

Report of the Head of Planning, Sport and Green Spaces

Address 524-526 VICTORIA ROAD RUISLIP

Development: Change of use from retail (Use Class A1) to childcare provision (Use Class D1) involving alterations to rear elevation

LBH Ref Nos: 36666/APP/2013/3149

Drawing Nos: PA-01 Rev. B
PA-02 Rev. A
PA-03 Rev. A
PA-04 Rev. A
PA-05 Rev. A
PA-06 Rev. A
PA-07 Rev. A
PA-08 Rev. A
PA-09 Rev. A
Design and Access Statement
Marketing Information
Estate Agent Letter
Staff to Child Ratio
Parking Confirmation Letter

Date Plans Received: 24/10/2013 **Date(s) of Amendment(s):**

Date Application Valid: 27/03/2014

1. SUMMARY

The application seeks planning permission for the change of use of the ground floor unit 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.

The application is a resubmission after the refusal of a previous application for a similar change of use under application reference 36666/APP/2013/395. This application was refused on the grounds of unacceptable loss of an A1 unit in a designated retail area, failure to demonstrate that the parking provision would be acceptable, unacceptable design and layout of the children's play area and unacceptable layout for the proposed parking area.

The proposed development would provide a Childcare Facility which would provide a valuable community asset for residents in the surrounding area. The site is somewhat limited in the parking provision, however, the under provision of off-street parking is considered acceptable, given the strong public transport links, the location of the site within a designated Local Centre and the benefit of the use to the wider community.

The application has now provided sufficient information to demonstrate that the loss of the A1 unit would be acceptable, given the length of vacancy and lack of interest in a unit of this size in this area.

The proposed development has also now provided a formal plan of the parking and play area to the rear of the site and the improvements to the rear service yard are considered

to have overcome the previous reasons for refusal, relating to the juxtaposition between the parking and children play area.

Therefore, the development is considered to comply with national, regional and local policies and 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 PA-01 Rev B, PA-03 Rev A, PA-06 Rev A, PA-07 Rev A, PA-09 Rev A. 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 COM21 Sound insulation /mitigation

No development shall take place until a scheme for the control of noise transmission to the adjoining premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 RES17 Sound Insulation

No development shall take place until a scheme for protecting the proposed development from noise has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise in accordance with policy OE5 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 7.15.

5 COM27 Traffic Arrangements

The development hereby approved shall not be occupied until the car parking spaces as shown on plan reference PA03 Rev A have been laid in hardstanding to a standard considered acceptable by the Council's highways officer and marked out.

Thereafter, the 3 parking spaces marked as visitor spaces shall be used by visitors to the site only and not staff members. All the spaces shall be kept clear of obstructions and used for the sole purpose of parking motor vehicles for as long as the use hereby approved remains in operation.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

6 COM9 Landscaping (car parking & refuse/cycle storage)

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

- 1.a Planting plans (at not less than a scale of 1:100),
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

- 2.a Refuse Storage
- 2.b Cycle Storage
- 2.c Means of enclosure/boundary treatments
- 2.d Hard Surfacing Materials
- 2.e External Lighting (including lighting for the access road to the car parking area)
- 2.f Play areas, play equipment and furniture

3. Details of Landscape Maintenance

- 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
- 3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

5. Other

- 5.a Existing and proposed functional services above and below ground
- 5.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (July 2011)

7 COM31 Secured by Design

The building shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the

Association of Chief Police Officers (ACPO). No building shall be occupied until accreditation has been achieved.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

8 B16 Details/Samples to be Submitted

Development shall not begin until details of security measures including lighting, illumination and CCTV have been submitted to and approved by the Local Planning Authority.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

9 NONSC Non Standard Condition

The premises shall not be used outside the hours of 07:30 hrs and 2000 hrs on Mondays to Fridays, 0800 hrs to 1500 hrs on Saturdays and at no time at all on Sundays or Bank Holidays.

REASON

To safeguard the amenity of the adjoining neighbours from unacceptable noise disturbance in the early hours of the morning in accordance with Policies OE1 & OE5 of the Hillingdon Local Plan (November 2012).

10 NONSC Non Standard Condition

The premises shall not be used for deliveries and collections, including waste collections, outside the hours of 0800 hrs and 1900 hrs, Monday to Friday, 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Bank Holidays.

REASON

To safeguard the amenity of the adjoining neighbours from unacceptable noise disturbance in the early hours of the morning in accordance with Policies OE1 & OE5 of the Hillingdon Local Plan (November 2012).

11 NONSC Non Standard Condition

No development shall take place until a scheme for protecting the proposed accommodation from external air pollution has been submitted and approved in writing by the Local Planning Authority.

Thereafter, any works which form part of such a scheme shall be completed in strict accordance with the approved details before any part of the development is first occupied or used and measures put in place to ensure it is maintained for as long as the use hereby approved remains in operation.

REASON

To safeguard the amenity of the development in accordance with policy OE1 of the Hillingdon Local Plan (November 2012).

12 RES20 Traffic Arrangements - submission of details

The use shall not commence until a pick up and drop off management plan with staggered timings and no pick up and drop off by vehicles at the front of the premises has been submitted to and approved by the Local Planning Authority. The approved development shall not be occupied until all works required have been constructed in accordance with the approved details. Thereafter, the plan shall be implemented in accordance with the approved details as long as the use remains.

REASON

To ensure pedestrian and vehicular safety and convenience in compliance with Policy AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

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.

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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
S6	Change of use of shops - safeguarding the amenities of shopping areas
S9	Change of use of shops in Local Centres
R11	Proposals that involve the loss of land or buildings used for education, social, community and health services
R12	Use of premises to provide child care facilities
AM2	Development proposals - assessment of traffic generation, impact

AM7	on congestion and public transport availability and capacity
AM14	Consideration of traffic generated by proposed developments.
LPP 4.7	New development and car parking standards.
LPP 4.8	(2011) Retail and town centre development
LPP 4.12	(2011) Supporting a Successful and Diverse Retail Sector
LPP 6.13	(2011) Improving opportunities for all
LPP 6.9	(2011) Parking
LPP 7.2	(2011) Cycling
	(2011) An inclusive environment

3 159 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.

4 11 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

5 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

6 13 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

7 15 Party Walls

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

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building

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

8 16 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

9 19 Community Safety - Designing Out Crime

Before the submission of reserved matters/details required by condition 8, you are advised to consult the Metropolitan Police's Crime Prevention Design Advisor, Residents Services, Civic Centre, Uxbridge, UB8 1UW (Tel. 01895 250538).

10 115 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.

11

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 ground floor double retail unit within the shopping parade, which has been vacant for approximately 24 months.

The building is three storeys in height with residential uses on the upper floors. The property has a gross internal floor area of 148 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 application seeks planning permission for the change of use of the ground floor unit 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. 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.

During the course of the application the red line boundary around the site has increased significantly and notice has been served on the owner of the land.

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

36666/APP/2013/395 524-526 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: 25-06-2013 Refused

Comment on Relevant Planning History

Planning permission was refused on the 25 June 2013 at Planning Committee for the change of use from Use Class A1 (Shops) to Use Class D1 (Non-residential Institutions) to provide childcare provision involving alterations to rear elevation, on the following grounds:

1. 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. 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. 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. 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).

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
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- 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.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE5 Siting of noise-sensitive developments
- S6 Change of use of shops - safeguarding the amenities of shopping areas
- S9 Change of use of shops in Local Centres
- R11 Proposals that involve the loss of land or buildings used for education, social,

	community and health services
R12	Use of premises to provide child care facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 4.12	(2011) Improving opportunities for all
LPP 6.13	(2011) Parking
LPP 6.9	(2011) Cycling
LPP 7.2	(2011) An inclusive environment

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 further round of consultation was undertaken on 28th March 2014 due to an amended site location plan being submitted. By the close of the second public consultation period, no consultation responses had been received.

Internal Consultees

Environmental Protection Officer

With regard to the above application, we would advise adequate consideration needs to be given to external air pollution. As the proposed development is located very close to a junction, there is a possibility the air quality at the facade of the building may exceed 40 ug/m³ for NO₂ (the EU limit value). As sensitive receptors will be introduced to the area as a consequence of the development, the ingress of polluted air condition is recommended for inclusion in any planning permission that may be given.

Air Quality Condition 1:

Before the development is commenced a scheme for protecting the proposed accommodation from external air pollution shall be submitted and approved by the LPA. Any works which form part of such a scheme shall be completed before any part of the development is first occupied or used and measures put in place to ensure it is maintained for the life of the development.

REASON: To safeguard the amenity of the development in accordance with policy OE1 of the Hillingdon Unitary Development Plan (September 2007).

Notes: In areas where there the air pollution levels are above, or close to, the national and European limits, this is designed to safeguard the future residents/users of the site from the ingress

of the poor outdoor air quality. The design must take into account climate change pollutants and ensure there are no trade-offs between local and global pollutant emissions. Suitable ventilation systems will need to: take air from a clean location or treat the air and remove pollutants; designed to minimise energy usage; be sufficient to prevent summer overheating; have robust arrangements for maintenance. If you have any queries, please let me know

I do not wish to object to the application however please could the following conditions be added:

I understand that the premises wishes to operate from 7:00am, however given the proximity to residential properties and the disturbance that may arise from cars dropping off I suggest the following:

Condition 1

The premises shall not be used outside the hours of 07:30 hrs and 2000 hrs on Mondays to Fridays, 0800 hrs to 1500 hrs on Saturdays and at no time at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of surrounding areas.

Condition 2

Delivery and waste collections; The premises shall not be used for deliveries and collections, including waste collections, outside the hours of 0800 hrs and 1900 hrs, Monday to Friday, 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of surrounding areas.

Trees and Landscaping Officer

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No trees or other significant landscape features will be affected by the proposal
- The Design & Access Statement makes no reference to the landscape/external space to the rear of the building. However, Jetview's drawing No. PA-03 Rev A indicates an outdoor play area to the rear.
- In addition to providing valuable play space for the children attending the nursery, the opportunity should be taken to provide a safe and attractive landscape setting and screen views of the unsightly service yard beyond.
- Landscape conditions are necessary to enhance the visual amenities of the rear service yard.

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

Access Officer

The proposal seeks a change the use from a shop to a children's nursery on the ground floor. The building is mid-terraced within a parade of shops (understood to have been a former bank). The change of use proposal involves building alteration and significant internal reconfiguration, which would include forming an accessible WC facility.

The following observations are offered:

1. Level access should be achieved into the proposed facility to ensure that disabled people can gain access to the service.

2. The accessible WC should be sized and feature fixtures and fittings that accord with Approved Document M to the Building Regulations 2010 (2004 edition, including 2010+2013 amendments).

Recommended Informative

1. 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.

Conclusion: to secure the provisions detailed in point 1 and 2 above, revised plans should be requested, or a suitable planning condition attached to any grant of planning permission.

Highways Officer

The development proposals are for the change of use from Use Class A1 Retail to Use Class D1, to provide a nursery within the boundary of the site. It is proposed that the nursery will accommodate for up to 30 children, with 4 full time and 8 part time staff. No information has been provided to confirm if children will attend either morning, afternoon or full daily sessions.

As part of the proposals 5 car parking spaces will be provided at the rear of the site, with 2 parking spaces allocated for the use of staff and the remaining 3 parking spaces allocated the dropping off/picking up of children. In addition, a drop off point will be provided adjacent to the rear access of the building. Cycle parking will be provided within the site that will accommodate 5 bicycles.

When undertaking assessment of the development, it is considered that the applicant has failed to demonstrate that the car parking provision at the site would be adequate to serve the proposals. As a result, there is a risk that any overspill/indiscriminate parking along the adjacent highway (Victoria Road, a busy Classified Road) would obstruct the free flow of traffic to the detriment of highway safety.

When considering the access way to the rear of the site, it is noted that this is not maintained nor is there any form of lighting provided.

Notwithstanding the above issues, it is considered that in the event that the application is considered acceptable on all other planning merits, conditions should be attached with any permission requiring:

1. Low level lighting within the rear access road together with maintenance of the same and the access way and car parking spaces; and
2. Pick up and drop off management plan with staggered timings and no pick up and drop off by vehicles at the front of the premises.

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. The site is located within the Core

Area of South Ruislip Local Centre therefore ordinarily a change of use from A1 would be not be permitted. However, given that the site has been vacant for approximately 24 months, the nature of the proposed use, and the supporting marketing information from local estate agents it is considered that a departure from the Policy S9 would be appropriate to bring the long term vacant unit back into use.

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. Although it is noted that highway objections have been raised to the proposed development, it is considered that these can be mitigated through the imposition of conditions.

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 would not result in the loss of residential accommodation and it is considered that the parking and highway issues can be resolved through the imposition of conditions.

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 significantly harm on the visual amenities of the streetscene. Furthermore, the redevelopment of the rear would provide an opportunity for landscape enhancement which would benefit the rear of the site. Therefore, the proposal is 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 application site relates to the ground floor units within the site, with a number of residential units on the upper floors of the building. The Councils Environmental Protection

Unit have reviewed the scheme and consider that the development would not lead to significant noise disturbance to the upper floor residential units and raised no objection to the change of use. However, they have asked for the hours of operation and hours of delivery to be conditioned to ensure that the traffic generation would not be at unsociable hours of the morning.

The change of use from A1 (Retail) to D1 (Non-residential Institution) is considered not to result in any unacceptable 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). In addition, conditions have been imposed in relation to sound insulation to protect the residential neighbouring occupiers.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The accompanying Transport Assessment in the Design and Access Statement is not in accordance with relevant guidance and the highways officer has raised an objection to the provision of only 5 car parking spaces at the rear of the site, with 2 parking spaces allocated for the use of staff and the remaining 3 parking spaces allocated the dropping off/picking up of children.

However, it is noted that the site is located within a designated local centre and is within 200m walk of both underground station, a rail stations and bus stops, meaning that public transport options are readily available at the site. Furthermore, the applicant will provide cycle storage for up to 5 bicycles for staff travelling to the site.

The Council have previously refused applications for the provision of childcare facilities in residential dwellings due to the traffic generation issues related to the development in a residential setting, which often have less parking than the proposed and poor public transport links. Childcare Facilities play an important role in residents lives and the social benefit of this is required to be considered in the determination of a planning application, alongside the environmental and economic benefits as outlined in the NPPF.

It is acknowledged that the parking provision at the site does not meet the Council's required standards, however, the siting of the proposed childcare facility in a designated local centre with strong public transport links is considered to be one of the more suitable locations for this use type in the Borough.

Therefore the social benefits of the provision of a childcare facility is considered to outweigh the harm of the underprovision of parking at the site and the increased traffic generation at peak hours. The proposed development is considered to comply with Policy AM2, AM7 & AM14 of the Hillingdon Local Plan (November 2012).

7.11 Urban design, access and security

It is considered that the existing rear yard at present would not be suitable location for a nursery play area, however the imposition of conditions relating to security, landscaping, illumination and lighting, would ensure that a suitable environment is achieved and basic landscaping plans have been provided to show how this would be achieved.

7.12 Disabled access

The Access Officer has raised a couple of initial concerns over the development not being fully accessible, in relation to level access and the entry level toilet not being wheelchair accessible. The existing access into the unit would be used as part of the proposal and the new rear access would need to be level to comply with building regulations. A toilet of

sufficient size to make it wheelchair accessible has been shown on the plans. Therefore, the development is considered to be accessible by all and in compliance with Policy 7.2 of the London Plan (July 2011).

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. However, the applicant has provided an initial landscaping and play area plan, which would provide suitable landscaping improvements to the rear of the building and service yard area. Therefore, subject to conditions of detailed information it is considered the proposed development would comply with Policy BE38 of the Hillingdon Local Plan (November 2012).

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. The details of this information will be secured by condition and the collection arrangement would be similar to the existing unit.

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

As outlined in section 7.08 of this report, the Council's Environmental Protection Unit has raised no objection to the proposed use of the site, in terms of noise disturbance to the residential units above, subject to conditions on hours of use.

7.19 Comments on Public Consultations

No further comments in relation to public consultations.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No further issues for consideration.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposed development would provide a Childcare Facility which would provide a valuable community asset for residents in the surrounding area. The site is somewhat limited in the parking provision, however, the under provision of off-street parking is considered acceptable, given the strong public transport links and the location of the site within a designated Local Centre.

The application has now provided sufficient information to demonstrate that the loss of the A1 unit would be acceptable, given the length of vacancy and lack of interest in a unit of this size in this area.

The proposed development has also now provide a formal plan of the parking to the rear of the site and the play area and the improvements to the rear service yard are considered to have overcome the previous reasons for refusal relating to the juxtaposition between the parking and children play area.

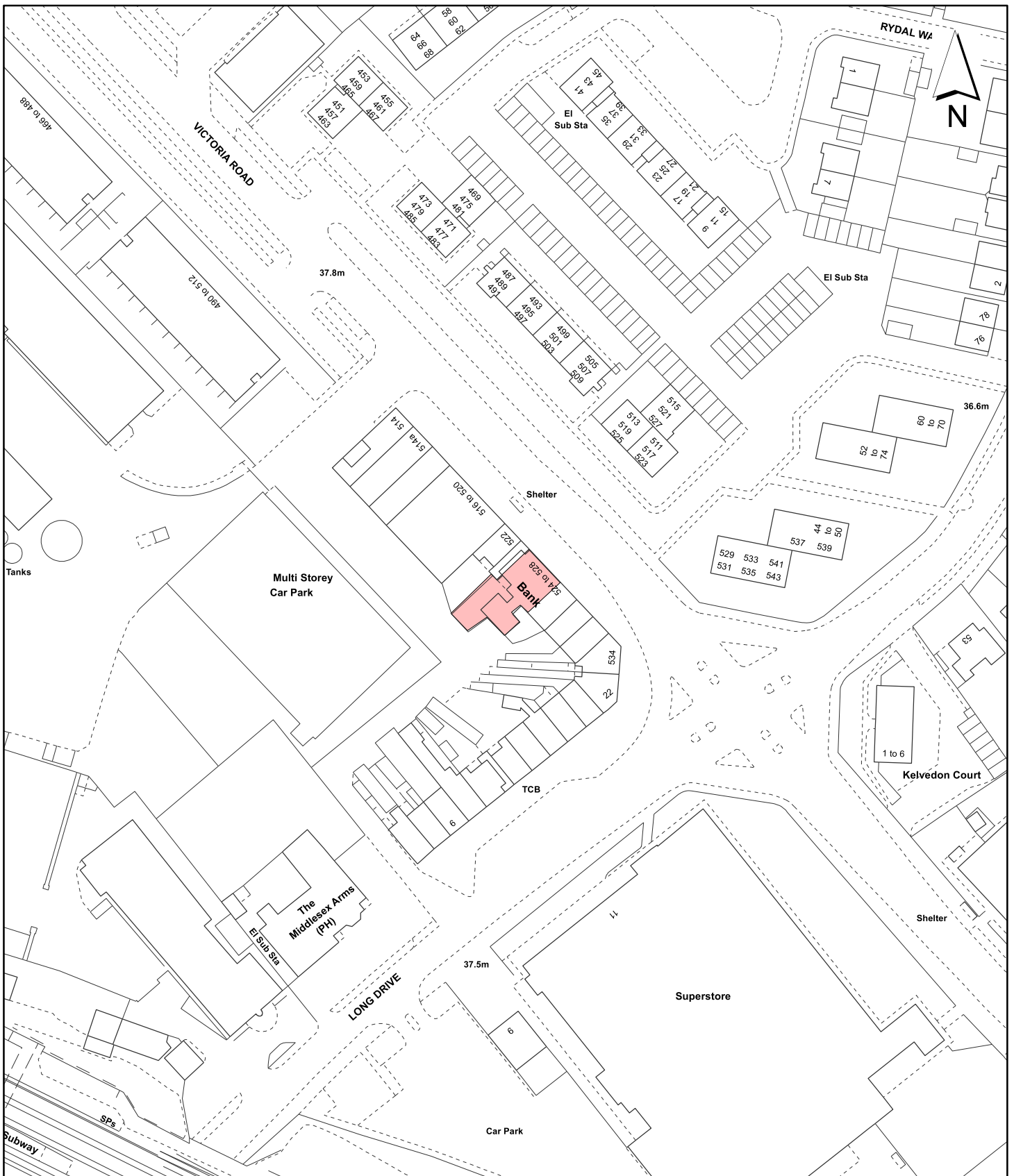
Therefore, the development is considered to comply with national, regional and local policies and is recommended for approval.

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 2014 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center">524-526 Victoria Road Ruislip</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p align="center">Residents Services Planning Section</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/2013/3149</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">July 2014</p>	
		