

Report of the Head of Planning, Sport and Green Spaces

Address 514 & 514A VICTORIA ROAD RUISLIP

Development: Variation of condition 2 (Approved Plans) of planning permission ref: 72489/APP/2017/43 dated 23/05/2017 to alter the design and layout of the building .(Change of use from Use Class A1 (Shops) to D1 (Nursery) including alterations to elevations).

LBH Ref Nos: 72489/APP/2017/2343

Drawing Nos: PA-13 A
PA-05 C
PA-08 B
PA-09 B
PA-10 B
PA-11 B
PA-12 A
PA-06 A
PA-07 B

Date Plans Received: 27/06/2017

Date(s) of Amendment(s):

Date Application Valid: 06/07/2017

1. SUMMARY

The application seeks to vary planning permission ref: 72489/APP/2017/43 dated 23/05/2017 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.

The alterations proposed relate to very minor changes to the internal layout of the nursery and an amendment to the rear elevation where a window and door replace a roller shutter. These are considered to be minor changes that have no adverse visual impact. 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 C
PA-06 Rev A
PA-07 Rev B
PA-08 Rev B
PA-09 Rev B
PA-10 Rev B
PA-11 Rev B
PA-12 Rev A
PA-13 Rev A

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 excising 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).

11 COM11 Restrictions on Changes of Uses (Part 3, Sch. 2 GPDO 1995)

Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the building(s) shall be used only as a Nursery and for no other purposes within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), unless agreed in writing by the Local Planning Authority.

REASON

To prevent potentially inappropriate changes of use without proper consideration of the impacts on the highway network or on the amenity of neighbouring residents in accordance with Policy policy OE1 and AM14 of the 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. 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 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).

3 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

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

Variation of condition 2 (Approved Plans) of planning permission ref: 72489/APP/2017/43 dated 23/05/2017 to alter the design and layout of the building (Change of use from Use Class A1 (Shops) to D1 (Nursery) including alterations to elevations).

The alterations proposed relate to very minor changes to the internal layout of the nursery and an amendment to the rear elevation where a window and door replace a roller shutter. These are considered to be minor changes that have no adverse visual impact. Therefore, the development is considered to comply with national, regional and local policies and is recommended for approval.

3.3 Relevant Planning History

72489/APP/2017/2339 514 & 514a Victoria Road Ruislip

Details pursuant to discharge conditions 4 (Noise Control) and 5 (Noise Protection) of planning permission ref: 72489/APP/2017/43 dated 23/05/2017 (Change of use from Use Class A1 (Shops) to D1 (Nursery) including alterations to elevations).

Decision:

Comment on Relevant Planning History

72489/APP/2017/43 - Change of use from Use Class A1 (Shops) to D1 (Nursery) including alterations to elevations. Approved on 23/05/2017.

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:

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 01/08/17.

No letters of objection have been received.

Internal Consultees

EPU

No adverse comments from EPU as condition is not relevant to us.

HIGHWAYS

The application is for a variation of Condition 2 Approved Plans for a change of use at a site on Victoria Road Ruislip. The external car park layout does not appear to have changed from the original layout so on that basis I have no highways concern over the amendment

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Established under planning permission ref: 72489/APP/2017/43

7.02 Density of the proposed development

Not applicable to this type of application.

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

Established under planning permission ref: 72489/APP/2017/43

7.04 Airport safeguarding

Established under planning permission ref: 72489/APP/2017/43

7.05 Impact on the green belt

The site is not located in the green belt.

7.07 Impact on the character & appearance of the area

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 replacement of the approved door and window with a roller shutter on the rear elevation is not consider to have any impact on the character and appearance of the area. It should be noted that all other design related matters have already been established under planning permission ref: 72489/APP/2017/43.

7.08 Impact on neighbours

Established under planning permission ref: 72489/APP/2017/43.

7.09 Living conditions for future occupiers

Not applicable to this type of application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Established under planning permission ref: 72489/APP/2017/43. It is noted that no changes are proposed to the site or car parking layout.

7.11 Urban design, access and security

Established under planning permission ref: 72489/APP/2017/43.

7.12 Disabled access

Established under planning permission ref: 72489/APP/2017/43.

7.13 Provision of affordable & special needs housing

Not applicable to this type of application.

7.14 Trees, Landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Established under planning permission ref: 72489/APP/2017/43.

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

None.

7.20 Planning Obligations

None.

7.21 Expediency of enforcement action

None.

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 application seeks to vary planning permission ref: 72489/APP/2017/43 dated 23/05/2017 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.

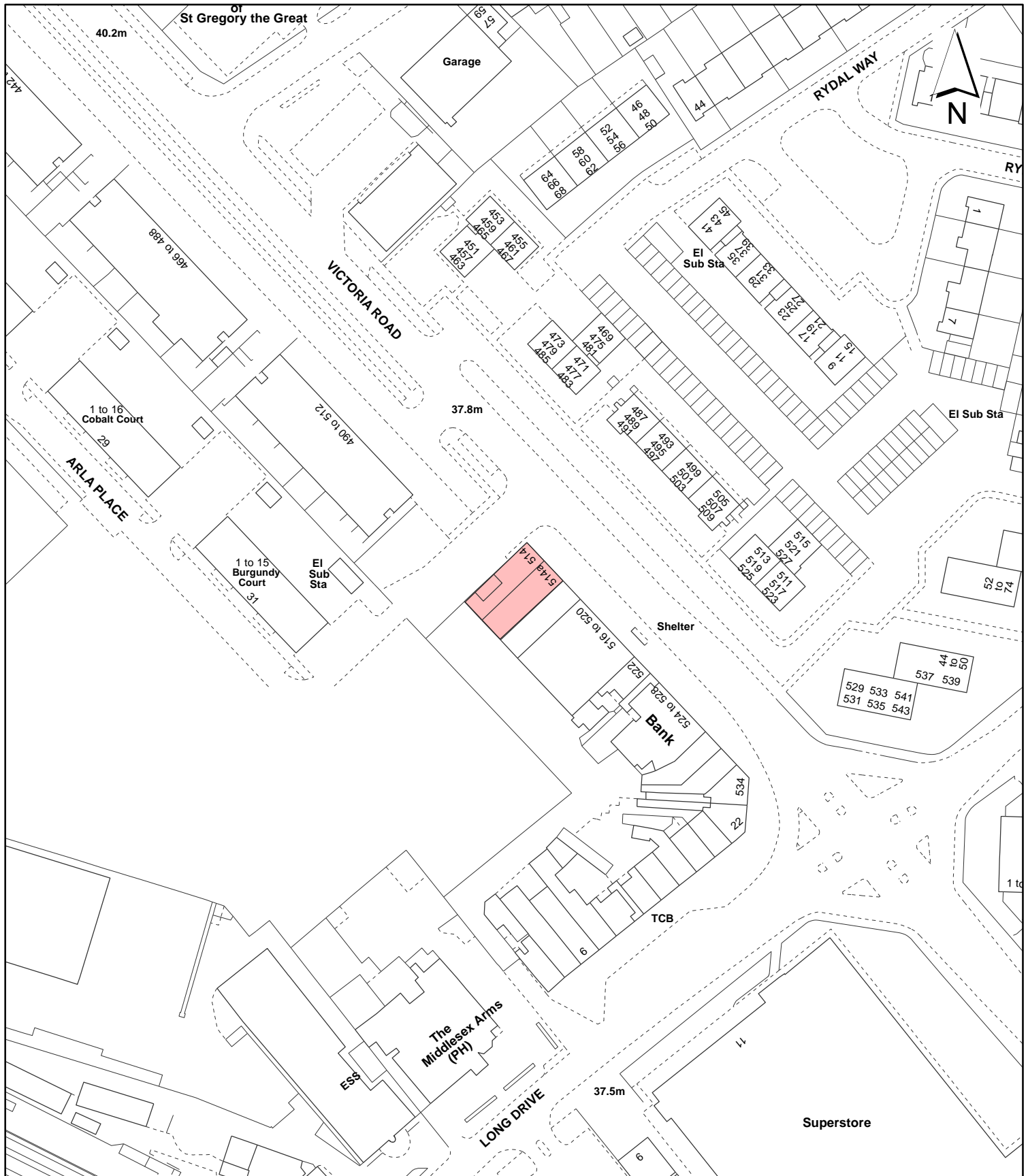
The alterations proposed relate to a change to the internal layout of the nursery and an amendment to the rear elevation where a window and door replace a roller shutter. These are considered to be minor changes that have no adverse impact. Therefore, the development is considered to comply with national, 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

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).
 Unless the Act provides a relevant exception to copyright.
 © Crown copyright and database rights 2016 Ordnance Survey 100019283

Site Address:

514 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/2017/2343

Scale:
1:1,250

Planning Committee:
North

Date:
August 2017

