

Report of the Head of Planning, Sport and Green Spaces

Address 18 HIGH STREET RUISLIP

Development: Change of use from cafe/bistro (Use Class A3) to bar and craft beer shop (Use Class A4)

LBH Ref Nos: 15618/APP/2016/3285

Drawing Nos: RE88
Location Plan

Date Plans Received: 31/08/2016 **Date(s) of Amendment(s):**

Date Application Valid: 15/09/2016

1. **SUMMARY**

The proposal is for a change of use from Use Class A3 (cafe / bistro) to Use Class A4 (bar and craft beer shop). The proposed site is located in Ruislip Town Centre and Ruislip Village Conservation Area as identified in the saved UDP. The proposal does not involve the loss of an A1 unit and there are no UDP/London plan policies which resist the loss of cafe use in this location. As such the loss of an A3 cafe is acceptable in principle. There would be no impact on the streetscene, increase in traffic or an un-neighbourly development, in compliance with Policy.

This 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 plans, numbers RE88 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 (2016).

3 HO4 **Materials**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 NONSC Non Standard Condition

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

5 NONSC Non Standard Condition

The Drinking Establishment shall not be used for the delivery and the loading or unloading of goods outside the hours of 08:00 and 20:00, Monday to Friday, and between the hours of 08:00 and 18:00 on Saturdays. There shall be no deliveries on Sundays or Bank Holidays.

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

6 NONSC Non Standard Condition

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

REASON

To safeguard the residential amenity of the occupiers and nearby properties, in accordance with Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7 Consideration of traffic generated by proposed developments.

AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
LPP 7.8	(2016) Heritage assets and archaeology
LPP 5.3	(2016) Sustainable design and construction

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 (2016). 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.

4 147 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. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the West side of High Street, Ruislip near its junction with the Oaks and forms part of a terrace of commercial units on the ground floor with two floors of residential above. The street scene is commercial in character and appearance and the application site lies within the secondary shopping area of the Ruislip Town Centre and the Ruislip Village Conservation Area as identified in the adopted Unitary Development Area. The application site also lies within an Archaeological Priority Area, however, given the nature of the proposal, no archaeological remains would be affected.

3.2 Proposed Scheme

The proposal is for a change of use from Use Class A3 (cafe / bistro) to Use Class A4 (bar and craft beer shop).

3.3 Relevant Planning History

15618/APP/2012/733 18 High Street Ruislip

Variation of condition 3 of Planning Permission reference 15618/APP/2006/2842 dated 09/02/2012 (Change of use from class A1 (shops) to class A3, restaurant/cafe) to permit the premises to prepare and sell food and beverages until 23:00

Decision: 22-05-2012 Approved

Comment on Relevant Planning History

Planning application ref: 15618/APP/2006/2842 was approved for the change of use from class A1 (shop) to Class A3 (Restaurant, snack bars and cafes).

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.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE4 New development within or on the fringes of conservation areas

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

LPP 7.8 (2016) Heritage assets and archaeology

LPP 5.3 (2016) Sustainable design and construction

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

71 neighbours consulted on 16th September, a site notice displayed and also advertised in the Uxbridge Gazette.

62 letters of support received, summarised below:

1. This type of business will provide a valuable alternative to the local night time economy. In line with

the current trend for this type of outlet, I believe this will bring new customers to the High Street adding value to existing businesses and strengthening the retail offering.

2. It is intended this establishment will become a variant of a micropub. Micropubs are small by design. They don't have music (recorded or live) and have limited opening hours. Micropubs become hubs of the community and do not have the anti-social issues that bedraggle larger premises.

3. At a time when both High Street shops and Pubs are closing at an alarming rate we should commend the entrepreneurship of this enterprise as it will bring both trade and mature customers to Ruislip.

4. After the Duck Pond was tragically converted into yet another chain establishment the High Street needs a replacement watering hole that is more independent and community focused.

Internal Consultees

Trees and Landscape: No objection.

EPU comment:

Hours of use

Please set an hours of operation condition in line with the hours on their application.

H6 Loading/unloading/deliveries (~ old H2 / HLC6)

The [premises] shall not be used for delivery and the loading or unloading of goods outside the hours of 08:00 and 20:00, Monday to Friday, and between the hours of 08:00 and 18:00 on Saturdays. There shall be no deliveries on Sundays or Bank Holidays.

REASON: To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

N11B Noise affecting residential property

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142 "Method for rating industrial noise affecting mixed residential and industrial areas".

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Statement: Accessible Hillingdon.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

In terms of the principle of the development, the proposed site is located in Ruislip Town Centre and Ruislip Village Conservation Area as identified in the saved UDP. The proposal does not involve the loss of an A1 unit and there are no UDP/London plan policies which resist the loss of cafe use in this location. As such the loss of an A3 cafe is acceptable in principle.

7.02 Density of the proposed development

Not applicable to this proposal.

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

The site falls within Ruislip Village Conservation Area. The streetscene comprises shopfronts with centrally recessed doorways. There would be no alterations to the

shopfront. The proposal would preserve and enhance the character and appearance of the conservation area and the streetscene would therefore be in compliance with Policies BE4, BE13 and BE28 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.04 Airport safeguarding

Not applicable to this proposal.

7.05 Impact on the green belt

Not applicable to this proposal.

7.07 Impact on the character & appearance of the area

No changes are proposed to the shop front. Any changes required to the units signage will be the subject of a separate application for advertisement consent.

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 Officer has raised no concerns subject to conditions to restrict opening hours, details of any extraction fans and control of noise levels. These conditions would ensure there would be no unacceptable level of disturbance on nearby residential flats. As such the proposal complies with Policies OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this proposal.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy AM2 and AM7 states that all proposals for development will be assessed against their contribution to traffic generation and their impact on congestion and the present and potential availability of public transport and its capacity to meet increased demand.

The A4 drinking establishment use does not lead to an increase in traffic generation given its use and location within a town centre.

The Council's Parking Standards (Annex 1, Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires 1 space per 50 sq m for A3 uses. This requirement is the same for A4 uses. No additional floorspace is proposed and no additional parking spaces are required.

Given the site's location in a Local centre, it is considered the change of use would not generate additional parking demand over and above the previous use. Therefore, the proposal is considered to comply with Policies AM7 & AM14 of the Hillingdon Local Plan (November 2012).

7.11 Urban design, access and security

No changes are proposed to the shop front or to the units access arrangements.

7.12 Disabled access

The proposal provides level access from the pavement. As the application appears to be for a straightforward change of use with only minor internal alterations proposed to the existing building, no accessibility improvements could reasonably be required within the remit of planning. It is considered that the proposed development would be accessible to all and would comply with the Hillingdon Design and Accessibility Statement: Accessible

Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this proposal.

7.14 Trees, Landscaping and Ecology

Not applicable to this proposal.

7.15 Sustainable waste management

Guideline / Requirement:

Proposed:

Comment:

7.16 Renewable energy / Sustainability

Not applicable to this proposal.

7.17 Flooding or Drainage Issues

Not applicable to this proposal.

7.18 Noise or Air Quality Issues

The Environmental Protection Officer has raised no concerns subject to conditions to restrict opening hours, details of any extraction fans and control of noise levels. These conditions would ensure there would be no unacceptable level of disturbance on nearby residential flats. As such the proposal complies with Policies OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.19 Comments on Public Consultations

None.

7.20 Planning Obligations

Not applicable to this proposal.

7.21 Expediency of enforcement action

Not applicable to this proposal.

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 proposal.

10. CONCLUSION

The proposal does not involve the loss of an A1 unit and there are no UDP/London plan policies which resist the loss of cafe use in this location. As such the loss of an A3 cafe is acceptable in principle. There would be no impact on the streetscene, increase in traffic or an un-neighbourly development, in compliance with Policy.

This application is recommended for approval.

11. Reference Documents

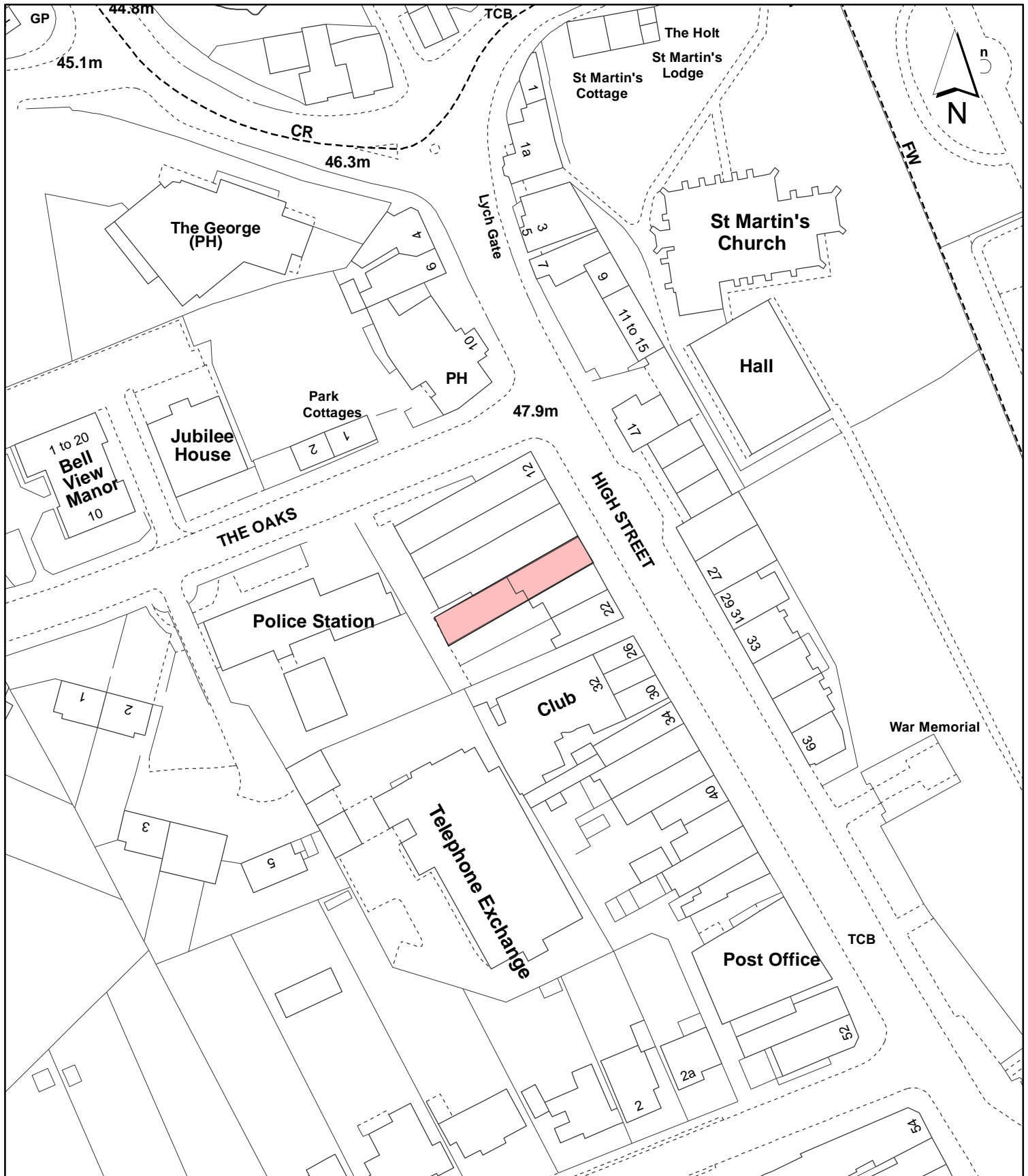
Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

The London Plan (2016)
National Planning Policy Framework

Contact Officer: Mandeep Chaggar

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**18 Highstreet
Ruislip**

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

Planning Application Ref:
15618/APP/2016/3285

Scale:
1:1,000

Planning Committee:
North

Date:
December 2016

