

## Report of the Head of Planning, Transportation and Regeneration

**Address** 514 & 514A VICTORIA ROAD RUISLIP

**Development:** Removal of Condition 7 (Secured by Design) of planning permission ref: 72489/APP/2017/43 dated 14/09/2017 for the change of use from a shop (Use Class A1) to a children's nursery (Use Class D1) including alterations to elevations

**LBH Ref Nos:** 72489/APP/2018/3204

**Drawing Nos:** Letter from Rayitson Communications Ltd  
Letter from Heathrow Shopfront and Shutters Ltd dated 06-07-18

**Date Plans Received:** 20/08/2018 **Date(s) of Amendment(s):**

**Date Application Valid:** 14/09/2018

### 1. SUMMARY

This application seeks to remove Condition 7 which requires secured by design accreditation. A site visit was carried out by officers alongside the Metropolitan Police. The Secured by Design Officers at the Metropolitan Police object to the removal of Condition 7 and raise concerns relating to the security of the premise. The Officers note security of this premise is pertinent because of increased crime within the local area. This application is therefore recommended for refusal.

### 2. RECOMMENDATION

**To refuse this application for the reasons set out in this report.**

#### 1 NON2 Non Standard reason for refusal

The applicant has failed to satisfactorily demonstrate the site has installed security measures to achieve secured by design accreditation and therefore the proposal is contrary to Policies 7.1 and 7.3 of the London Plan (2016).

## INFORMATIVES

#### 1 I71 LBH worked applicant in a positive & proactive (Refusing)

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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2012, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

### 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 is for the removal of condition No.7 (Secured by Design) of planning permission ref: 72489/APP/2017/43 dated 14/09/2017 (Change of use from Use Class A1 (Shops) to D1 (Nursery) including alterations to elevations.)

### 3.3 Relevant Planning History

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

Details pursuant to 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:** 15-09-2017 Approved

72489/APP/2017/2343 514 & 514a Victoria Road Ruislip

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).

**Decision:** 12-09-2017 Approved

72489/APP/2017/43 514 & 514a Victoria Road Ruislip

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

**Decision:** 10-05-2017 Approved

### 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. The site is currently in use as a nursery however condition 7 remains outstanding.

72489/APP/2017/2343 - 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). Approved on 14.09.2018.

## 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:

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

R12 Use of premises to provide child care facilities

LPP 7.3 (2016) Designing out crime

### **5. Advertisement and Site Notice**

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

### **6. Consultations**

#### **External Consultees**

A site notice was displayed expiring on 18th October 2018. No comments received.

Metropolitan Police (Summary)

From the outset, the Metropolitan Police has specified that an LPS 1175:SR2 rated front door be installed on this development. This measure was dictated / justified by the crime analysis at the time. Recently the crime in this area has got worse and therefore this request is justified.

The LPS 1175 security ratings are set by the Loss Prevention Certification Board (LPCB), which works closely with the police, Government, insurers, risk consultants and architects to develop its standards. The LPCB's standards and approvals for security products are recognised across the globe and it undertakes rigorous technical evaluation work and quality audit processes to ensure the security products it approves deliver proven levels of protection.

During testing, a team of experienced testers use a range of tools, as listed in the categories below, to attack the sample product. As the rating increases, the range of tools tested becomes broader and the time given to the team increases. The testing is extensive and exhaustive.

To reach each rating level, the panel must not be breached up to the maximum test duration set (the entire duration of the test, including time to think, change appliance batteries etc) and the maximum test time set (the amount of time the panel is actually in physical contact with a tool during an attack). The product is certified to protect against determined opportunistic attacks by bodily physical force using tools with a higher mechanical advantage.

The Metropolitan Police object to the removal of this condition. It considers that the measures undertaken to protect this nursery from physical attack are inadequate. The certificates issued by the applicants have been produced by tradesmen that appear not to be qualified to the recognised industry standard:

It should be noted that:

- The key code entry on the main road is a risk, because if the code gets known, this will give

- unhindered access into the nursery by unknown person/s;
- The rear windows are not to a BS security standard and could easily be breached, allowing access into the nursery. Especially as the rear has a weak shared access;
- The front of the nursery has not been designed to resist attack. Placing laminate on the inside of glass is futile, especially when the glazing is weathered within its frame and aluminium mullions, this is mainly due to time it has been fitted to the concrete frame;
- The New Schools Design Guide specifies a 2000lb breaking force maglock, as the applicant has not documented this, it cannot be assumed this has been installed; and
- The Old Dairy development that abuts the site, is a crime generator in the area.

Ward Councillor: Requests that the application is reported to Planning Committee.

### **Internal Consultees**

No internal consultee comments received.

## **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 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.

### **7.06 Environmental Impact**

Not applicable to this application.

### **7.07 Impact on the character & appearance of the area**

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 application.

### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

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

### **7.11 Urban design, access and security**

Policy 7.3 of the London Plan (2016) notes development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. It notes places should be:

- designed to promote an appropriate sense of ownership over communal spaces;
- places and buildings should incorporate appropriately designed security features;
- schemes should be designed to minimise on-going management and future maintenance costs of the particular safety and security measures proposed; and
- security measures should be incorporated at the design stage to ensure that overall design quality is not compromised.

Condition 7 of planning ref: 72489/APP/2017/43 required that 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.

The applicant has advanced that since the nursery has come into operation, a number of security measures have been installed in line with the Secured by Design Officer's initial recommendations. Security measures that have been installed include mag locks, door locks, grilles over windows, fitted alarms, fobbed access, CCTV to secure the site. The applicant has provided certificates by tradesmen which relate to the shopfront and the fitting of the mag locks. The applicant also notes that a previous Secured by Design Officer raised no objections to the works and was impressed by the standard of security measures installed at the nursery.

The applicant notes that given this application is a change of use of an existing building, it is unreasonable to expect the nursery to change the entire shopfront to meet LPS1175:SR2 or STS 202 BR2 standards. The applicant notes it is most unlikely that an enraged parent would force entry through the front door. In the event that this did take place, there is a secondary means of escape to the rear. The applicant also notes there is fob access via the front door and the key pad is only used in the event of an emergency. The applicant notes this application should be considered pragmatically and the combination of measures implemented are sufficient to allow the removal of Condition 7.

The shopfront and locks have been inspected by the Secured by Design Officers at the Metropolitan Police and the certificates have also been reviewed. The Officer have commented on this application objecting to the removal of Condition 7. The Officers have noted that:

- The key code entry on the main road is a risk, because if the code gets known, this will give unhindered access into the nursery by unknown person/s;
- The rear part of the building has shared access and the windows are not to a BS security standard and could easily be breached, allowing access into the nursery;
- The front of the nursery is considered not to be designed to resist attack. An observation of the shopfront suggests placing laminate on the inside of glass which is not secure;
- The New Schools Design Guide specifies a 2000 lb breaking force maglock, the applicant has not clearly demonstrated what mag-locks have been fitted to this development, and
- The records suggest there has been a significant increase in crime within the local area rendering the nursery more vulnerable to crime.

The removal of Condition 7 is therefore resisted by Designing Out Crime Officers at the Metropolitan Police. The Secured by Design Officer notes that if Condition 7 is removed, this will contradict the Council's position on safer communities, and be in breach of its responsibilities under section 17, of The Crime and Disorder Act Legislation.

#### **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 application.

#### **7.14 Trees, Landscaping and Ecology**

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

#### **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**

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

#### **7.19 Comments on Public Consultations**

#### **7.20 Planning Obligations**

Not applicable to this application.

#### **7.21 Expediency of enforcement action**

If this application is refused, it will be reported to the enforcement team to consider whether it is expedient to consider enforcement action.

#### **7.22 Other Issues**

No other issues identified.

### **8. Observations of the Borough Solicitor**

#### General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

#### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

#### **9. Observations of the Director of Finance**

Not applicable.

#### **10. CONCLUSION**

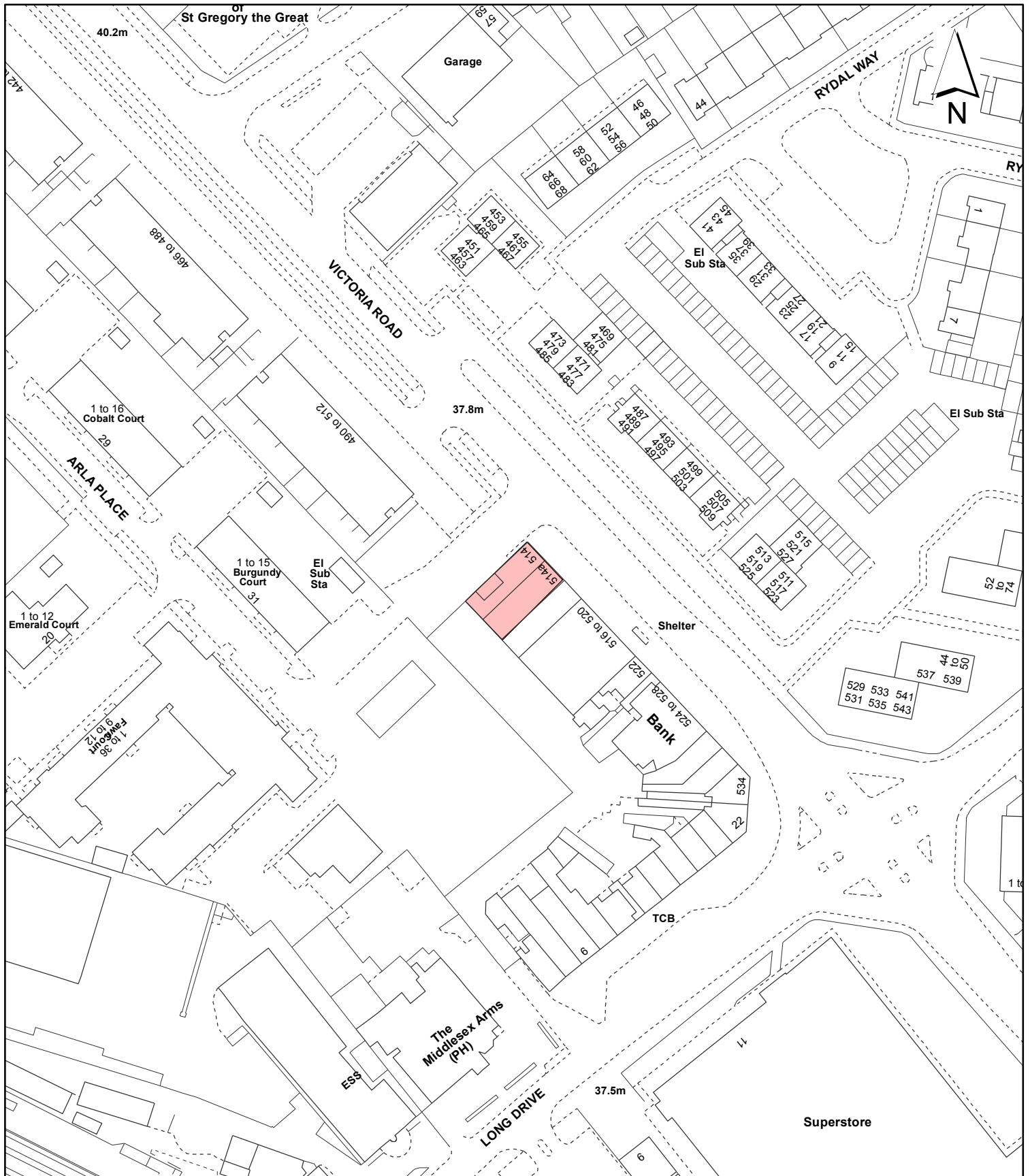
This application seeks to remove Condition 7 which requires secured by design accreditation. The Secured by Design Officers at the Metropolitan Police object to the removal of Condition 7. For the reasons set out within this report, this application is recommended for refusal.

#### **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

**Contact Officer:** Zenab Haji-Ismael

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**Notes:**

 Site boundary

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Site Address:

**514 & 514A Victoria Road  
 Ruislip**

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

Planning Application Ref:

**72489/APP/2018/3204**

Scale:

**1:1,250**

Planning Committee:

**North**

Date:

**January 2019**



**HILLINGDON**  
 LONDON