

Report of the Head of Planning, Sport and Green Spaces

Address 21 VICTORIA ROAD RUISLIP
Development: Change of use from retail (Use Class A1) to mini-cab office (Sui Generis)
LBH Ref Nos: 63773/APP/2014/1855
Drawing Nos: Location Plan (1:1250)
GTD398-01
Design and Access Statemen

Date Plans Received: 30/05/2014 **Date(s) of Amendment(s):**
Date Application Valid: 04/06/2014

1. SUMMARY

The proposal has been considered in terms of its impact on the shopping function of the town centre and the potential impacts on neighbouring occupiers' residential amenity, parking and traffic.

Policy S11 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) states that planning permission will only be granted for uses falling within Class A1 (retail uses), banks and building societies (but not other Class A2 uses) and Class A3 (Food and Drink uses) in the Primary Shopping Areas of the identified Town Centres. This is subject also to the remaining retail facilities being adequate to accord with the function of the shopping centre and without resulting in a separation of Class A1 uses or concentration of non-retail uses which might harm the vitality and viability of the centre.

The loss of this retail unit located in a Primary Shopping Area to a use outside of those specified within the policy would therefore be unacceptable as it would result in incremental harm to the existing retail shopping provision of the town centre as a whole. The interruption in the retail frontage criteria would not apply due to the station frontage and adjacent dry cleaners (No. 23) but the proposal is strictly contrary to Policy S11 of the Local Plan nonetheless.

Policy S6 of the Local Plan, which considers all shopping areas, allows for changes of use of Class A1 premises that would maintain or provide a design of frontage that is appropriate to the area is maintained; provided also that the proposed use is compatible with the neighbouring uses, with no loss of amenity to residential properties (by reason of disturbance, noise, parking and traffic etc.) and that there is no effect on road safety.

The amenities of residential occupiers in the flats above shops nearby to the retail premises (Nos. 21/23 Victoria Road are single storey units) would however be unlikely to be unaffected by the proposed use which would not create any significant increase in noise or other disturbances given the size of the unit and nature of the use together with its busy town centre location adjacent to a station. Nonetheless, a condition could be imposed on any permission granted that restricted the opening hours of the proposed mini-cab office to ensure that the current living conditions of nearby occupiers were not affected.

The effect of the proposal on the appearance of the area has been considered and as there are no changes proposed to the existing frontage this is considered acceptable. Given these considerations therefore the proposal is considered to comply with the objectives of Policies S6 and BE13 in respect of visual and residential amenities.

Whilst there are no overriding amenity issues, a number of concerns have been raised relating to specific traffic, highway related or parking problems identified with the proposal.

In these respects however, the Council's Highways Officer does not consider that there are grounds for refusal as there are controlled parking bays available on both sides of the road. As a result, the traffic generated by the proposal would have little effect on the total amount of parking available for daytime or evening visitors to the town centre. Furthermore, the vehicles associated with the use would not need to be parked directly outside of the min-cab office and at all times would have to merge with the general traffic movements in the immediate vicinity.

The proximity of the application site to the exit of Ruislip Manor Station does not of itself give rise to any serious pedestrian safety or public order issues attributable to such uses. For these reasons, the proposal is thus considered to be in compliance with Local Plan Policies AM7 and AM14 on traffic/parking.

Nonetheless, for the reason given relating to the principle of the loss of a retail unit described the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal by reason of the loss of a retail unit would further erode the retail function and attractiveness of the Ruislip Manor Town Centre Primary Shopping Area, harming its vitality and viability and undermining the attractiveness of the town centre. The proposal is therefore contrary to Policy S11 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and policy 4.8 of the London Plan (2011).

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) 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.

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

S11	Service uses in Primary Shopping Areas
AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector

3 I59 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site falls within part of a shopping frontage on the east side of Victoria Road in Ruislip Manor. It comprises of a small ground floor retail unit, built as part of the adjacent Ruislip Manor Station, most recently used as a sandwich shop and which has been vacant for over a year. It was previously in use as a cafe/restaurant. The immediately adjoining single storey unit to the south, No. 23, is a dry cleaners.

The site falls within the defined Primary Shopping Area of Ruislip Manor Town Centre as designated in the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

The premises is adjacent to the principal south entrance/exit of Ruislip Manor Underground Station (Metropolitan & Piccadilly Lines) and there is a wide footpath at this point. There are pay and display controlled on-street parking bays along both sides of Victoria Road.

3.2 Proposed Scheme

Planning permission is sought for the change of use of the existing ground floor from a retail shop unit (Class A1) to a mini-cab office use (Sui Generis).

The internal floorspace (23 sq. metres) would comprise of the office and customer area. No detailed floor layout plans have been provided and thus no indication of whether there would be any staff facilities (kitchen/wc) available.

There would be no changes made to the existing shopfront, fascia or entrance doors. Any signage proposals would need to be sought through a separate application for Advertisement Consent.

The proposed hours of use have not been specified in the application, however it is likely to be operating on all days of the week including late evenings.

3.3 Relevant Planning History

63773/ADV/2007/137 21 Victoria Road Ruislip
INSTALLATION OF AN INTERNALLY ILLUMINATED FASCIA SIGN.

Decision: 28-12-2007 Approved

63773/APP/2007/3254 21 Victoria Road Ruislip
INSTALLATION OF SHOPFRONT AND ROLLER SHUTTER.

Decision: 27-12-2007 Approved

Comment on Relevant Planning History

None relevant to this application.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.E5 (2012) Town and Local Centres

Part 2 Policies:

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

S11 Service uses in Primary Shopping Areas

AM7 Consideration of traffic generated by proposed developments.

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
(i) Dial-a-ride and mobility bus services
(ii) Shopmobility schemes
(iii) Convenient parking spaces
(iv) Design of road, footway, parking and pedestrian and street furniture schemes

AM14	New development and car parking standards.
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LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
BE13	New development must harmonise with the existing street scene.
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OE1	Protection of the character and amenities of surrounding properties and the local area
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

6 adjoining and nearby occupiers were consulted (5.6.2014) and in addition a site notice was displayed from 20.6.2014. There has been one representation made accompanied by a petition of objection (with 84 signatures) with the following comments:

- loss of retail shop (percentage must be adhered to);
- parking outside controlled hours (0800-1830) from cabs returning to base taking up spaces for evening visitors to Ruislip Manor;
- mini cab firm would attract clubbers (noise/disturbance in early hours)/lead to an increase in anti-social behaviour thus more police required to mitigate;
- would result in congestion/blockage of Victoria Road and junction with Pembroke Avenue, Park Way and Victoria Road;
- increase in litter/rubbish;
- noise from cars arriving/departing (drivers wait);
- Ruislip Manor station would become a pick up point/soliciting fares from other cab companies;
- increase in air pollution.

Ruislip Residents Association: No response received.

London Underground Limited (Infrastructure):

This is London Underground assets and is subject to the applicant fulfilling the legal requirements in place and formed under agreement with London Underground. The terms of the lease have not been agreed with London Underground and therefore the objection will remain in place until the lease has been finalised.

London Underground (Ruislip Manor): No response received.

Transport for London:

- premises not suitable for mini cab office (no toilets or other staff/customer facilities);
- no parking facilities for taxis to stand;
- vehicles parked in front will obstruct Station SAP and RVP;
- pick up and drop offs will obstruct LU Emergency response unit vehicles/activity; and
- will restrict the station entrance/exit on south side/pose crowd control issues at school times (twice daily) and during Wembley events.

Internal Consultees

Highways (Transport/Traffic):

This is a Minor Town Centre location. The current A1 use provides no parking. There is another mini cab operator not far and no complaints have been received. Pay and display on street parking is available on both sides of Victoria Road.

Urban Design/Conservation Officer:

Ruislip Manor Station, of which this unit forms a part, is locally listed. Whilst there would be no objection to a change of use, any proposed changes to the shopfront or advertising, and also new antenna required to operate the use, would be of interest.

Access Officer:

The proposal seeks the change of use from (A1) retail use to a Mini Cab Office. It is unknown from the plans whether level access or suitably graded access into the premises exists, however, as the application appears to be for a straightforward change of use with no material alterations proposed, no accessibility improvements could reasonably be required within the remit of planning. In view of the above, the following informative should be attached to any grant of planning permission:

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.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S11 of the adopted Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) states that planning permission will be granted for service uses falling within Class A1 (retail uses), banks and building societies (but not other Class A2 uses) and Class A3 (Food and Drink uses) in the Primary Shopping Areas of the identified Town Centres. This is subject also to the remaining retail facilities being adequate to accord with the function of the shopping centre and without resulting in a separation of Class A1 uses or concentration of non-retail uses which might harm the vitality and viability of the centre.

Policy S6 of the Local Plan, which considers all shopping areas, allows for changes of use of Class A1 premises that would maintain or provide a design of frontage that is appropriate to the area is maintained; provided also that the proposed use is compatible with the neighbouring uses, with no loss of amenity to residential properties (by reason of disturbance, noise, parking and traffic etc.) and that there is no effect on road safety.

Notwithstanding that the use could be controlled by conditions to safeguard the amenities of

the area and neighbours, such as any changes to the shopfront including signage and the hours of use, the loss of even a small retail unit in this primary shopping frontage, vacant or otherwise, to a non service use would be regrettable. The incremental change that it would represent would cause demonstrable harm to the existing retail shopping provision of the town centre as a whole.

In the absence of any reason why this vacant unit can not be re-occupied for retail use again in the near future, such as evidence through marketing of a continued lack of demand, the proposal is thus contrary to Policy S11 of the Local Plan.

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

Hillingdon Local Plan: Part Two Policy BE13 states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features in the area which the Local Planning Authority considers it desirable to retain or enhance.

There are no alterations proposed to the existing shop front which consists of central entrance door with window openings on either side. The surrounding area forms part of an established shopping centre location, with the variation in commercial frontages and signage at ground floor that is typically associated with such areas.

The application premises itself is single storey and is seen against the listed Ruislip Manor Station buildings behind, of which it forms part and together with No. 23 links the station at street level with the main shopping parade to the south.

As such therefore, the proposal would be no effect on the appearance of the area and would comply with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

7.08 Impact on neighbours

In terms of assessing the effects of the proposal on residential amenity, the potential impacts that may arise with the proposed use are those of noise, parking and general disturbance.

Thus Policy OE1 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) states that permission will not normally be granted for uses and associated structures which are likely to become detrimental to the character or amenities of surrounding properties or the area generally because of siting or appearance; storage; traffic generation; noise and vibration or the emission of dust, smell or other pollutants.

There are no residential occupiers above this single storey unit, whilst the nearest residential properties to be found within the main two and three storey shopping parade to the south are sufficiently separated from the site so as not likely to be affected by any noise generated by vehicles or persons associated with the use from street level during evenings.

Accordingly, the proposal complies with the objectives of Hillingdon Local Plan: Part Two Policy OE1 in this regard.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The site is located within a shopping centre location close to bus stops and the Ruislip Manor Underground Railway Station.

Whilst there is no specific information given in the application regarding vehicle numbers or hours of operation, there would be two full time members of staff and one part-time. For these purposes therefore it has been assumed that the use would be carried on until late evenings on all days of the week and thus operate to maximum hours.

Notwithstanding, the Council's Highways Officer does not consider that there are grounds for refusal in this town centre location as for instance there is no parking provided with the existing retail unit with which its occupation is comparable whilst controlled parking bays are available on both sides of the road and thus would regulate the cab vehicles waiting for fares.

Both in terms of volume and due to their temporary occupancy of available nearby parking spaces, whether during or outside of the controlled parking hours, the traffic generated by the proposal would have little noticeable effect on the total amount of parking available for daytime or evening visitors to the town centre. Whilst their owners may choose to do so, the vehicles associated with the use would not need to be parked directly outside of the min-cab office and all times these would have to merge with the general traffic movements in the immediate vicinity.

The proximity of the application site to the exit of Ruislip Manor Station does not of itself give rise to any serious pedestrian safety or public order issues attributable to such uses. The traffic generated by the proposed use is unlikely to be significantly more than at present or otherwise worsen existing conditions for pedestrian safety in the immediate vicinity.

For these reasons, the proposal is thus considered to be in compliance with Local Plan Policies AM7 and AM14 on traffic/parking.

7.11 Urban design, access and security

Not applicable to this application.

7.12 Disabled access

Access Officers comments

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

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

A number of comments have been raised primarily relating to the three issues - the loss of a retail use and the impacts of additional traffic/parking and persons within the vicinity of the site.

In principle, the change of use sought would be contrary to shopping policy in this established primary shopping frontage but the additional parking and traffic implications of the proposal are not considered likely to result in demonstrable harm to highway or pedestrian safety.

Similarly, the other concerns raised relating to anti-social behaviour, noise and litter are all matters that could, in the event of a permission, be sought to be mitigated by means of appropriate conditions relating to the premises (such as permitted hours of use).

The other more serious considerations, such as potential crowd control issues and public order disturbances are matters that ordinarily fall under the jurisdiction of TfL on and around their own premises and the police to deal with. These are not attributable in the normal course of events to a mini-cab office and would be beyond the terms of any planning permission.

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

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

That permission be refused for the change of use sought for the reason given above on the grounds that the loss of this retail unit located in a Primary Shopping Area to a non service use would result in incremental harm to the existing retail shopping provision of the town centre.

11. Reference Documents

Hillingdon Local Plan (November 2012);
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (May 2013);
The London Plan (July 2011);
National Planning Policy Framework.

Contact Officer: Daniel Murkin

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Notes



Site boundary

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Site Address

**21 Victoria Road
 Ruislip**

Planning Application Ref:

63773/APP/2014/1855

Planning Committee

North

Scale

1:1,250

Date

November 2014

**LONDON BOROUGH
 OF HILLINGDON**

**Residents Services
 Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW
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