the end of that period, of its use for the purpose for which it was normally used before the permission was granted.

It is considered that given the information provided it would be reasonable to impose a temporary planning permission that restricts the use and seeks its removal should the premises cease to be occupied for the sale of pet or pet related products.

**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**

None received.

#### **10. CONCLUSION**

It is considered that the proposal is not harmful to the overall retail use of the site nor will it harm the amenity of adjoining occupiers. The Council's Highways Officer has raised no objections and the given the nature of the proposed development the proposal is not considered harmful to issues of flood risk as confirmed in the supporting flood risk assessment.

Finally, it is considered that an appropriate condition can be imposed to provide a temporary permission as requested by the applicant.

Accordingly the application is recommended for approval.

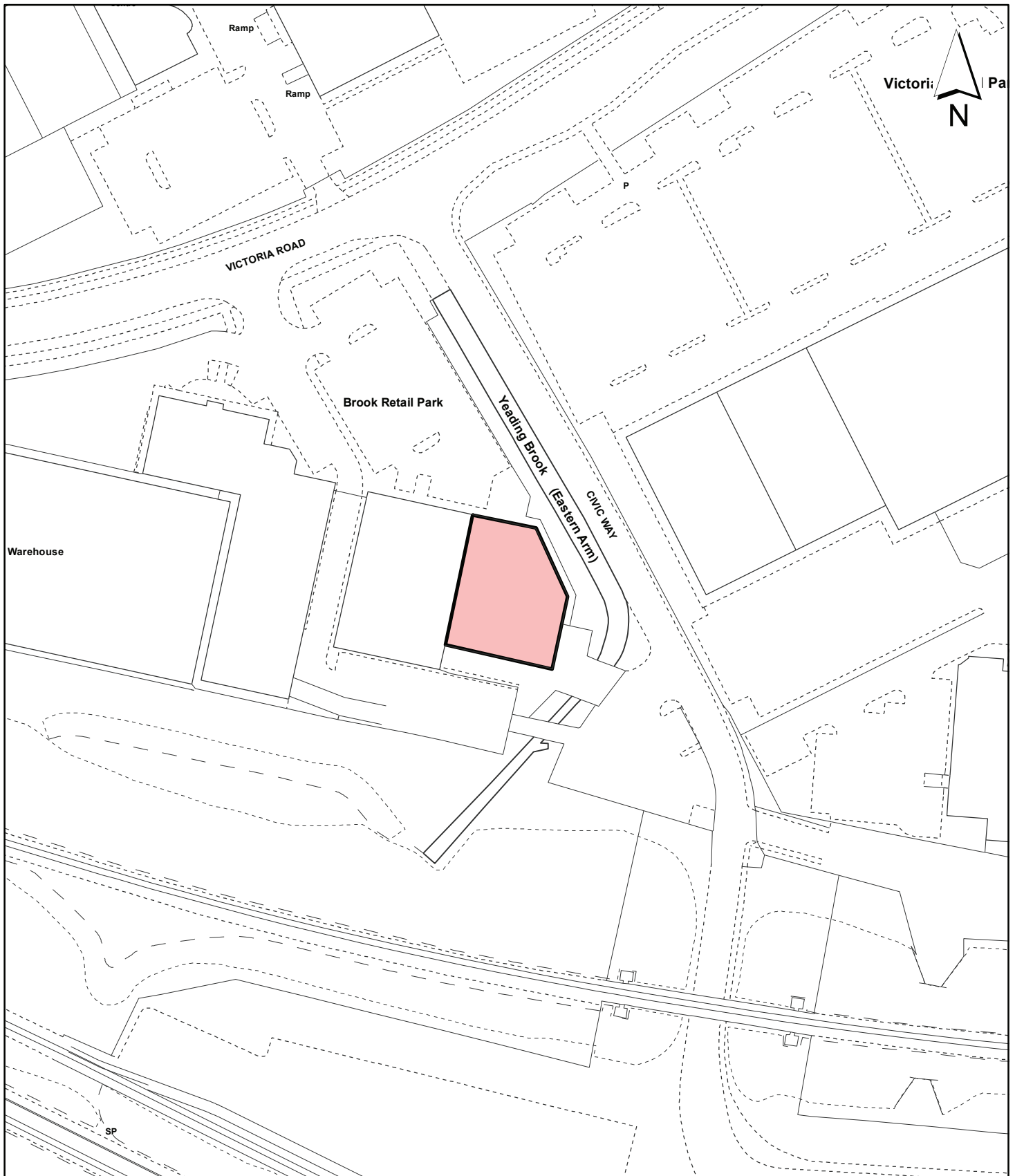
#### **11. Reference Documents**

National Planning Policy Framework.  
London Plan (July 2011).  
Hillingdon Local Plan Part 1 2012.  
Hillingdon Local Plan Part 2 Saved Policies (November 2012).

**Contact Officer:** Mark Jones

**Telephone No:** 01895 250230





<p><b>Notes</b></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).</p> <p>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><b>UNIT B NEW PETS AT HOME STORE</b>  <b>VICTORIA ROAD</b>  <b>RUISLIP</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Residents Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW          Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p><b>60026/APP/2013/2989</b></p>	<p>Scale</p> <p><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p><b>North</b></p>	<p>Date</p> <p><b>January 2014</b></p>	