

Report of the Corporate Director of Planning & Community Services

Address 290 WEST END ROAD RUISLIP

Development: Change of use from Class A1 (Shops) to Class A3 (restaurants and cafes.)

LBH Ref Nos: 45677/APP/2009/1971

Drawing Nos: Location Plan at Scale 1:1250
Design and Access Statement

Date Plans Received: 10/09/2009

Date(s) of Amendment(s): 10/09/2009

Date Application Valid: 21/09/2009

1. SUMMARY

Planning permission is sought for the change of use of an existing vacant retail unit to a restaurant within Use Class A3. The loss of the retail unit to a non-shop use would not affect the minimum number of essential shop uses within the parade and as such the proposal would maintain the character and function of the shopping parade and would cater for the convenience shopping needs of local residents. Subject to conditions, the proposal would not harm the residential amenities of nearby residents.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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 N11 Control of plant/machinery noise

No plant and/ or machinery including all extract ventilation systems and odour control equipment shall be used on the premises until a scheme for the control of noise and fumes emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

3 HLC1 Restaurants/Cafes/Snack Bars

The premises shall only be used for the preparation and sale of food and any associated clearing up between the hours of 08:00 and 23:30. There shall be no staff allowed on the premises outside these hours.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 MCD10 Refuse Facilities

No development shall take place until details including location on the premises of facilities to be provided for the covered, secure and screened storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

REASON

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

5 N13 Sound insulation of commercial/entertainment premises

The development shall not begin until a sound insulation scheme for the control of noise transmission to the adjoining dwellings/premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

6 NONSC Non Standard Condition

Development shall not commence until details of access to building entrances and w.c. facilities (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

REASON

To ensure that people with disabilities have adequate access to the development in accordance with Policy R16 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

7 NONSC Non Standard Condition

No development shall take place until details of the height, position, design and materials of a chimney or extraction vent and any air conditioning equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out until the vent/chimney has been installed in accordance with the approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

REASON

In order to safeguard the amenities of adjoining properties in accordance with Policy OE1

of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 NONSC Non Standard Condition

No chimney or extraction vent and any air conditioning equipment shall be used on the premises until a scheme for the control of noise emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

In order to safeguard the amenities of adjoining properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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) 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
BE19	New development must improve or complement the character of the area.
OE1	Protection of the character and amenities of surrounding properties and the local area
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 2A.8	Town Centres
LPP 2A.9	Supporting Sustainable Communities
LPP 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 4A.26	Reducing noise and enhancing soundscapes

3 I1 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.

4 I3 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 - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

5 I6 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.

6 I14 Installation of Plant and Machinery

The Council's Commercial Premises Section and Building Control Services should be consulted regarding any of the following:-

The installation of a boiler with a rating of 55,000 - 1¼ million Btu/hr and/or the construction of a chimney serving a furnace with a minimum rating of 1¼ million Btu/hr;

The siting of any external machinery (eg air conditioning);

The installation of additional plant/machinery or replacement of existing machinery.

Contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190). Building Control Services, 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

7 I15 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 should only be carried out between the hours of 08.00 hours 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 and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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.

8 I25 Consent for the Display of Adverts and Illuminated Signs

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Planning & Community Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a vacant ground floor retail unit forming part of West End Parade, located on the south west side of West End Road, almost opposite its junction with Sidmouth Drive. The parade comprises 11 commercial units on the ground floor, nos.278 to 298a West End Road, with 3 upper floors in residential use accessed from the rear. Opposite the application parade lie nos.1-14 New Pond Parade and to the rear is a service road. This section of West End Road is commercial in character and appearance and the application site lies within the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the change of use from a retail unit to a restaurant within Use Class A3. No external alterations are proposed.

3.3 Relevant Planning History

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

BE19 New development must improve or complement the character of the area.

OE1 Protection of the character and amenities of surrounding properties and the local

	area
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 2A.8	Town Centres
LPP 2A.9	Supporting Sustainable Communities
LPP 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 4A.26	Reducing noise and enhancing soundscapes

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

36 adjoining owner/occupiers and the Ruislip Residents' Association consulted. No comments have been received.

Internal Consultees

Waste Strategy: No objections subject to the inclusion of recycling facilities.

Environmental Protection Unit: No objections subject to conditions to control noise and fumes from plant equipment.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site lies within a local parade and the adopted Unitary Development Plan defines parades as:

"Groups of shops which provide at least 3 essential local shop uses and other retail and service uses for people living or working within a walking distance of around 800m."

Local shopping parades serve an important role in providing convenience shopping that caters for the needs of local residents. Paragraph 8.22 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) seeks to ensure that all residential areas are within half a mile of five essential shop uses. Accordingly, Policy S7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) states that changes of use from retail will only be permitted if the parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade.

The application parade comprises 11 units, of which three are 'essential uses' as defined in paragraph 8.21 of the adopted Hillingdon Unitary Development Plan (Saved Policies

September 2007). These are nos. 278 West End Road (Baker), 292 West End Road (Chemist) and 296 West End Road (Newsagents). New Pond Parade, which lies opposite the application property comprises 15 commercial units of which two are essential uses, 3 New Pond Parade (Newsagents) and 5 New Pond Parade (Grocer).

Given the above, it is considered that the level of essential shop uses is adequate to maintain the viability, character and function of the parades and would be sufficient to cater for the local convenience shopping needs of local residents. As such, the proposal would not harm the vitality and viability of the West End Parade in accordance with Policy S7 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and policies 2A.8 and 2A.9 of the London Plan 2008, which seek to develop and enhance a network of specialist retail centres to meet special retail needs and to encourage sustainable communities.

7.02 Density of the proposed development

This is not applicable to this application.

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

This is not applicable to this application.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

This is not applicable to this application.

7.06 Environmental Impact

This is not applicable to this application.

7.07 Impact on the character & appearance of the area

No elevational alterations are proposed and therefore the proposal would not harm the appearance of the street scene and surrounding area generally in accordance with policies BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, smell and disturbance. The nearest residential properties lie above and adjacent to the application unit. No details of ventilation and or other mechanical equipment have been submitted. However, it is considered that planning conditions requiring details of the ventilation equipment prior to commencement of the use, the installation of appropriate sound attenuation and insulation between floors and the imposition of limitations on hours of operation and deliveries would be sufficient to maintain the residential amenity of the occupiers of adjoining and nearby residential properties, should planning permission be granted. The proposal would therefore comply with policies OE1 and S6 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and policy 4A.20 of the London Plan 2008.

7.09 Living conditions for future occupiers

This is not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) requires 1 space per 25sqm for non-shop uses. This requirement is the same for shop uses. As no additional floorspace is proposed, no additional parking spaces are required. As such, the proposal would not result in a significant increase in on-street parking and would comply with policies AM7(ii) and AM14 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and

the Council's Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan, Saved Policies, September 2007).

7.11 Urban design, access and security

This is addressed at section 07.07.

7.12 Disabled access

This is not applicable to this application.

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, Landscaping and Ecology

This is not applicable to this application.

7.15 Sustainable waste management

The Council's Waste Management Service has advised that suitable recycling facilities for all grades of paper and cardboard, cans, plastic bottles, and also glass bottles and jars should be provided. To this end any refuse and recycling bins provided as part of this development must be housed in chambers constructed according to the Council's Standards.

A condition is recommended that suitable refuse and recycling facilities are provided prior to commencement of the use and the proposal would thus comply with policy 4A.26 of the London Plan 2008.

7.16 Renewable energy / Sustainability

This is not applicable to this application.

7.17 Flooding or Drainage Issues

This is not applicable to this application.

7.18 Noise or Air Quality Issues

This is not applicable to this application.

7.19 Comments on Public Consultations

No third party comments have been received.

7.20 Planning Obligations

This is not applicable to this application.

7.21 Expediency of enforcement action

This is not applicable to this application.

7.22 Other Issues

There are no other relevant issues.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

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

(protection of property) and Article 14 (prohibition of discrimination).

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

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

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

9. Observations of the Director of Finance

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

For the reasons outlined above and that the proposal would comply with the aforementioned policies of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007), this application is recommended for approval.

11. Reference Documents

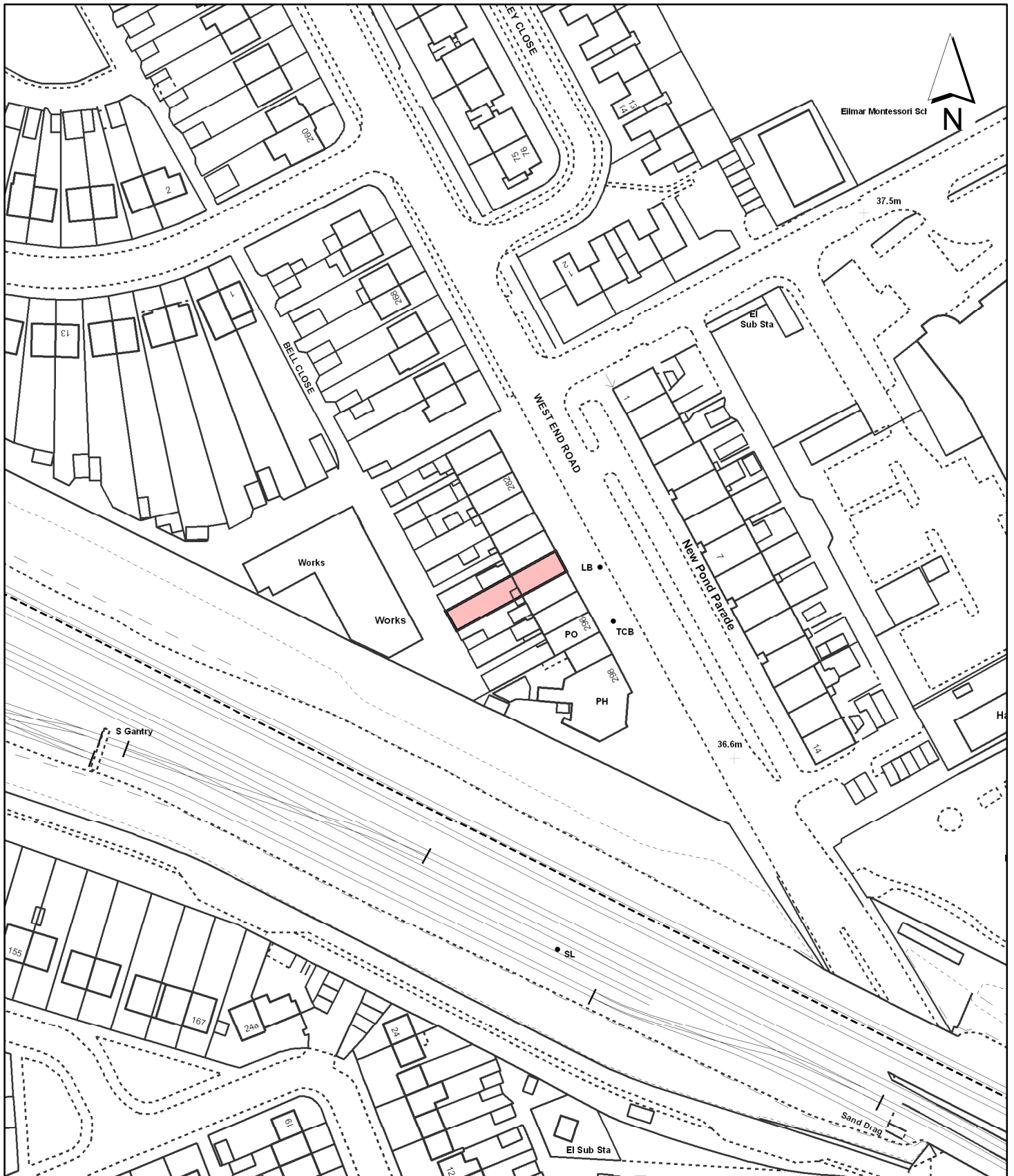
Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007)

Parking Standards (Annex 1, adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).


London Plan 2008

Contact Officer: Sonia Bowen

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Notes

 Site boundary

For identification purposes only.

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Site Address

**290 West End Road
Ruislip**

Planning Application Ref:

45677/APP/2009/1971

Planning Committee

North

Scale

1:1,250

Date

November 2009

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
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