

Report of the Head of Planning, Sport and Green Spaces

Address 111 HIGH STREET RUISLIP

Development: Change of use from Use Class A1 to Use Class A1/D2.

LBH Ref Nos: 71235/APP/2017/4636

Drawing Nos: Location Plan
House Of Play
4003/01

Date Plans Received: 22/12/2017

Date(s) of Amendment(s):

Date Application Valid: 16/01/2018

1. SUMMARY

The application seeks planning permission for the change of use from Use Class A1 (Retail) to Use Class A1/D2 (Cafe/children's soft play).

There is no objection in principle to the scheme as the scheme involves no complete loss of an A1 Use. The change of use is not considered to result in an adverse impact upon highway safety or parking and would not detract from the residential amenities of nearby properties. Therefore, the application is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

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

REASON

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

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number 4003/01 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 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 shall be used only as a soft play facility and for no other purposes within Use Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON

To prevent potentially inappropriate changes of use without proper consideration of the impacts on the highway network or on the amenity of future residents of the scheme in accordance with Policy OE1 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 COM22 Operating Hours

The premises shall not be used except between:-
[0900 and 1800], Mondays - Fridays

REASON

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

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 I47 Damage to Verge - For Council Roads:

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

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

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

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the North Eastern side of the High Street, within Ruislip Town Centre. It comprises a ground floor retail unit, currently operating as a coffee shop with soft play child facilities and residential above, which is accessed from the rear. The High Street is very busy offering a mix of facilities, with a variety of shops and retail uses at ground floor with offices and residential above.

The application site lies within the Ruislip Village Conservation Area and the Developed Area as designated in the Hillingdon Local Plan: Part Two - Saved UDP Policies

(November 2012). It is also within the secondary shopping area of the Ruislip Town Centre

3.2 Proposed Scheme

This is a retrospective application to regularise the use of the former retail unit as an A1/D2 cafe facility with ancillary soft play child facilities.

3.3 Relevant Planning History

71235/ADV/2015/71 111 High Street Ruislip

Installation of 1 externally illuminated fascia sign, 1 externally illuminated hanging sign and 1 internally illuminated roundel sign

Decision: 03-12-2015 Refused

71235/ADV/2016/24 111 High Street Ruislip

Installation of 1 externally illuminated fascia sign, 1 externally illuminated hanging sign and 1 internally illuminated roundel sign

Decision: 18-05-2016 Refused

71235/APP/2015/3449 111 High Street Ruislip

Change of use from shop (Use Class A1) to cafe/restaurant (Use Class A3) involving installation of new shop front, 2 air conditioning units to rear and outdoor seating to front

Decision: 03-12-2015 Refused

71235/APP/2016/973 111 High Street Ruislip

Change of use from shop (Use Class A1) to cafe/restaurant/shop (Use Class A1/A3) involving installation of new shop front, 1 air conditioning units to rear and outdoor seating to front

Decision: 18-05-2016 Refused

Comment on Relevant Planning History

71235/APP/2016/973 - Change of use from shop (Use Class A1) to cafe/restaurant/shop (Use Class A1/A3) involving installation of new shop front, 1 air conditioning units to rear and outdoor seating to front (refused)

71235/ADV/2016/24 - Installation of 1 externally illuminated fascia sign, 1 externally illuminated hanging sign and 1 internally illuminated roundel sign (undecided)

71235/APP/2015/3449 - Change of use from A1 to A1/A3 (refused)

71235/ADV/2015/71 - Installation of 1 externally illuminated fascia sign, 1 externally illuminated hanging sign and 1 internally illuminated roundel sign (refused)

The previous submission for the change of use to a mixed use of A/A3 was refused on the basis that the resultant use would be predominantly A3 and as a result the loss of a retail unit would have been detrimental to the vitality and viability of the shopping area.

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:

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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
S6	Change of use of shops - safeguarding the amenities of shopping areas
S12	Service uses in Secondary Shopping Areas
NPPF2	NPPF - Ensuring the vitality of town centres

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **21st February 2018**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

16 neighbours and the Ruislip Residents Associations were consulted for a period of 21 days expiring on the 9 February 2018.

One response was received in support advising it is good for families and locals.

Ruislip Village Conservation Panel - No response.

Ruislip Chamber of Commerce - No response.

Notwithstanding the responses to the consultation on the proposal as identified above, the supporting information submitted with the application also included written letters of support from the Residents Association and the Chamber of Commerce. It also has a petition "signed" by 1,943 people to "help stop Hillingdon Council from trying to close down the new soft play in Ruislip".

Officer comment; the submitted petition just lists names and postcodes in a typed format.

Internal Consultees

Conservation and Urban Design - No objections.

Highways - This application is for the change of use of an existing shop in High Street Ruislip to a soft play cafe. High Street Ruislip is a classified road on the Council Road Network. There is a wide footpath outside the premises and there is a pay and display car parking along the highway outside of peak hours. The application form indicates 11 employees at the new use but gives no indication of

the number of customers. The new facility is to be open 7 days per week. The applicant does not indicate the number of customers likely at the premises but the premises are only 181 sq.m which suggests there will not be a large number of customers in the cafe. I do not have significant highway concerns over the application.

Access Officer - No response.

Environmental Protection Unit - No response.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

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

There is no objection in principle to the scheme assessed against the Council's adopted Shopping and Town Centre policies in Part Two of the local plan as the scheme involves no loss of A1 Use. The mixed use including the soft play element would provide a valuable community facility within a highly accessible environment to the benefit of the vitality of the High Street. As such, no objection is raised in principle to the change of use.

It is noted that the unit is approximately 182sqm and the soft play section would take up 27sqm which equates to approximately 15% of the total floorspace. With 155sqm (85%) of the unit remaining as A1 use, the unit is considered to remain mostly in A1 use.

7.02 Density of the proposed development

Not applicable to this proposal.

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

Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) specifies that new development within or on the fringes of conservation areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities; development should avoid the demolition or loss of such features. As such, there will be a presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. This policy reflects the relevant legal duties.

The proposal lies within the Ruislip Village Conservation Area. The proposal is a change of use only with no intended changes to the existing shop front. As such, the scheme is not considered to raise any significant visual amenity concerns and would comply with Policy BE4 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7.04 Airport safeguarding

Not applicable to this proposal.

7.05 Impact on the green belt

Not applicable to this proposal.

7.07 Impact on the character & appearance of the area

The proposal is a change of use only with no intended changes to the existing shop front. As such, the scheme is not considered to raise any significant visual amenity concerns and would comply with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7.08 Impact on neighbours

The proposed development is a mixed use which would retain the existing A1 use and include an additional D2 use for the soft play element. The hours of operation are consistent with the existing use and that of the neighbouring retail units and as such, the proposal is considered to have no material impact on the residential amenity of the neighbouring occupiers, in compliance with Policy OE1 of the Hillingdon Local Plan (November 2012).

7.09 Living conditions for future occupiers

Not applicable to this proposal.

7.10 Traffic impact, car/cycle parking, pedestrian safety

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

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 not generate additional parking demand over and above the previous use. The Highways Officer has not raised any significant highway concerns over the application.

7.11 Urban design, access and security

No issues raised.

7.12 Disabled access

There has been no response from the Access Officer to raise any specific concerns.

7.13 Provision of affordable & special needs housing

Not applicable to this proposal.

7.14 Trees, Landscaping and Ecology

Not applicable to this proposal.

7.15 Sustainable waste management

Not applicable to this proposal.

7.16 Renewable energy / Sustainability

Not applicable to this proposal.

7.17 Flooding or Drainage Issues

Not applicable to this proposal.

7.18 Noise or Air Quality Issues

Not applicable to this proposal.

7.19 Comments on Public Consultations

None.

7.20 Planning Obligations

Not applicable to this proposal.

7.21 Expediency of enforcement action

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control.

As this is a retrospective application if the proposal were deemed unacceptable then the need for enforcement action would need to be considered.

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

There is no objection in principle to the scheme as the scheme involves no complete loss of an A1 Use. The change of use is not considered to result in an adverse impact upon highway safety or parking and would not detract from the residential amenities of nearby properties.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).

Hillingdon Local Plan Part 2.

The London Plan (2016).

Supplementary Planning Document 'Accessible Hillingdon'.

National Planning Policy Framework.

Contact Officer: Liz Arnold

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Notes:

 Site boundary

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Site Address:

111 High Street

Planning Application Ref:

71235/APP/2017/4636

Planning Committee:

North

Scale:

1:1,250

Date:

April 2018

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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



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