

Report of the Head of Planning, Sport and Green Spaces

Address 514 & 514A VICTORIA ROAD RUISLIP

Development: Change of use from Use Class A1 (Shops) to D1 (Nursery) including alterations to elevations.

LBH Ref Nos: 72489/APP/2017/43

Drawing Nos: PA-08 Rev A
PA-05 B
PA-09 Rev A
PA-10 Rev A
PA-11 Rev A
PA-13
PA-12
PA-06
PA-01
PA-03
Opening Times
PA-04
Travel Plan
Design & Access Statement
PA-02 A
PA-07 A

Date Plans Received: 04/01/2017 **Date(s) of Amendment(s):** 04/01/2017
Date Application Valid: 16/01/2017 16/01/2017
28/04/2017

1. SUMMARY

The application seeks planning permission for the change of use of the ground floor unit from A1 (Retail) to D1 (Non-Residential Institution) to provide a children's nursery. It is proposed that the Nursery will accommodate children between the ages of 3 months and 5 years.

Whilst Council policy would usually seek to retain an A1 use in this retail location, the proposed development would provide a Childcare Facility which is deemed a valuable community asset for residents in the surrounding area. The site achieves an acceptable level of off-street parking provision and is suitably located given the strong public transport links, the location of the site within a designated Local Centre and the benefit of the use to the wider community.

Therefore, the development is considered to comply with national, regional and local policies and 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:

PA-01

PA-02 Rev A

PA-03

PA-04

PA-05 Rev A

PA-06

PA-07 Rev A

PA-08 Rev A

PA-09 Rev A

PA-10 Rev A

PA-11 Rev A

PA-12

PA-13; 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 COM5 General compliance with supporting documentation

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Design and Access Statement Rev C

Travel Plan

Nursery Collection and Drop off Timetable

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

REASON

To ensure that the development complies with the objectives of Policies contained within the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 COM21 Sound insulation /mitigation

No development shall take place until a scheme for the control of noise transmission to the adjoining premises has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

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

5 RES17 Sound Insulation

No development shall take place until a scheme for protecting the proposed development from noise has been submitted to and approved in writing by the Local Planning Authority.

All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise in accordance with policy OE5 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2016) Policy 7.15.

6 COM27 Traffic Arrangements

The development hereby approved shall not be occupied until the car parking spaces as shown on plan reference PA-13 Rev A have been laid in hardstanding to a standard considered acceptable by the Council's highways officer and marked out.

Thereafter, 3 parking spaces shall be marked as visitor spaces and shall be used by visitors to the site only and not staff members. All the spaces shall be kept clear of obstructions and used for the sole purpose of parking motor vehicles for as long as the use hereby approved remains in operation.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

7 COM31 Secured by Design

The building and outdoor play area shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No building shall be occupied until accreditation has been achieved.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (2016) Policies 7.1 and 7.3.

8 NONSC Non Standard Condition

The premises shall not be used outside the hours of 0630 hrs and 2030 hrs on Mondays to Fridays, 0800 hrs to 1700 hrs on Saturdays and at no time at all on Sundays or Bank Holidays.

REASON

To safeguard the amenity of the adjoining neighbours from unacceptable noise disturbance in the early hours of the morning in accordance with Policies OE1 and OE5 of the Hillingdon Local Plan (November 2012).

9 NONSC Non Standard Condition

The premises shall not be used for deliveries and collections, including waste collections, outside the hours of 0800 hrs and 1900 hrs, Monday to Friday, 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Bank Holidays.

REASON

To safeguard the amenity of the adjoining neighbours from unacceptable noise disturbance in the early hours of the morning in accordance with Policies OE1 & OE5 of the Hillingdon Local Plan (November 2012).

10 COM29 No floodlighting

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered other than for routine maintenance which does not change its details.

REASON

To safeguard the amenity of surrounding properties in accordance with policies BE13 and OE1 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 (July 2011) 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.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
S6	Change of use of shops - safeguarding the amenities of shopping areas
S9	Change of use of shops in Local Centres
R11	Proposals that involve the loss of land or buildings used for education, social, community and health services
R12	Use of premises to provide child care facilities

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 4.12	(2016) Improving opportunities for all
LPP 4.7	(2016) Retail and town centre development
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 6.13	(2016) Parking
LPP 6.9	(2016) Cycling
LPP 7.2	(2016) An inclusive environment

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. 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

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.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to a ground floor double retail unit within the shopping parade. The building is three storeys in height with residential uses on the upper floors. The property has a gross internal floor area of 236 square metres and was formerly occupied by 'Gerards Motors' for the sale of motor parts. The application includes supporting evidence which states that the unit has been unoccupied for 18 months. The surrounding area is characterised by residential and small commercial businesses.

There is a wide footway to the front of the property, together with a service/access road to the rear and private access road to the side. The site is located on Victoria Road, a classified highway, and directly adjacent to the site there are parking restrictions that prevent parking during the daytime.

The site is situated within the Core Area of South Ruislip Local Centre and within the Developed Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for the change of use of the ground floor unit from A1 (Retail) to D1 (Non-Residential Institution) to provide a children's nursery. The proposal is for an expansion of the existing Ruislip Stars Nurseries at 524-526 Victoria Road and would be run under the same management and ownership. Ruislip Stars Nurseries have been trading for nearly two years and state within the application details that they are currently oversubscribed and have a waiting list for new users.

It is proposed that the Nursery will accommodate children between the ages of 3 months and 5 years, who will attend either morning, afternoon or full daily sessions. Opening hours would be from 6.30am to 8.30pm Monday to Friday and Saturdays from 8.00am - 5.00pm.

The internal layout would comprise three linked nursery areas with associated office, kitchen, WCs and staff room. A bin storage area and parking space is also proposed within the rear yard. On the opposite side of the rear access road 4 further parking spaces are also proposed. The front and side elevation will remain as existing bar the inclusion of obscure glass to maintain privacy and protection of the children using the nursery. The existing signage will be amended to the new proposed use and occupier. A shutter is proposed within the previously open rear elevation.

The applicant has stated that 20 members of staff would be employed, 12 of which would be employed full time and 8 would be employed on a part-time basis.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no relevant planning history for the application site, however the nearby site 524-526 Victoria Road was granted planning consent for 'Change of use from retail (Use Class A1) to childcare provision (Use Class D1) involving alterations to rear elevation' under application reference 36666/APP/2013/3149.

4. Planning Policies and Standards

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan 2016
Supplementary Planning Document 'Accessible Hillingdon'
National Planning Policy Framework

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:

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.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
S6	Change of use of shops - safeguarding the amenities of shopping areas
S9	Change of use of shops in Local Centres
R11	Proposals that involve the loss of land or buildings used for education, social, community and health services
R12	Use of premises to provide child care facilities
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 4.12	(2016) Improving opportunities for all
LPP 4.7	(2016) Retail and town centre development
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 6.13	(2016) Parking
LPP 6.9	(2016) Cycling
LPP 7.2	(2016) An inclusive environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent out to the adjacent properties and the South Ruislip Residents Association on the 18/01/17. No letters of objection have been received.

One letter of support for the application has been provided by a local Cllr which raises the following points:

- Success of the current nursery
- Waiting list/much needed capacity for nursery places in South Ruislip
- Demand will increase as a result of new residential development on the Old Dairy Site close by

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

Sound insulation scheme The Environmental Protection Unit did not receive sound insulation scheme or an acoustic report in support of this application. This department would recommend that the proposed development satisfies requirements as set out in Building Bulletin 93: Acoustic Design of Schools - Performance Standard (BB93) which is intended for designers and building control bodies. It gives the performance targets for compliance with Requirement E4 of the Building Regulations on School Acoustics that: Each room or other space in a school building shall be

designed and constructed in such a way that it has the acoustic conditions and the insulation against disturbance by noise appropriate to its intended use. All school buildings are subject to detailed design checks and on-site inspections by building control bodies. BB93 - Sets requirements on how to meet the acoustic requirement of the School Premises Regulations and the Independent School Standards that: The acoustic conditions and sound insulation of each room or other space must be suitable, having regard to the nature of the activities which normally take place therein.

Condition:

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from road, rail and air traffic, and other external noise sources has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet design criteria for use of external areas, in schools, in order to prevent noise from children's play areas affecting residents and businesses nearby. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

Reason: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by road, rail and air traffic, and other external noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

ACCESS OFFICER

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the proposal. However, the following informative should be attached to any grant of planning permission:

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.

Conclusion: acceptable

HIGHWAYS OFFICER (Summary of comments)

An application has been received for the conversion of the premises at nos.514 & 541A Victoria Street, Ruislip from Use Class A1 (shops) to D1 (nursery).

Victoria Road, in the vicinity of the site, is a dual carriageway road classified as a secondary distributor road, with a speed limit of 30mph. Local frontages are predominantly residential, although the application site is part of a short shop parade. Parking is restricted by single and double yellow lines. Pay & Display bays are located a short distance from the site, with restrictions 9am - 5pm Mon to Fri. A private road runs along the northern and western site boundaries, providing private parking spaces for local businesses; however, the parking spaces are not allocated and the road appears to be heavily used for parking.

The private road running along the northern boundary will provide access to the Arla development being constructed to the west of the application site. This is likely to result in intensification along this road after occupation of new site. The site is on the boundary between areas with PTAL 2 (poor) and 3 (moderate). Local bus services can be accessed along Victoria Road, while South Ruislip station (London Underground / Chiltern Railways) is located approximately 300m south west of the site. It is considered that public transport accessibility is acceptable for the proposed use.

Planning History

The applicant submitted an application for the same change of use with respect to the nearby

premises at nos. 524 - 526b Victoria Street (ref. no. 36666/APP/2013/3149). The application was approved and the nursery is currently operational. In that occasion, the following concerns were raised with respect to the highway impacts of the proposals:

- Parking provision might not adequately serve the development, with a risk of overspill / indiscriminate parking along Victoria road and subsequent impact on road safety and free flow of traffic;
- Drop off to the rear raised concerns as the highway was not maintained and illuminated; low level lightning was recommended for the rear drop off area;
- Staggered operation times were suggested in order to manage drop off;
- No drop off to be allowed to the front of the premises.

Comments

The initial proposals do not state clearly how many members of staff and how many pupils are expected to use the premises. Section 3.10 of the Design and Access Statements suggests that approximately 20 full time and part time roles would be created, while the submitted travel plan indicates that 35 - 45 pupils are expected to attend the nursery.

The proposed block plan is shown on drawing no. PA-11. The following provisions are included in the proposals:

- Main pedestrian access would be from Victoria Road;
- A secondary access would be provided at the rear of the property, served by a drop off area;
- The section of carriageway immediately opposite the rear entrance would be marked as "No Parking", and the entrance itself protected by 2 bollards;
- 2 marked parking spaces would be provided at the rear, one for staff use and the other for visitors and designed to be used by blue badge holders;
- The Nursery would adopt a staggered schedule for the start and end times of different options offered to customers, in order to spread the number of arrivals and departures over longer period of time. A similar schedule has been adopted at the nearby nursery in 524 - 526b Victoria Street. The submitted document includes the predicted number of arrivals and departures. These figures are based on data collected at the nearby nursery;
- A travel plan has also been submitted and aims to reduce the number of parents using private vehicles to drop off. Pick up their children to 10% of the total customers. Parents requesting the use of a private car would be give a specific time when pick up and drop off their children and requested to adhere strictly to the schedule. There is also a commitment to offer a shuttle bus service to nearby public car parks, should there be a sufficient number of customers requesting the service.
- The applicant has submitted a schedule of departures and arrivals but it is not clear how this schedule has been derived and how the number of arrivals and departures were calculated.

With reference to the proposals outlined above, the concerns in terms of highway impacts are broadly similar to those put forward for the previous application, as discussed below.

The proposed change of use would effectively double the size of the existing nursery at 524 - 526 Victoria Road. In that occasion, 5 parking spaces have been provided; in addition, the pick up / drop off area is adjacent to an empty space that provides sufficient manoeuvrability for vehicles to execute a U-turn and exit the premises in forward gear.

Case Officer's comments:

The Highways Engineers comments were passed on the applicant who has responded by providing plans showing the provision of 5no. parking spaces and the additional supporting details requested.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S9 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that in Local Centres the Local Planning Authority will only grant planning permission

to change the use from Class A1 shops outside the core areas. Core areas contain the minimum number of shops and range of shops to enable Local Core Areas to function, providing for the needs of people who do not live close to a Town Centre; reducing the need to travel for goods and services. The site is located within the Core Area of South Ruislip Local Centre therefore ordinarily a change of use from A1 would be not be permitted. However, given that the site has been vacant for approximately 18 months, the nature of the proposed use, and the supporting marketing information from local estate agents it is considered that a departure from the Policy S9 would be appropriate to bring the long term vacant unit back into use.

Policy S6 seeks to safeguard the amenities of shopping areas and permission will only be granted for a change of use of Class A1 Shops on the basis that the proposed development would not be detrimental to visual amenity; shop frontage design; compatibility and road safety. There are no external alterations proposed to the frontage as part of this application, and therefore the proposal would not affect the visual amenity or the shop front.

Policy R11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), relates to the provision of childcare uses. The Council will permit such uses on the basis that there is no loss of residential units; it would not be prejudicial to highway safety and traffic; parking is in accordance with the Council's standards; and the noise and general activity would not detract from the amenity of nearby residential properties. The proposed development would not result in the loss of residential accommodation and it is considered that the parking and highway issues can be resolved to an acceptable standard through the imposition of conditions.

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 resist any development which would fail to harmonise with the existing streetscene or complement or improve the character of the area.

It is considered that the minor alterations to the rear of the site would not significantly harm the visual amenities of the streetscene. Furthermore, the redevelopment of the rear would provide an opportunity for enhancement which would benefit the rear of the site. Therefore, the proposal is satisfactory in this respect.

7.08 Impact on neighbours

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that would become detrimental to the amenity of the adjoining occupiers or surrounding area would not be approved. Policy OE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

The application site relates to the ground floor units within the site, with a number of residential units on the upper floors of the building. The Council's Environmental Protection Unit have reviewed the scheme and consider that the development would not lead to significant noise disturbance to the upper floor residential units and raised no objection to the change of use. However, it is recommended that a condition is attached to any planning approval to ensure that any noise pollution from the proposed development does not have a detrimental impact on neighbouring occupiers.

The change of use from A1 (Retail) to D1 (Non-residential Institution) is considered not to result in any unacceptable noise and disturbance over the current situation and therefore subject to conditions is considered to comply with Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Highway Engineer has reviewed the submitted details and initially raised concerns regarding the level of parking proposed (various other issues were also raised based on comparison with other nursery premises already operating in the parade). These comments were passed to the applicant who has responded by meeting the Highway Engineer's minimum requirements in terms of off street parking (5 no. spaces) and providing additional supporting information on opening times and vehicle tracking. It is noted that the site is located within a designated local centre and is within 200m walk of the underground/ rail station and bus stops, meaning that public transport options are readily available at the site.

The Council have previously refused applications for the provision of childcare facilities in residential locations due to traffic generation issues related to the development in a residential setting, which often have less parking than the proposed scheme and poor public transport links. Childcare Facilities play an important role in residents lives and the social benefit of this is required to be considered in the determination of a planning application, alongside the environmental and economic benefits as outlined in the NPPF.

It is acknowledged that the parking provision at the site is limited, however, the siting of the proposed childcare facility in a designated local centre with strong public transport links is considered to outweigh any concern in this regard. It is also a relevant material planning consideration that the existing nursery premises is oversubscribed and a large housing development (over 100 units) is under construction very nearby.

Therefore the social benefits of the provision of a childcare facility is considered to outweigh any concerns regarding possible under provision of parking at the site and the increased traffic generation at peak hours. The proposed development is therefore considered to comply with Policies AM2, AM7 & AM14 of the Hillingdon Local Plan (November 2012).

7.11 Urban design, access and security

It is considered that the existing rear yard at present would not be a suitable location for a nursery play area, however the imposition of conditions relating to security and lighting, would ensure that a suitable environment is achieved and basic landscaping plans have been provided to show how this would be achieved.

7.12 Disabled access

The Council's Access Officer has reviewed the proposals and raised no objection to the proposed change of use of the premises. Therefore, the development is considered to be

in compliance with Policy 7.2 of the London Plan (2016).

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

Policy 5.6 of the London Plan requires development to have regard to and contribute to a reduction in waste produced. The details of this information will be secured by condition and the collection arrangement would be similar to the existing unit.

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

The Council's Environmental Protection Unit has raised no objection to the proposed use of the site, in terms of noise disturbance to the residential units above or air quality issues. Subject to conditions the proposed development is therefore deemed acceptable.

7.19 Comments on Public Consultations

No further comments in relation to public consultations.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No further issues for consideration.

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

None

10. CONCLUSION

The application seeks planning permission for the change of use of the ground floor unit from A1 (Retail) to D1 (Non-Residential Institution) to provide a children's nursery. It is proposed that the Nursery will accommodate children between the ages of 3 months and 5 years.

Whilst Council policy would usually seek to retain an A1 use in this retail location, the proposed development would provide a Childcare Facility which is deemed a valuable community asset for residents in the surrounding area. The site achieves an acceptable level of off-street parking provision and is suitably located given the strong public transport links, the location of the site within a designated Local Centre and the benefit of the use to the wider community.

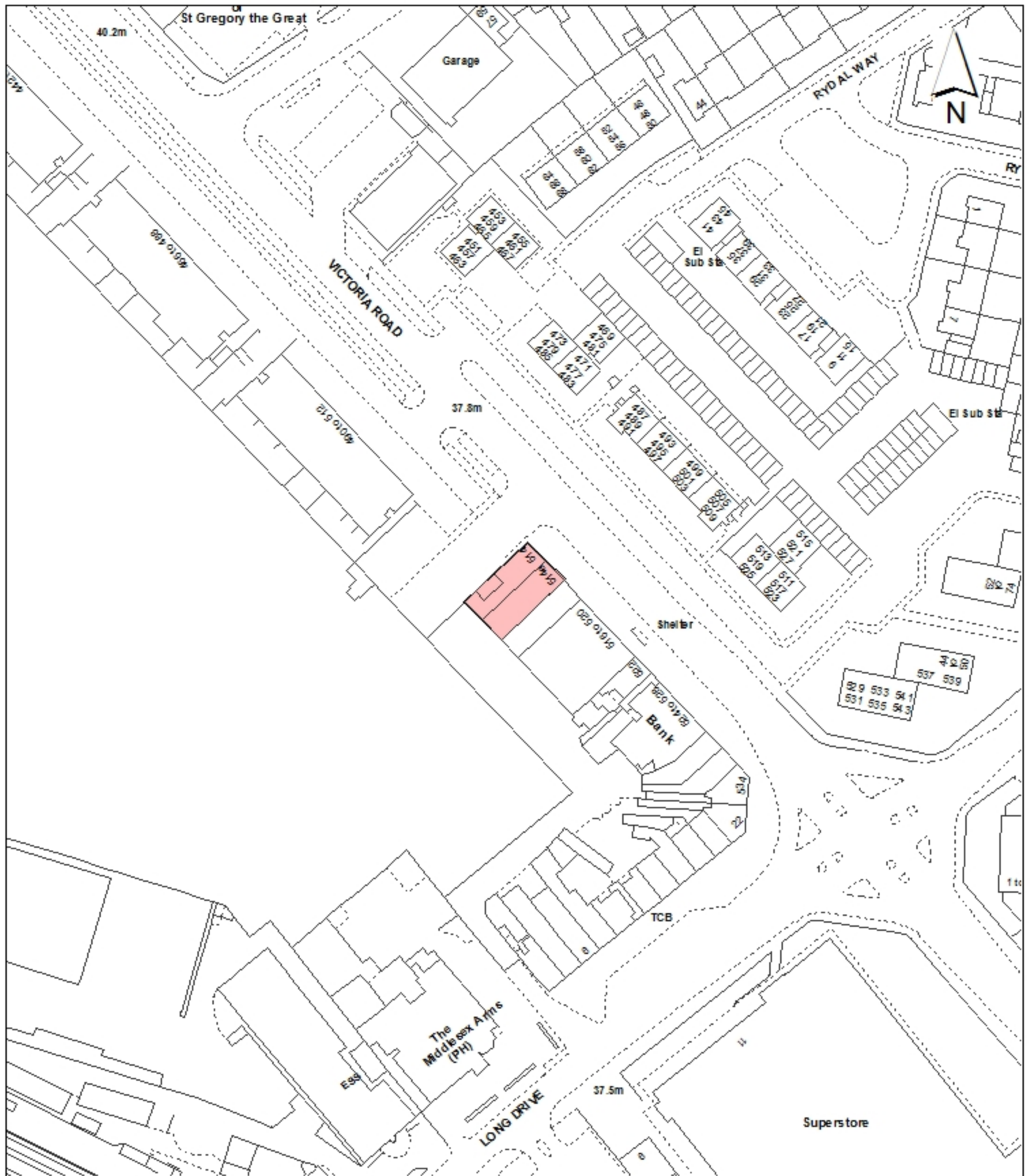
Therefore, the development is considered to comply with national, regional and local policies and is recommended for approval.

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
Supplementary Planning Document 'Accessible Hillingdon'
National Planning Policy Framework

Contact Officer: Mandeep Chaggar

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Notes:

 Site boundary

For identification purposes only.

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Victoria Road**

**LONDON BOROUGH
OF HILLINGDON**
Residents Services
Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:

72489/APP/2017/43

Scale:

1:1,250

Planning Committee:

North

Date:

May 2017



HILLINGDON
LONDON