

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

**Address** 44 HIGH STREET RUISLIP

**Development:** Change of use from retail (Use Class A1) to a dental clinic (Use Class D1)

**LBH Ref Nos:** 137/APP/2015/613

**Drawing Nos:** Proposed Section  
Proposed Front Elevation  
Proposed Ground Floor Plan  
Location Plan/Existing Ground Floor Plan  
Supporting Photo

**Date Plans Received:** 17/02/2015      **Date(s) of Amendment(s):**

**Date Application Valid:** 02/03/2015

### 1. **SUMMARY**

The application seeks planning permission for the change of use from retail (Use Class A1) to a dental clinic (Use Class D1).

The site is situated on the western side of High Street and is located within the Secondary Shopping Area of Ruislip Town Centre, as identified in the Policies of the Hillingdon Local Plan (November 2012).

The proposal would provide a valuable community facility within a highly accessible environment without compromising the viability or vitality of the centre.

Therefore, the application is recommended for approval.

### 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

#### 1      COM3      **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

#### 2      COM4      **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted Proposed Ground Floor Plan 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 (2015).

#### 3      COM11      **Restrictions on Changes of Uses (Part 3, Sch. 2 GPDO 2015)**

Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the buildings shall be used only as a Dental Clinic and for no other purpose (including any other purpose in Class D1) of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

#### REASON

To ensure the building would not be used for a purpose which could prejudice the free flow of traffic in accordance with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **4 COM22 Operating Hours**

The premises shall not be used except between the hours of 0700 and 2100.

#### REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

### INFORMATIVES

#### **1 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 (2015). 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.

#### **2 I47 Damage to Verge - For Council Roads:**

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

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

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

#### **3**

The applicant's attention is drawn to the need to comply with the Hazardous Waste Regulations 2005.

### **3. CONSIDERATIONS**

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

The application site is located on the western side of High Street and is a two storey building which is the second building in of a terrace of 7. The retail units around are all in use with the adjoining shops being a butchers to the south and a dry cleaners to the north. There are parking spaces all along the road and there is a bus stop directly opposite.

The High Street is very busy offering a mix of facilities, with a variety of commercial uses at ground floor with offices and residential above.

The application site lies within the Ruislip Town Centre and the Ruislip Secondary Shopping Centre. It is also within the Ruislip Village Conservation Area and the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

### **3.2 Proposed Scheme**

The proposal is for the for the change of use from retail (Use Class A1) to a dental clinic (Use Class D1) involving internal alterations only.

### **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:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

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

BE26 Town centres - design, layout and landscaping of new buildings

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

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

S12 Service uses in Secondary Shopping Areas

## **5. Advertisement and Site Notice**

**5.1 Advertisement Expiry Date:- 1st April 2015**

**5.2 Site Notice Expiry Date:- Not applicable**

## **6. Consultations**

### **External Consultees**

Five neighbouring owner/occupiers were consulted for a period of 21 days expiring on the 25 March 2015.

No responses have been received.

Ruislip Residents Association: No response

Ruislip Village Conservation Area: No response

Ruislip Chamber of Commerce: We object to this change of use from A1 to D1. If granted it would mean the loss of a retail outlet in the High Street and we are concerned that should it be granted it would enable the premises to be used for A3 at a later date without having to apply for a further change of use. The Chamber cannot afford to lose another A1 retail outlet.

### **Internal Consultees**

Environmental Protection Unit: No objection

Access Officer: No accessibility issues

Conservation and Urban Design: No objection

Highways: An informative should be attached requiring the applicant to obtain a Highway Licence for the sign (600mm x 600mm) that is projecting over the Highway.

## **7. MAIN PLANNING ISSUES**

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

Policy S6 states that changes of use applications will be granted where i) a frontage of design appropriate to the surrounding area is maintained or provided; ii) the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and iii) would have no harmful effect on road safety or worsen traffic congestion.

Policy S12 states that in Secondary Shopping Areas applications will be granted where i) the remaining retail facilities are adequate to accord with the character and function of the shopping centre and ii) the proposed use will not result in a separation of Class A1 uses or a concentration on non retail uses which might harm the viability or vitality of the centre. Use as a Class D1 Dental Surgery use is regarded as acceptable at ground floor level within shopping frontages of secondary shopping areas.

The Council's most recent town centre survey indicates that 54.1% of the secondary frontage would remain in A1 use were permission granted. Therefore the proposal would comply with the criteria listed in Policies S6 and S12 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **7.02 Density of the proposed development**

Not relevant to this application

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

The Conservation Officer has raised no objection to the proposal.

### **7.04 Airport safeguarding**

No objections are raised to the scheme in terms of airport safeguarding.

#### **7.05 Impact on the green belt**

Not relevant to this application as the site is not in the Green Belt.

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

There are no physical alterations proposed for the shop front as part of this application.

#### **7.08 Impact on neighbours**

The proposed development would replace the existing A1 Use Class with a proposed D1 unit for use as a Dental Practice. It should be noted that the unit has a floor space of only 97 square metres. The hours of operation are likely to be consistent with the existing use and as such, the proposal is considered to have no material impact on the residential amenity of the neighbouring occupiers, in compliance with Policy OE1 of the Hillingdon Local Plan (November 2012).

The Council's Environmental Protection Unit has raised no objections.

#### **7.09 Living conditions for future occupiers**

Not relevant to this application

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

The development proposals are for the Change of use from Use Class A1 - Patisserie to Use Class D1 - Dental Clinic. As part of the proposals 5 full time staff and 10 part time staff will be employed at the site. There are no proposals to provide car or cycle parking for either staff or visitors.

When undertaking assessment of the development, it is noted that the PTAL index within the area of the site is 3, which is classified as moderate. In addition, the site is located directly adjacent to public transport facilities, including bus stops and the Ruislip Underground Station 400m to the south, all of which are within walking distance.

Additionally, it is noted that there is on street parking located immediately adjacent to the site along High Street, which has been observed to have available capacity. Furthermore, it is noted that the site is located within the Ruislip Town Centre boundary as designated within the adopted Hillingdon Local Plan.

As a result, it is considered that the proposed use at the site would be ancillary to the local area and the absence of off-street car parking would not have a detrimental impact along the adjacent highway network.

The D1 Use Class allows for a number of other uses which would have far higher implications for car parking requirements, such as Day Nurseries or Places of Worship. Therefore, a condition should be added to limit the use of the building to a Dental Surgery, as the application does not demonstrate that sufficient parking could be provided for these other uses.

#### **7.11 Urban design, access and security**

This is a highly accessible location and there are no issues relating to design, access and security.

#### **7.12 Disabled access**

The Planning Specialist Team, Access Officer has no objection.

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

Not relevant to this application

#### **7.14 Trees, Landscaping and Ecology**

Not relevant to this application

**7.15 Sustainable waste management**

Although the use would only generate small quantities of waste, it is important that the Hazardous Waste Regulations 2005 are complied with. An informative is recommended regarding this point.

**7.16 Renewable energy / Sustainability**

Not relevant to this application

**7.17 Flooding or Drainage Issues**

Not relevant to this application

**7.18 Noise or Air Quality Issues**

Environmental Health have no objections to the proposal.

**7.19 Comments on Public Consultations**

The Chamber of Commerce has raised concerns over the potential change of use to A3 without requiring a further permission. However the inclusion of a condition for the use of the premises as a Dental Clinic only should address that concern.

**7.20 Planning Obligations**

Not relevant to this application

**7.21 Expediency of enforcement action**

Not relevant 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**

### **10. CONCLUSION**

The site is situated on the western side of High Street and is located within the Secondary Shopping Area of Ruislip Town Centre, as identified in the Policies of the Hillingdon Local Plan (November 2012).

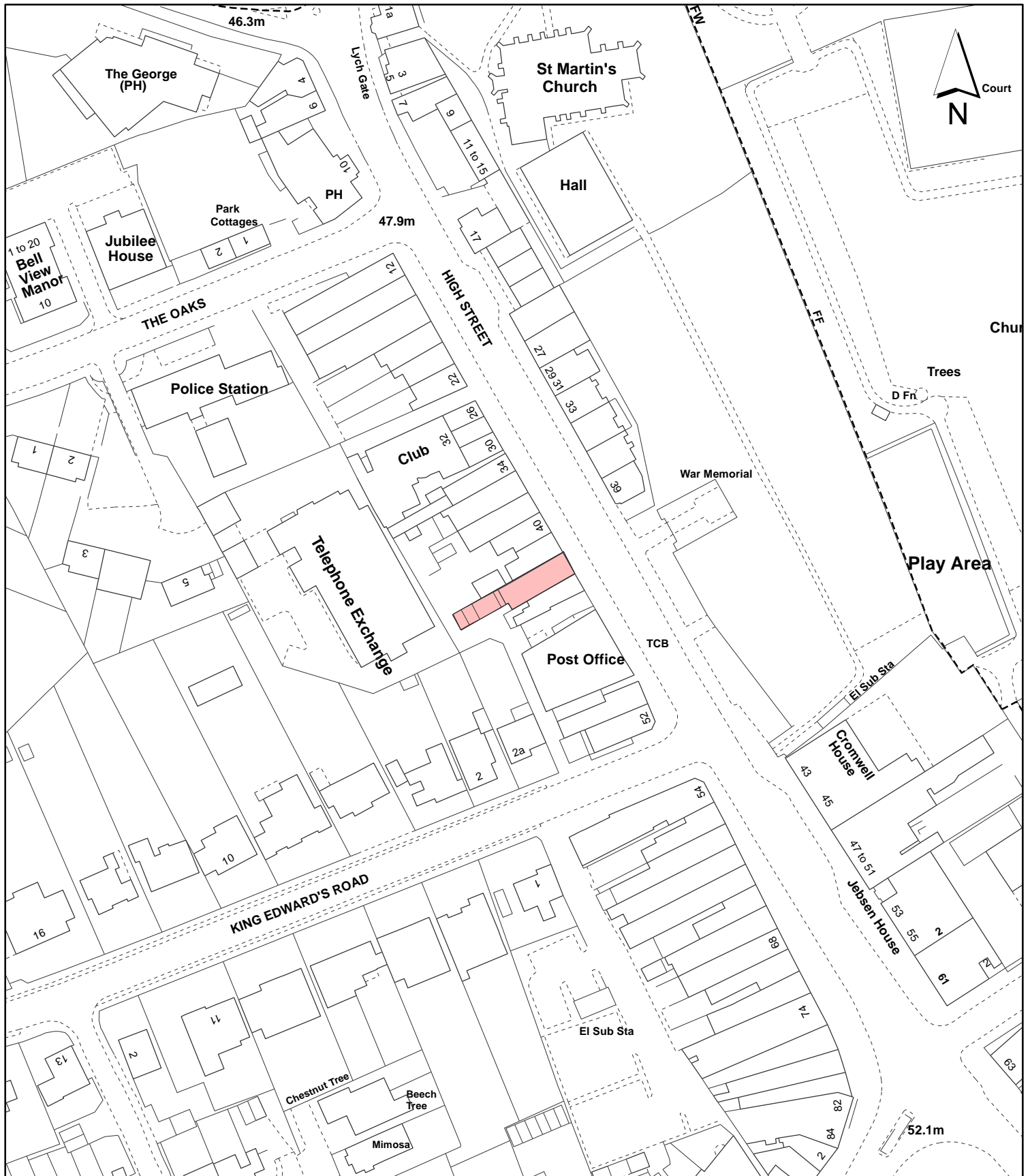
The proposal would provide a valuable community facility within a highly accessible environment without compromising the viability or vitality of the centre.

### **11. Reference Documents**

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).  
Hillingdon Local Plan Part 2.  
The London Plan (July 2011).  
Supplementary Planning Document 'Accessible Hillingdon'.  
National Planning Policy Framework.

**Contact Officer:** Liz Arnold

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**44 High Street  
Ruislip**

**LONDON BOROUGH  
OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**137/APP/2015/613**

Scale:  
**1:1,250**

Planning Committee:  
**North**

Date:  
**May 2015**

