

Report of the Head of Planning, Sport and Green Spaces

Address 66 VICTORIA ROAD RUISLIP

Development: Change of use from Use Class A1 (Shop) to Use Class A1/A3 (Shop/Cafe) for use as a coffee shop.

LBH Ref Nos: 34884/APP/2017/4651

Drawing Nos: 53./A.1.2
53./A.1.3
53./A.1.0
Design & Access Statement
53./A.1.4

Date Plans Received: 22/12/2017 **Date(s) of Amendment(s):** 22/12/2017

Date Application Valid: 22/12/2017

1. SUMMARY

The application seeks planning permission for the change of use from A1 (Shop - currently a Bakery) to Use Class A1/A3 (Shop/Cafe) for use as a coffee shop, involving an outdoor seating area, internal alterations only and the change to the associated signage to the front, which is subject to a separate advertisement application, Ref: 34884/ADV/2017/141.

It is considered that the use is appropriate to the high street in a local town centre and that it would contribute to its vitality and viability. Furthermore the proposal would involve internal alterations only and the modest outdoor seating area would represent a minor alteration which is temporary in nature and having an acceptable impact upon the visual amenity of the application property and the surrounding street scene when in situ, whilst also providing a useful service to visiting customers and not causing a loss of residential amenity or highway safety concerns.

In addition it is noted that the proposal would not involve the introduction of any new primary cooking facilities on site nor any new extraction machinery or ventilation systems. Therefore taking all matters into consideration it is considered that the proposal would respect the character and appearance of the property and the street scene. Subject to appropriate conditions it would not give rise to any adverse impact on the amenities of adjoining occupiers, nor would there be any unacceptable impact on the area or the parking/traffic generation in this town centre location. In addition it is considered that the proposal will help add vitality and vibrancy to the local commercial street scene.

The application is therefore 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 53./A.1.2 and 53./A.1.4 received on 28.02.2018 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 NONSC Use restriction

The premises shall be used solely as a mixed A1/A3 use class and at no time shall become an A3 use class only.

REASON

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies 2007.

4 NONSC Coffee Shop and Goods Restriction

The premises shall not be used other than as a coffee bar serving coffee, other hot and cold drinks, sandwiches and similar light refreshments for consumption on or off the premises.

REASON

To ensure that the use is carried out and maintained as approved in the interest of safeguarding the amenities of neighbouring residential and other adjoining properties and the character of the area in compliance with policies OE1 and S6 of the adopted Unitary Development Plan Saved Policies 2007.

5 COM23 Hours of Use (Restaurant etc.)

The premises shall not be open for customers outside the following hours: -
0700 to 1900, Mondays - Fridays
0700 to 1900 Saturdays
0900 to 1700 Sundays, Public or Bank Holidays.

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)

6 NONSC Non Standard Condition

The external seating area including all associated equipment and materials shall not be in use or in situ for customers outside the following hours:
0700 to 1900, Mondays - Fridays
0700 to 1900 Saturdays
0900 to 1700 Sundays, Public or Bank Holidays.

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 I24 Works affecting the Public Highway - General

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW or by email: wgreenshield@hillington.gov.uk.

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 (2015) and national guidance.

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.
BE15	Alterations and extensions to existing buildings
LPP 2.15	(2016) Town Centres
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
NPPF2	NPPF - Ensuring the vitality of town centres
OE1	Protection of the character and amenities of surrounding properties and the local area
S1	New retail development within the shopping hierarchy
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
S11	Service uses in Primary Shopping Areas

4 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.

5 147 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).

6 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

7 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.
- Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory

booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

8

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

9

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.

10 I28 Food Hygiene

The Council's Commercial Premises Section should be consulted prior to the use of the premises so as to ensure compliance with the Food Safety Registration Regulations 1990, Hygiene (General) Regulations 1970, The Food Act 1984, The Health and Safety at Work Act 1974 and any other relevant legislation. Contact: - Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Telephone 01895 250190).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the South West side of Victoria Road with the principal elevation facing North East. The site forms part of a two storey terrace of commercial units on the ground floor with residential above, accessed from the front, Victoria Road with a service road to the rear. The ground floor unit, the subject of this application, is currently used as Bakery. The property has a single storey rear extension.

To the North lies 64 Victoria Road which sells garden equipment and to the South is 68 Victoria Road which is a public house. The street scene is commercial in character and appearance. The application site lies within the Ruislip Manor Town Centre and the Primary Shopping Area, as identified in the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for change of use from Use Class A1 (Shop) to Use Class A1/A3 (Shop/Cafe) for use as a coffee shop, involving an outdoor seating area and internal alterations only.

The proposed seating area would be restricted to the front of the application unit only with the plans showing a total highlighted area measuring 1.095 metres deep by 5.7 metres wide. The area would be enclosed using four external grade mirror polished stainless steel barrier posts with a galvanised weighted base with a stainless steel cover plate. The screens would be printed acrylic canvas barriers hung with mirror polished stainless steel rails and fixed using M6 spring lock clip fixings. The total height of the posts would be 0.95

metres.

The submitted plans illustrate that within this area a total of 2 tables and 4 chairs would be provided. The tables would be finished in a limed Oak top with a metal base and the chairs would be in four varying colours, Taupe, Marine - RAL 3004, Berry - RAL4007, Tangerine - RAL3016.

The proposed change to the associated signage to the front is subject to a separate advertisement application, Ref: 34884/ADV/2017/141.

3.3 Relevant Planning History

34884/84/0922 66 Victoria Road Ruislip

Alterations to elevation (P)

Decision: 10-07-1984 Approved

34884/A/91/0097 66 Victoria Road Ruislip

Erection of single-storey rear extension and minor alterations

Decision: 30-04-1991 Approved

34884/ADV/2017/141 66 Victoria Road Ruislip

Installation of 1 internally illuminated fascia sign, 1 internally illuminated hanging sign and 1 non illuminated retractable awning

Decision:

34884/E/96/1599 66 Victoria Road Ruislip

Installation of a new shopfront and internal alterations

Decision: 18-12-1996 Approved

Comment on Relevant Planning History

34884/ADV/2017/141 - Installation of 1 x internally illuminated fascia sign, 1 x internally illuminated hanging sign and 1 x non-illuminated retractable awning. Awaiting determination with recommendation for approval.

34884/E/96/1599 - Installation of a new shopfront and internal alterations. Approved 17.12.1996

34884/A/91/0097 - Erection of single-storey rear extension and minor alterations. Approved 26.04.1991

Members are also asked to note that they considered and approved a very similar application at 35 Swakeleys Road ref: 3445/APP/2017/1715 at the 23.08.2017 North Committee for Change of use from Use Class A2 (Bank) to Use Class A1/A3 (Shops/Restaurants/Cafes) with external alterations. This was also for a Costa Coffee.

4. Planning Policies and Standards

The Local Planning Authority seeks to retain the retail function of all shopping areas to meet the needs of the area which they serve. Shops grouped conveniently together assist the process of search for and comparison of goods and hence attract shoppers. As such the Local Planning Authority exercises strict control over the loss of shops to other uses.

Saved Policy S6 states that change of use will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would not have a harmful effect on road safety or worsen traffic congestion.

Policy S11 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) states:

In primary shopping areas, the local planning authority will grant permission where it is satisfied that:

- a) The remaining retail activities are adequate to accord with the character and function of the shopping centre and to provide for the needs of modern retailing including customer interests.
- b) The proposed use will not result in a separation of class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre.

Paragraph 8.26 also adds the following in regards to what constitutes a concentration of non-retail uses, which might harm the viability or vitality of the town centre:

"The Local Planning Authority will consider the range and number of retail outlets in the centre and their suitability for modern retailing in assessing the adequacy of the remaining retail facilities. Primary areas appear to be vulnerable if Class A1 shops form less than 70% of the total frontage length and the Local Planning Authority will therefore seek to maintain at least 70% of the primary area frontage in Class A1 use and generally to avoid concentrations of service uses in both primary and secondary areas. The Local Planning Authority intends to prevent avoidable interruptions to the frontage by dispersing service uses within shopping areas and limiting the length of continuous frontage in non-retail use. It will therefore take particular care in the siting of non-retail uses in relation to existing and unavoidable frontage interruptions. As a guideline, it will normally seek to prevent a separation or an increase in the separation of Class A1 units of more than about 12 m, that is broadly the width of two typical shop fronts. "

The emerging Local Plan: Part Two - Development Management Policies (October 2015) proposes to take a variation of this policy forward. Policy DMTC 2: Primary and Secondary Shopping Areas outlines the following:

"A) In primary shopping areas, the Council will support the ground floor use of premises for retail, financial and professional activities and restaurants, cafes, pubs and bars provided that:

- i) a minimum of 70% of the frontage is retained in retail Use Class A1 use;

The 2016 Ruislip Manor Town Centre Shopping Survey showed that the level was already below this percentage. The property is currently in use as a bakery for sole retail use. The proposal would involve a mix use of A1 and A3 use, however there would be no preparation

or cooking of food on site and therefore a strong element of A1 remains.

The property is not a locally listed building or located within a conservation area. The proposal would not involve any external alterations to the property. It is considered that the proposal would not lead to an increased demand for parking within the vicinity and is considered not to have an adverse effect on highway safety. It is also considered that the proposed use would not result in any loss of amenity to the adjoining properties or their existing uses as a garden equipment retail unit and a public house. Furthermore there would be no cooking facilities on site or any new ventilation and extraction systems. Therefore the proposed use is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems.

In order to protect the primary use for Class A1 purposes, it would appear reasonable in this case to allow a mixed use, retaining Class A1 use but allowing for an element of Class A3 use, controlled by way of an appropriate condition. Therefore taking all matters into consideration, the change of use would not be considered to have a detrimental impact on the vitality and viability of the town centre as a shopping destination.

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.
BE15	Alterations and extensions to existing buildings
LPP 2.15	(2016) Town Centres
LPP 4.8	(2016) Supporting a Successful and Diverse Retail Sector and related facilities and services
NPPF2	NPPF - Ensuring the vitality of town centres
OE1	Protection of the character and amenities of surrounding properties and the local area
S1	New retail development within the shopping hierarchy
S6	Change of use of shops - safeguarding the amenities of shopping areas
S7	Change of use of shops in Parades
S11	Service uses in Primary Shopping Areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

19 neighbouring properties along with Ruislip Residents Association were consulted on 04.01.2018 and the relevant site notice was displayed to the front of the site on 12.01.2018.

8 responses were received with 6 objecting and 2 supporting the proposal.

The following are a summary of the comments made on the application:

Objecting:

1. Fear of competition as there are existing coffee shops in the area.
2. There are enough coffee shops in the area.
3. The proposed use would take business away from the existing small business.
4. Objection if open pass 23.00hrs and before 06.00hrs every day of the week.
5. Not desirable and would be against local independent business.
6. One existing business owner asserts more their right to be given a A3/A5 use than this premises. Planning permissions have already been granted previously nearby. If permission is granted, then expect an instant approval when they submit their application as they need to expand more than any in the borough.

Supporting:

1. There are enough bakers in the vicinity - another bakery has opened near the station and there are now 3 bakeries.
2. This will draw customers to Ruislip Manor and boost trade for all retailers..
3. There is no sit down coffee shop presently, just restaurants which don't open throughout the working day.
4. Not a change of use anyway since the Bakery has had sit down area for hot drinks and food for over 30 years - established use.
5. Great idea - will bring people together.

Internal Consultees

Trees - No objections:

There are no tree, or landscape planning, constraints affecting the site.

Comment: No trees will be affected by the proposed signage and awning. There are no opportunities for landscape enhancement.

Recommendation: No objection and no need for landscape conditions.

Highways - No objections:

No objections subject to an informative that they would need a licence from the highway authority. Highway authority contact is wgreenshield@hillingdon.gov.uk.

Access Officer:

Planning consent is sought for a change of use from a bakery to a Costa coffee outlet. The proposed change of use would involve extensive reconfiguration of the internal layout, and therefore provides the opportunity to achieve a good standard of accessibility for older and disabled people. 1. A new accessible WC and shown on plan, however, the dimension should be increased to achieve internal dimensions of 1700 mm wide by 2200 mm deep, in accordance with BS 8300:2017. 2. The ancient arrangement should ensure that the doors provide a minimum clear opening width of 775 mm per leaf of a double door set, or 1000 mm for a single lever door. Plan should be amended accordingly.

It is recommended that the following informative is 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: clarification on the points above, and/or revised plans should be requested and reviewed prior to any grant of planning permission.

OFFICER COMMENTS:

Amended drawings have been requested to show the proposed disabled toilet increased as per the recommendations and the informative will be added.

Planning Policy Team (Summary):

Designation

In the Local Plan: Part 2 - Saved UDP Policies (2012), 66 Victoria Road is designated within the Primary Shopping Area of the Ruislip Manor Town Centre. This designation is proposed to be retained within the emerging Local Plan: Part 2 - Site Allocations and Designations (2015).

Use Class

The Planning Policy Team is aware of the complexities around the planning definition of 'coffee shops' and the growing tendency to submit mixed-use definitions for sites of this nature, which incorporate an element of A1 use to reflect the sale of cold food for consumption off premises and. In planning terms, it appears widely regarded that the use of A1/A3 hybrid applications for these types of uses is acceptable and has been confirmed through various inspectorate decisions.

Nevertheless, the change of use from entirely A1 to A1/A3 would still represent a proportional loss in A1 use of the site and a decline in A1 shop frontage within the designated Primary Shopping Area.

On determining what defines an adequate provision of services, it is proposed that the standards accepted in the adopted local development management policies should be used, to provide a clear and consistent judgement across all of the Borough's town centres and key shopping areas. As outlined further on in this response, the A1 retention threshold within the Primary Shopping Areas of Town Centres is 70%. The proposed change of use would reduce the proportion of A1 frontage further below the existing substandard proportion of 64.3%, within the Primary Shopping Area of the Ruislip Manor Town Centre. On the basis that the building is currently being used under an A1 Use Class as a bakery, it is considered there is a reasonable prospect of the building being used as such in the future. Furthermore, a bakery is an essential shop use under adopted local policy, meaning its loss would have a further detrimental impact on the adequate provision of services in the town centre.

National Policy

Chapter 2 of the National Planning Policy Framework (NPPF) (2012) outlines the following in paragraph 23: 'Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and

which reflect the individuality of town centres...'

In order to support the viability and vitality of town centres, a healthy proportion of A1 Use class is required, as well as the retention of essential shop uses. The proposed change of use of the site is contrary to both these points and is therefore not deemed to be in support of the viability and vitality of the Ruislip Manor Town Centre.

Approval of the scheme would therefore need to justify why a departure from these policies is warranted.

OFFICER COMMENTS:

The 2016 Ruislip Manor Town Centre Shopping Survey showed that the level was already below this percentage. The property is currently in use as a bakery for sole retail use. The proposal would involve a mix use of A1 and A3 use, however there would be no preparation or cooking of food on site and therefore a strong element of A1 remains.

This mix of use is important to note and clearly different to a standard cafe that trades solely under A3. The proposed unit would function as a retail unit for the take away purchases of hot and cold beverages as well as cold/warmed food. The sale of other goods such as coffee beans and other coffee paraphernalia further contributes towards the A1 mix thereby contributing to the vitality and viability of the shopping frontage. The A3 part of the mixed use relates to the drinks and food items that are consumed on the premises. The nature of this style of coffee shop means that no primary cooking facilities will be installed, as the only food items served within the premises are pre-manufactured off-site. The only food to be warmed would be done by an oven behind the servers which does not require any extraction or ventilation.

Furthermore it is also noted that the existing bakery has table and chairs to the front for consumers to eat and drink within the premises. Therefore the proposed intensification of this use is acceptable in this instance. In order to protect the primary use for Class A1 purposes, it would appear reasonable in this case to allow a mixed use, retaining Class A1 use but allowing for an element of Class A3 use, controlled by way of an appropriate condition. In addition there would be no material loss of A1 use or A1 shop frontage within the Primary Shopping Area and furthermore there are existing alternative bakery units in close proximity and within the Primary Shopping Area.

Therefore taking all matters into consideration, the change of use would not be considered to have a detrimental impact on the vitality and viability of the town centre as a shopping destination.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S6 states changes of use applications will be granted where: a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion. The proposed external alterations to the building would not appear out of keeping with the existing building or impact unduly on the visual amenities of the surrounding area. Loss of residential amenity and highway issues are dealt with elsewhere in the report and as such, the proposal is considered to comply with all the criteria listed in Policy S6 of the UDP (Saved Policies September 2007).

It is generally accepted that coffee shops have a similar footfall to mainstream retail units therefore providing a significant contribution toward the patronage of shopping areas as a whole. It is also the case that this proposal is a hybrid A1/A3 use as generally food would

only be re-heated on the premises. To ensure only a coffee shop is implemented as part of this consent the permission is recommended to be conditioned as a hybrid A1/A3 use only. It is therefore considered that the application proposal would positively contribute to the vitality and viability of the Local Town Centre Area. It does not involve the loss of any retail frontage.

This mix of use is important to note and clearly different to a standard cafe that trades solely under A3. The proposed unit would function as a retail unit for the take away purchases of hot and cold beverages as well as cold/warmed food. The sale of other goods such as coffee beans and other coffee paraphernalia further contributes towards the A1 mix thereby contributing to the vitality and viability of the shopping frontage. The A3 part of the mixed use relates to the drinks and food items that are consumed on the premises. The nature of this style of coffee shop means that no primary cooking facilities will be installed, as the only food items served within the premises are pre-manufactured off-site. The only food to be warmed would be done by an oven behind the servers which does not require any extraction or ventilation.

In allowing appeal ref: APP/R5510/W/15/3002584 at 316-318 High Street Harlington on 13 May 2015 for a retrospective change of Use from A1 to A3 the inspector found that:

'I also saw on my visit that the combined restaurant area in the front of Nos. 316 and 318 was attractively laid out and had large display windows that afford pleasing views into the restaurant. The grounds of appeal say that the business is thriving, makes a positive contribution to the vitality and viability of the area and has not generated any objections or complaints from local residents. From all that I have seen and read I have no reason to dispute these comments.

Overall, I conclude that the proposed change of use would be more likely to enhance than harm the vitality and viability of the Harlington Core Shopping Area. Moreover, any technical conflict with Local Plan Policy S9 is clearly outweighed by the material considerations of Government policy and the particular circumstances of this case, both as outlined in the above reasons.'

Furthermore it is also noted that the existing bakery has table and chairs to the front for consumers to eat and drink within the premises. Therefore taking all matters into consideration, the change of use would not be considered to have a detrimental impact on the vitality and viability of the town centre as a shopping destination.

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 street scene or complement or improve the

character of the area.

The proposal is a change of use only and is therefore considered acceptable in this regard.

In addition the proposed outdoor seating area would represent a minor alteration which is not permanent (i.e. the tables are not fixed and are likely to be taken inside when the premises is closed) and having an acceptable impact upon the visual amenity of the application property and the surrounding street scene whilst also providing a useful service to visiting customers and not causing a loss of residential amenity or highway safety concerns.

It is considered that the proposal would help add vitality and vibrancy to the commercial street scene thereby enhancing the character and appearance of the area. As such, the proposal is considered to comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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 proposal is for change of use from A1 to A1/A3 use. The application forms confirm that the hours of operation would be 07:00 to 19:00 Monday to Saturday and 09:00 to 17:00 on Sundays and Bank Holidays. The hours of operation are considered acceptable. This would be secured through a condition.

The application also confirms that there would be no cooking facilities provided on site and therefore does not include the introduction of any extraction/ventilation systems, which again can be conditioned.

The nearest residential properties are situated directly above the commercial units and on the opposite side of the road. Given the local town centre location and separation from neighbouring residential properties, it is considered that the proposal would not detract from the residential amenities of the occupants of these properties. Furthermore there would be no adverse impact to the neighbouring properties, both the garden equipment retail unit and the public house.

Therefore subject to these conditions the proposal is considered to accord with Policies OE1 and OE3 of the UDP (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Given the site's location in a town centre, it is considered the change of use would not affect the current parking provision. The use would also not generate additional parking demand which would be significant or to the detriment to the area or safety. There is no

off street car parking immediately associated with this unit. The existing access and servicing arrangements would remain as per the existing retail uses. In this respect, it is therefore considered that there would be no conflict with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

The seating is proposed on a wide adopted public footway. No objections are raised on highway grounds subject to an informative that they would need a licence from the highway authority both for the seating as well as the awning.

The proposed seating area is modest in size and restricted to an area immediately in front of the application site. The seating area will also be clearly defined and separated off from the main public footpath. It is thus in accordance with Local Plan Policies AM7 & AM14 in these respects.

7.11 Urban design, access and security

These issues have been dealt with elsewhere in the report.

This is a change of use only. There are no external changes to the building itself.

7.12 Disabled access

Level access to both the entrance and throughout the store would be maintained to ensure that wheelchair users can access all parts of the store easily.

The proposal would also involve improvements to the existing arrangements. Two new toilets are proposed, one of which would be fully wheelchair accessible, inclusive of baby change facilities. Other facilities to assist customers would also be installed on site, including assistance for the mobility impaired, facilities for the hearing impaired, induction loop available, staff assistance, space for parents with pushchairs, and assistance for the visually impaired.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

No trees or other landscape features of merit would be affected by the development and the proposal will have little visual impact when viewed from the public realm. There is no opportunity for landscape enhancement as part of this town centre site. As such the proposal is considered acceptable in accordance with Policy BE38 of the Hillingdon UDP.

7.15 Sustainable waste management

No issues arise.

7.16 Renewable energy / Sustainability

No issues arise.

7.17 Flooding or Drainage Issues

No issues arise.

7.18 Noise or Air Quality Issues

Not applicable to this application as no new ventilation or extraction systems are required or proposed.

7.19 Comments on Public Consultations

The issues raised have been addressed in the main report.

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 other issues raised.

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

It is generally accepted that coffee shops have a similar footfall to mainstream retail units therefore providing a significant contribution toward the patronage of shopping areas as a whole. It is also the case that this proposal is a hybrid A1/A3 use as generally food would only be re-heated on the premises. To ensure only a coffee shop is implemented as part of this permission the permission is recommended to be conditioned as a hybrid A1/A3 use only. It is therefore considered that the application proposal would positively contribute to the vitality and viability of the Local Town Centre Area. It does not involve the loss of any retail frontage.

The property is not a locally listed building or located within a conservation area. The proposal would not involve any external alterations to the property. It is considered that the proposal would not lead to an increased demand for parking within the vicinity and is considered not to have an adverse effect on highway safety. It is also considered that the proposed use would not result in any loss of amenity to the adjoining properties or their existing uses as a garden equipment retail unit and a public house. Furthermore there would be no cooking facilities on site or any new ventilation and extraction systems. Therefore the proposed use is compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties by reason of disturbance, noise, smell, fumes, parking or traffic related problems.

Therefore taking all matters into consideration it is considered that the proposal would respect the character and appearance of the property and the street scene. Subject to appropriate conditions it would not give rise to any adverse impact on the amenities of adjoining occupiers, nor would there be any unacceptable impact on the area or the parking/traffic generation in this town centre location. In addition it is considered that the proposal will help add vitality and vibrancy to the local commercial street scene.

The application is therefore 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'
HDAS: Shopfronts
National Planning Policy Framework.

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Notes:

 Site boundary

For identification purposes only.

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Site Address:

**66 Victoria Road
Ruislip**

Planning Application Ref:

34884/APP/2017/4651

Planning Committee:

North

Scale:

1:1,250

Date:

April 2018

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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