

Report of the Head of Planning, Transportation and Regeneration

Address 18 LONG DRIVE RUISLIP

Development: Change of use from A1 to Mixed Use A1/A3

LBH Ref Nos: 74580/APP/2019/470

Drawing Nos: 53.56/A.1.0
53.56/A.1.1
53.56/A.1.2
53.56/A.1.4

Date Plans Received: 07/02/2019 **Date(s) of Amendment(s):**

Date Application Valid: 07/02/2019

1. SUMMARY

The application seeks planning permission for the change of use of the ground floor retail unit from Use Class A1 to a mixed use of Use Class A1 Retail and Use Class A3 Cafes/Restaurants

The site is situated within the Core Shopping Area of South Ruislip Town Centre. The principle of the development would not harm the total convenience shopping provision or the overall vitality and function of this shopping area. Furthermore the proposal would not result in a material impact on the appearance of the street scene, would not result in a loss of residential amenity and the demand for parking would not be significantly different from the previous use.

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 amenities of nearby properties.

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, numbers

53.56/A.1.0

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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).

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).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

3 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be

carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

4 I70 LBH worked applicant in a positive & proactive (Granting)

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 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

5 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 property comprises a ground floor retail unit with residential accommodation at first and second floor levels and located in a parade of shops on the northern side of the Long Drive and Victoria, within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). Vehicular and pedestrian access is taken from Long Drive to the rear of the parade.

3.2 Proposed Scheme

The change of use of the ground floor retail premises from A1 to Mixed Use A1/A3. The main alterations are internal with minimal changes to the shop front. A separate application has been submitted for the display of advertisement and the company logo under reference 74580/APP/2019/470 which was granted on 4/4/2019

3.3 Relevant Planning History

Comment on Relevant Planning History

No planning history

4. Planning Policies and Standards

Policy S9 states that in Local Centres, the local planning authority will only grant permission for changes of use from A1 shops outside the core areas

The proposed mixed use as a coffee shop is considered to fall within both Class A1 and Class A3. Although the application site falls within a Core Shopping Area it is considered that this would not impact on the shopping frontage as the use of the application site would retain a 50% A1 and therefore an A1 use would be partly retained. The shopping parade as a whole would remain 70% A1.

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.
AM4	Safeguarded road proposals - schemes shown on Proposals Map
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.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
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
S11	Service uses in Primary Shopping Areas
S6	Change of use of shops - safeguarding the amenities of 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

9 neighbouring properties were consulted including the South Ruislip Residents Association by letter dated 12 February 2019 and a site notice was displayed to the front of the site which expired on 14 March 2019

No local response

Internal Consultees

Access Officer - Planning Specialists Team - No comments received

ASB & Environment - Environmental Protection Unit - No comments received

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S9 states that in Local Centres, the local planning authority will only grant permission for changes of use from A1 shops outside the core areas. The application site falls within the Core Shopping Area of the South Ruislip Local Centre

There are clearly 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.

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 reheated 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.

Overall, it is concluded that the proposed change of use would be more likely to enhance than harm the vitality and viability of the Core Shopping Area of the South Ruislip Local Centre. 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 above reasons.

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 local centre as a shopping destination.

This particular parade of shops, with frontages onto Long Drive, consists of 11 units and is predominantly A1 with one A2 and A3 use. The proposed mixed use is considered to fall within Class A1 and Class A3 and would occupy 100% of the floor area of the existing unit. It is considered that this would not impact on the shopping frontage and as the use of the application site would remain at 50% A1 and the shopping parade as a whole would remain

70% A1, it is considered that the proposed development would not harm the retail function of the Core Shopping Area of the South Ruislip Local Centre

7.02 Density of the proposed development

Not relevant to this proposal.

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

Not relevant to this proposal.

7.04 Airport safeguarding

Not relevant to this proposal.

7.05 Impact on the green belt

Not relevant to this proposal.

7.07 Impact on the character & appearance of the area

Policies BE13 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) ensures development harmonises with the existing street scene or other features of the area which are considered desirable to retain or enhance. Furthermore BE19 ensures new development complements or improves the amenity and character of the area.

The proposal would involve minor cosmetic changes to the existing shop front. As stated above a separate application has been submitted for advertisement consent an internally illuminated fascia sign together with an internally illuminated double sided projecting box sign. It was noted on a recent site visit that there is currently an non illuminated shop fascia sign.

These are relatively minor alterations to the building and are not considered to significantly impact on architectural character of the original property. As such the proposal complies with Part 1 Policy BE1 and Part 2 Policies BE13, BE15 and BE19 of the Hillingdon Local Plan (November 2012) and guidance in HDAS: Residential Layouts.

7.08 Impact on neighbours

Given the scale of the proposal, it would not cause an adverse impact on the neighbours' amenity. The nearest residential unit is set above the application site and as such, there would be no loss of outlook, no loss of privacy or light, nor any overshadowing or visual intrusion.

As such, the application proposal would not represent an unneighbourly form of development and in this respect would be in compliance with policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not relevant to this proposal.

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 the proposed development is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a provision of 1.5 spaces per dwelling.

Given the site's location in a local 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.
- 7.11 Urban design, access and security**
- Not relevant to this proposal
- 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 relevant to this proposal
- 7.14 Trees, landscaping and Ecology**
- Not relevant to this proposal
- 7.15 Sustainable waste management**
- Not relevant to this proposal
- 7.16 Renewable energy / Sustainability**
- Not relevant to this proposal.
- 7.17 Flooding or Drainage Issues**
- Not relevant to this proposal.
- 7.18 Noise or Air Quality Issues**
- The agent has confirmed that the use will consist of the main process which would be coffee making which would not require any commercial cooking extract ventilation that could be of detriment to local amenities through the medium of noise or smell.
- Standard toilet extraction will be required to be extracted through the side of building. Air-conditioning will use the existing systems.
- 7.19 Comments on Public Consultations**
- No responses received within the consultation period.
- 7.20 Planning obligations**
- Not relevant to this proposal.
- 7.21 Expediency of enforcement action**
- Not relevant to this proposal.
- 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

Not applicable

10. CONCLUSION

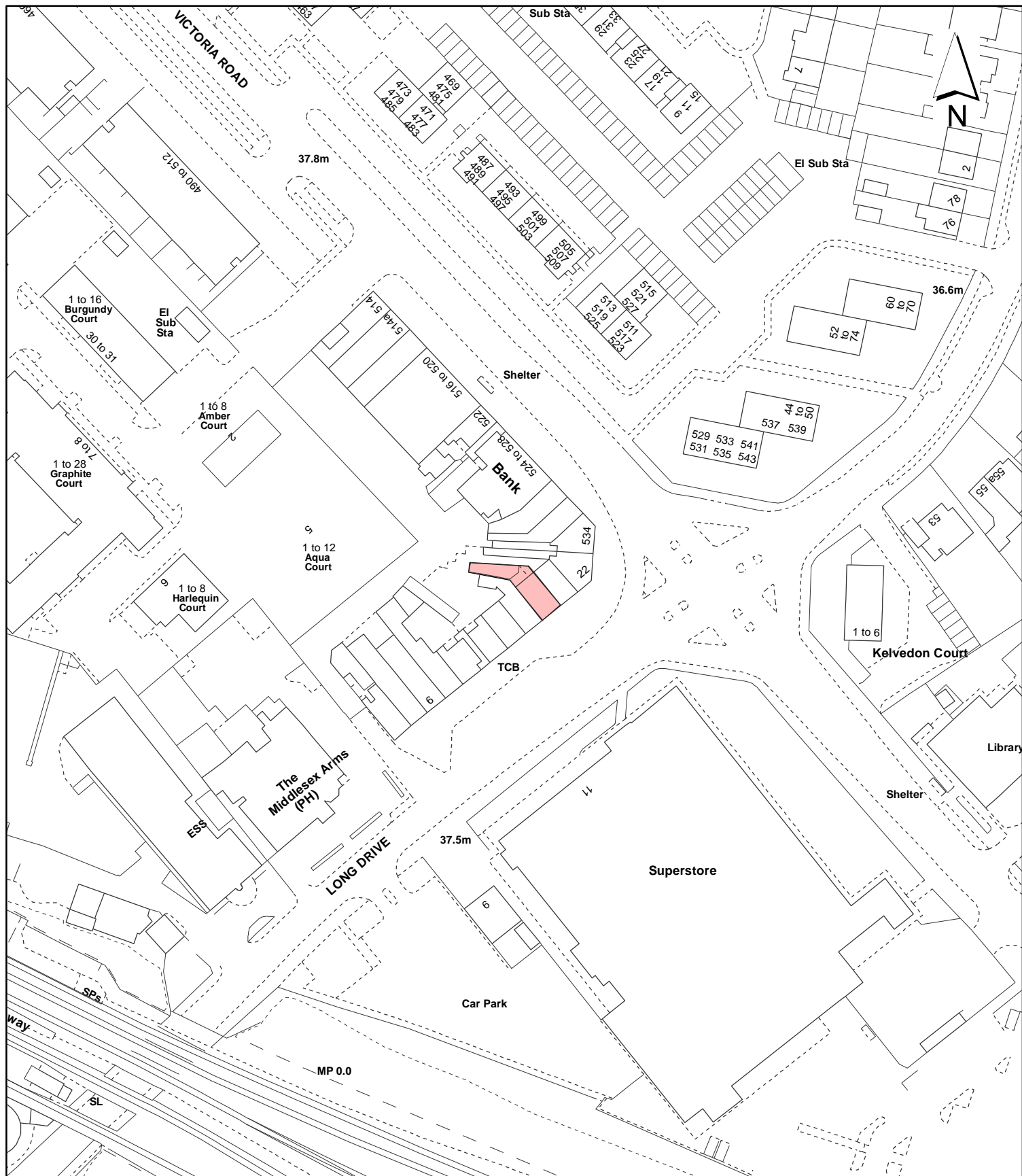
There is no objection in principle to the scheme as the proposal does not involve a complete loss of an A1 Use. The proposed alterations are minor and would not detract from the character of the existing building or the wider area. As the proposed mixed use is considered to fall within both Class A1 and Class A3 and would occupy 100% of the floor area of the existing unit. It is considered that this would not impact on the shopping frontage and as the use of the application site would remain at 50% A1 and the shopping parade as a whole would remain 70% A1, it is considered that the proposed development would not harm the retail function of the Core Shopping Area of the Ruislip Local Centre

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: Diane Verona

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

18 Long Drive

Planning Application Ref:

74580/APP/2019/470

Planning Committee:

North

Scale:

1:1,250

Date:

June 2019

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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



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