

Report of the Corporate Director of Planning & Community Services

Address 126-128 HIGH STREET RUISLIP

Development: Part change of use of Nos.126-128 from Class A2 (Financial and Professional Services) to Class D2 (Assembly and Leisure) for use as a bingo hall (licensed under the 2005 Gaming Act) and alterations to front of No.128.

LBH Ref Nos: 3874/APP/2009/1837

Drawing Nos: AB-RUI-126-002 Rev. E
Design and Access Statement
Additional Information by Letter dated 14th August 200

Date Plans Received: 20/08/2009 **Date(s) of Amendment(s):**

Date Application Valid: 21/09/2009

1. **SUMMARY**

Whilst, it is accepted the proposal would bring a vacant unit back into use, the proposed use would not be considered acceptable within a Primary Shopping Area and as such would further undermine the retail function of the area and consequently its vitality and viability to the detriment of the Local Community. It is considered that the proposed change of use would be contrary to policy S11 of the UDP (Saved Policies September 2007).

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed use is not a use that is considered acceptable within a primary shopping area and the proposal would thus result in a use which neither complements or contributes to the attractiveness of the primary shopping area of the Ruislip Town centre. It is therefore considered that the use would be detrimental to the vitality and viability of the primary shopping area of the Ruislip Town centre contrary to Policy S11 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 **Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies

(September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
S11	Service uses in Primary Shopping Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
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

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Had the application not been refused then further details would have been sought with regard to the proposed internal floor layout of the area to remain in A2 use and whether adequate facilities would be provided for that unit.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south west side of the High Street and comprises a vacant ground floor unit in office use. The application property forms part of an end terrace building of commercial units on the ground floor with offices or residential above. The street scene is commercial in character and appearance. The application site lies within the 'Primary Shopping Area' of Ruislip Town Centre and 'Ruislip Village Conservation Area', as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies, September 2007).

3.2 Proposed Scheme

The proposal involves the change of use of the part of the ground floor from Class A2 (Financial and Professional Services - unrestricted) to Class D2 (Assembly and Leisure), with a new doorway created to the front of No. 128.

It is proposed to revert Nos.126 and 128 back into separate units, although the floor area at the rear of No.126 would remain with No.128, providing a floor area of 109m² for the proposed D2 use, and 41m² remaining in A2 use.

5 full time staff would be employed and the proposed hours of opening would be 0900 - 2300 Monday to Saturday and 1000 - 2200 Sundays and Bank Holidays.

Mechanised and electronic bingo would be installed. Seating would also allow for paper bingo, however, it is envisaged most games would be played on electronic bingo terminals. Bingo would be played throughout the day and possibly linked to other bingo halls, on a national basis.

The unit would offer its customers (and any passing adult shopper) an ancillary service of

freshly pre-packed snack food and hot and cold drinks. This would not be a takeaway service and no alcohol would be served.

A window display would be provided, with a selection of priced goods for sale.

3.3 Relevant Planning History

3874/ADV/2002/76 126-128 High Street Ruislip
 INSTALLATION OF INTERNALLY ILLUMINATED FASCIA SIGNS

Decision: 30-08-2002 Approved

3874/ADV/2008/75 126-130 High Street Ruislip
 Installation of one internally illuminated fascia sign, one internally illuminated projecting sign and two green awnings.

Decision: 04-08-2008 Approved

3874/APP/2002/2078 126-128 High Street Ruislip
 INSTALLATION OF A NEW SHOPFRONT

Decision: 25-10-2002 Approved

3874/APP/2008/1759 126-130 High Street Ruislip
 Change of use of part of public highway in front of south side of premises for use as outdoor seating area (comprising four tables and twelve chairs).

Decision: 04-08-2008 Approved

3874/APP/2008/2110 126-130 High Street Ruislip
 Change of use from Class A2 to mixed Class A1/A3 use, for use as a coffee shop, and installation of retractable awning on south elevation

Decision:

3874/D/90/1389 126-130 High Street Ruislip
 Change of use from Job Centre and ancillary offices to Class A2 (Building Society) use on both ground and first floors

Decision: 17-10-1990 GPD

3874/H/91/1367 126-130 High Street Ruislip
 Change of use of first-floor A2 (financial and professional services) to Class B1 (offices)

Decision: 07-02-1992 Approved

Comment on Relevant Planning History

None

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
S11	Service uses in Primary Shopping Areas
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **28th October 2009**

5.2 Site Notice Expiry Date:- **28th October 2009**

6. Consultations

External Consultees

The application was given statutory site and press publicity and, 40 neighbours were consulted. A petition of 59 signatures and 9 letters of objection have been received, which make the following comments:

1. We object to the application as it will have an adverse impact on the character and vitality of the Primary Shopping Area and is therefore contrary to Policy S11 of the UDP (Saved Policies)
2. The proposal will not make a positive contribution or enhancement to the character of the area contrary to clause 8.18 of the UDP (Saved Policies)
3. There is already another amusement arcade in close proximity, at No.70 and will be one even nearer if planning applications 34237/APP/2009/652 and 3862/APP/2009/653 (at No 80) are allowed.
4. The plans lack clarity and it is unclear what activity is proposed to take place at either Nos.126 or 128. There is no explanation of how the bingo hall is expected to operate in a small unit with the proposed 5 members of staff
5. It is not clear what the intended opening times are, what the expected peak times, will 5 staff be there all the time or is this a total number.
6. Are there any market research studies undertaken to give a predicted number of customers, age profile, distance travelled and mode of transport. As this information is vital to assess the impact the proposal would have on the amenity of the High Street. How can planning decisions be made without more detailed background information.
7. The plans imply there would be 40 machines at the site. There is already an amusement arcade

at No.70 High Street that never seems to have any customers.

8. We should be encouraging more shops to trade in the High Street, with their associated benefits.

9. Policy S11 States the accepted uses in the Primary Shopping Areas, and a D2 use is not one of these and therefore would be contrary to Policy.

10. A concern is that these premises would be licensed, and thereby out of bounds to under 18's, which is not conducive to promoting a healthy, vibrant shopping environment.

11. There is no need for this facility and there is a bigger amusement arcade at No.70.

12. The site is within a conservation area where such outlets would not normally be permitted.

13. Even in a secondary shopping area the proposal would have to meet the tests as to whether it is appropriate.

14. We object to the change of use as we do not think it is wanted or needed, and assume as well as bingo there would be some gambling machines available.

15. We object to potentially 3 types of this use in the High Street, two of which in very prime positions, as this would be harmful to the other neighbouring businesses and would change the ambience of the street.

16. The applicants have already shown their disregard for planning conditions at their other site in the street (No.70)

17. Class D uses and Class A2 uses, other than banks and building societies, fail to satisfy the necessary criteria, and therefore the application should be refused.

18. It is noted there is an extant application (3874/APP/2008/2110), for a mixed A1/A3 use, and I would consider there is a demand for this type of use, particularly with Tesco's now opening on the adjoining site.

19. I cannot see that Ruislip would gain in any meaningful way from this proposal and a bingo hall is likely to add to problems of noise, nuisance and litter, which will be exacerbated by its long opening hours.

20. I except empty units are not good for the High Street, but this is not an adequate reason to approve the application

21. A bingo hall will adversely affect the nature of the High Street to its detriment.

Crime Prevention Design Advisor - No comments received.

Internal Consultees

Conservation Officer:

This is a modern shop front within the Ruislip Village Conservation Area. Following the recent Conservation Area designation, any new development should preserve or enhance the character and appearance of the area (PPG 15). The proposed scheme is for a change of use with the installation of a door to No.128 along with the division back into two units. From a Conservation point of view, there are no objections to the proposed change of use to the building. There are no shop front changes proposed apart from the installation of the door, and there are no objections to the same. The scheme shows a shop front display to the main window of No.126, which would be appropriate in a conservation area.

Conclusion - Acceptable.

EPU:

I do not wish to object to this development, however should approval be recommended I would recommend conditions relating to hours of operation, hours of delivery and waste collections, air handling units and sound insulation as well as the construction informative.

Licensing - No comments received

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The Local Planning Authority's aim is to retain the retail function of all shopping areas to meet the needs of the area each serves. Shops grouped conveniently together assist the process of search for and comparison of goods and hence attract shoppers. As such the Local Planning Authority will exercise strict control over the loss of shops to other uses.

Policy S11 establishes the criteria where service uses would be permitted in primary shopping frontages, in order to maintain the viability of the retail function of a centre. Subject to these criteria being met the uses considered as acceptable within shopping frontages of primary shopping areas are retail (Class A1), banks and building Societies (but not other Class A2 uses) and food and drink uses (Classes A3, A4 and A5). This is reiterated in the supporting text (paragraph 8.25), which states some service uses are appropriate and even necessary in Primary Shopping Areas. Banks, restaurants, food takeaways, building societies are the most frequently used by shoppers, whereas estate agents, betting shops, and places of entertainment tend not to be visited on shopping trips

Whilst it is accepted that this double unit is currently vacant, it is not considered the proposal would comply with this policy or the advice in the supporting text. It should be stressed that the existing vacant unit benefits from planning permission for A2 use class (meaning it can be used for A2 or A1 uses without planning permission). It is therefore considered that should this proposal receive consent it would have a negative effect on the vitality and viability of this area and the proposal would not comply with Policy S11 of the UDP (Saved Policies September 2007).

7.02 Density of the proposed development

Not applicable to this application

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

The site is within Ruislip Village Conservation Area and the Conservation Officer does not object to the proposed change or to the only external change proposed which is the installation of the door. Therefore the application is considered acceptable and would comply with policy BE4 of the UDP (Saved Policies September 2007).

7.04 Airport safeguarding

Not applicable to this application

7.05 Impact on the green belt

Not applicable to this application

7.06 Environmental Impact

Not applicable to this application

7.07 Impact on the character & appearance of the area

Policy BE13 of the UDP (Saved Policies September 2007) requires new development to harmonise with the appearance of the existing street scene and area, and Policy BE15 requires alterations to existing buildings to harmonise with the scale, form, architectural composition and proportions of the original building. With regard to the design of the new entrance doorway proposed to No.126, this would be positioned in the place of an existing window unit and have an aluminum frame to match. As such, it is considered that this would be in-keeping with the overall design of the building, and harmonise with the same, therefore in accordance with policies BE13 and BE15 of the UDP (Saved Policies September 2007).

7.08 Impact on neighbours

Policy OE1 states permission will not be granted for uses which are likely to become

detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated. The Environmental Protection Unit has not raised an objection to this application subject to conditions being attached to any permission granted relating to hours of opening, hours of deliveries and waste collection, details of air handling units and sound insulation, and subject to these conditions the proposal would accord with policy OE1 of the UDP (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application

7.10 Traffic impact, car/cycle parking, pedestrian safety

The site is situated on the High Street and limited on-street parking is available on both sides of the highway. It is not considered the traffic generation between A2 and D2 uses would be significantly different such that a refusal on this ground would be justified. The proposal would therefore comply with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

7.11 Urban design, access and security

See Section 7.07

7.12 Disabled access

Level access will be provided at the entrance to the buildings, together with an entrance doors having a clear minimum opening of 800mm with access pressure at the leading edges not more than 20N pressure and a disabled WC would be provided. As such the proposal would comply with Policy 3A.4 of the London Plan and the Council's SPD HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this application

7.14 Trees, Landscaping and Ecology

Not applicable to this application

7.15 Sustainable waste management

Not applicable to this application

7.16 Renewable energy / Sustainability

Not applicable to this application

7.17 Flooding or Drainage Issues

The site is not within a flood zone and no further drainage issues have been raised.

7.18 Noise or Air Quality Issues

Not applicable to this application

7.19 Comments on Public Consultations

The comments received have been addressed in the main body of the report.

7.20 Planning Obligations

Not applicable to this application

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

None

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation

regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

Whilst, it is accepted the proposal would bring a vacant unit back into use, the proposed use is considered to undermine the vitality and viability of the Primary Shopping Area and therefore the range of goods and services available. As such, it is considered that the proposed change of use would be contrary to policy S11 of the UDP (Saved Policies September 2007).

11. Reference Documents


Unitary Development Plan (Saved Policies September 2007)
London Plan Policies (2008)

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Notes

 Site boundary

For identification purposes only.

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Site Address

**126 - 128 High Street
Ruislip**

Planning Application Ref:

3874/APP/2009/1837

Planning Committee

North

Scale

1:1,250

Date

November 2009

**LONDON BOROUGH
OF HILLINGDON
Planning &
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