

Report of the Head of Planning, Transportation and Regeneration

Address 28 VICTORIA ROAD RUISLIP

Development: Change of use from Use Class A1 (Shops) to physiotherapy clinic and yoga studio (Use Class D1/D2)

LBH Ref Nos: 74773/APP/2019/1367

Drawing Nos: Justification Letter dated 9th July 2019
Block Plan
Existing Plan
Proposed Plans
Location Plan
Photo
Drainage Plan
Marketing evidence

Date Plans Received: 23/04/2019

Date(s) of Amendment(s):

Date Application Valid: 23/04/2019

1. SUMMARY

The proposal is for the change of use from Use Class A1 (Shops) to physiotherapy clinic and yoga studio (Use Class D1/D2)

The proposed use is considered to fall within Class D1/D2. The physiotherapy clinic would occupy 47 sqm at the front of the premises and the yoga studio 61 sqm to the rear with a communal reception area of 15sqm on the Victoria Road frontage making a total of 123 sqm for the whole unit.

It is considered that the proposed development would not harm the retail function of this parade in the Ruislip Manor Town Centre Secondary Shopping Area and that the application proposal would not represent an unneighbourly form of development.

The application has been reviewed by the Highway Authority who are satisfied that the proposal (subject to the recommended cycle provision and condition) would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

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 Proposed Plan 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), Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019) and the London Plan (2016).

3 HO4 Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and policy DMHB11 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019).

4 H16 Cycle Storage - details to be submitted

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for [enter number of bicycles] have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Local Plan Part Two Saved UDP Policies (November 2012) and policy DMT 5 of the Hillingdon Local Plan Part 2- Development Management Policies with Modifications (March 2019) and Chapter 6 of the London Plan (2016).

INFORMATIVES

1 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).

2 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 - The Spatial Development Strategy for London consolidated with

alterations since 2011 (2016) and national guidance.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMTC 1	Town Centre Development
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
OE5	Siting of noise-sensitive developments
R16	Accessibility for elderly people, people with disabilities, women and children
S12	Service uses in Secondary Shopping Areas
S6	Change of use of shops - safeguarding the amenities of shopping areas
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 4.9	(2016) Small Shops
LPP 5.3	(2016) Sustainable design and construction
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
LPP 6.13	(2016) Parking
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres

3 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.

4

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from discrimination on the basis of a 'protected characteristic', which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease. The Act states that service providers should think ahead to take steps to address barriers that impede disabled people.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located towards the north-east side of Victoria Road. It comprises a currently vacant unit with Use Class A1 in a three storey, brick built building. The unit is currently in use and forms part of a terraced retail parade. The unit is accessed via Victoria Road, with parallel pay and display parking on either side of the road. To the rear of the site is an access road.

The site lies within the Secondary Shopping Area of the Ruislip Manor Town Centre as identified in the policies of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012). The surrounding shopping frontage has a mix of A-class uses.

3.2 Proposed Scheme

The proposal is for the change of use from Use Class A1 (Shops) to physiotherapy clinic and yoga studio (Use Class D1/D2)

3.3 Relevant Planning History

Comment on Relevant Planning History

No planning history

4. Planning Policies and Standards

The Local Plan Part 2 Draft Proposed Submission Version (2015) was submitted to the Secretary of State on 18th May 2018. This comprises of a Development Management Policies document, a Site Allocations and Designations document and associated policies maps. This will replace the current Local Plan: Part 2 - Saved UDP Policies (2012) once adopted.

The document was submitted alongside Statements of Proposed Main and Minor Modifications (SOPM) which outline the proposed changes to submission version (2015) that are being considered as part of the examination process.

Submission to the Secretary of State on 18th May 2018 represented the start of the Examination in Public (EiP). The public examination hearings concluded on the 9th August 2018. The Inspector submitted a Post Hearing Advice Note outlining the need to undertake

a final consultation on the updated SOPM (2019) only. The Council undertook this consultation between 27th March 2019 and 8th May 2019. All consultation responses have been provided to the Inspector for review, before the Inspector's Final Report is published to conclude the EiP process.

Paragraph 48 of the NPPF (2019) outlines that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

On the basis that the public hearings have concluded and the Council is awaiting the final Inspector's Report on the emerging Local Plan: Part 2, the document is considered to be in the latter stages of the preparation process. The degree to which weight may be attached to each policy is therefore based on the extent to which there is an unresolved objection being determined through the EiP process and the degree of consistency to the relevant policies in the NPPF (2019).

Emerging Policy DMTC 2 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) states that in secondary shopping areas, the Council will support the ground floor use of premises provided that the frontage of the proposed use is no more than 12 m between Class A1 shops or the proposed use does not result in a concentration of non retail uses which could be considered to cause harm to the vitality and vibrancy viability of the town centre.

Policy S12 states that permission will be granted for the change of use from Class A1 in Secondary Shopping Areas provided that the remaining retail facilities are adequate for the Shopping Area to function; and the proposed development would not result in a separation of A1 uses or a concentration of non-retail uses. Should the above be satisfied then a change of use on the ground floor would be acceptable subject to meeting the requirements of Policy S6 which refers to considerations relating to visual amenity; shop frontage design; compatibility and road safety.

Ruislip Manor has a total frontage of 1,060 m within its boundary made up of 415.5m (58 units) in secondary shopping areas. A shopping survey was carried out by the Council in October 2016 which demonstrated that the share of A1 frontages within the Secondary Shopping Area was 39.2%.

The proposed use is considered to fall within Class D1/D2 and would occupy 47 sqm at the front of the premises and the yoga studio 61 sqm to the rear with a communal reception area of 15sqm on the Victoria Road frontage making a total of 123 sqm for the whole unit.

It is considered that the proposed development and mix of D1/D2 would not harm the retail function of this shopping parade within the Ruislip Manor Town Centre Secondary Shopping Area.

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

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.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
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LPP 6.9	(2016) Cycling
LPP 6.13	(2016) Parking
NPPF- 7	NPPF-7 2018 - Ensuring the vitality of town centres

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

20 neighbours and Ruislip Residents Association were consulted on 26th April 2019 and a site notice displayed to the front of the site which expired on 30th May 2019.

No local response

Internal Consultees

HIGHWAYS & TRANSPORTATION

Site Characteristics

The site is located within Victoria Road proximity of Ruislip Manor Station. The public transport accessibility level (PTAL) is rated at a level of 3 and is considered moderate.

Appraisal

There are no specific concerns with a lack of on-plot parking provision for this CoU from A1 to D1/D2 due to the relative small scale of the proposal and the existing retail/commercial mix of the local district centre which is likely to contribute to linked trips to the site given these established use attractions. This would inherently reduce the potential for any new vehicular activity generated by the proposal. Even if this were not to be the case, the small scale of the proposal limits the potential for measurable detrimental highway related impacts.

The only parking requirement in this case is related to providing 5 cycle spaces for the CoU in order to conform to the Council's adopted cycle parking standard which has not been demonstrated as part of the submission but can be secured via planning condition.

Conclusion

The application has been reviewed by the Highway Authority who are satisfied that the proposal (subject to the recommended cycle provision and condition) would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is situated within the Secondary Shopping frontage on Victoria Road. The principle of the development and loss of an A1 retail unit would not harm 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.

Ruislip Manor has a total frontage of 1,060 m within its boundary made up of 415.5m (58 units) in secondary shopping areas. A shopping survey was carried out by the Council in

October 2016 which demonstrated that the share of A1 frontages within the Secondary Shopping Area was 39.2%.

Policy S12 states that Class A1 shops should remain the predominant use in secondary areas and the Local Planning Authority will expect at least 50% of the frontage to be in Class A1 use. Where non-retail uses are permitted, the retention of an appropriately designed shop front can help reduce the effect of a break in the shopping frontage.

A written response has been received outlining the justification of the change of use from A1 to D1/D2 together with evidence of a marketing period for the application site from 10th December 2018 until 24th July 2019 (226 days). Given the site has been vacant for an extended period of time and the site has been marketed, albeit unsuccessfully, it is considered that in this case

7.02 Density of the proposed development

Not relevant

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

Not relevant

7.04 Airport safeguarding

Not relevant:

7.05 Impact on the green belt

Not relevant

7.07 Impact on the character & appearance of the area

Policy BE13 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 relocate an existing doorway from the centre to one end of the shop front. A second door would be proposed for the estate agents and include a shop window. These are relatively minor alterations to the building and are not considered to significantly impact on architectural character of the original property or the surrounding area. A single storey rear infill extension is proposed to the rear. By reason of its size and position to the rear, this would not impact the character of the area. As such the proposal complies with 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 from 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:

7.10 Traffic impact, car/cycle parking, pedestrian safety

The site is located within the Ruislip district town centre in close proximity to Ruislip Manor LU Station. The locality is comprehensively covered by parking controls and the public transport accessibility level (PTAL) is at a moderate level of 3 which contributes to promoting alternative and sustainable travel modes.

The site is located within Victoria Road proximity of Ruislip Manor Station. The public transport accessibility level (PTAL) is rated at a level of 3 and is considered moderate.

There are no specific concerns with a lack of on-plot parking provision for this CoU from A1 to D1/D2 due to the relative small scale of the proposal and the existing retail/commercial mix of the local district centre which is likely to contribute to linked trips to the site given these established use attractions. This would inherently reduce the potential for any new vehicular activity generated by the proposal. Even if this were not to be the case, the small scale of the proposal limits the potential for measurable detrimental highway related impacts.

The only parking requirement in this case is related to providing 5 cycle spaces for the CoU in order to conform to the Council's adopted cycle parking standard which has not been demonstrated as part of the submission but can be secured via planning condition.

The application has been reviewed by the Highway Authority who are satisfied that the proposal (subject to the recommended cycle provision and condition) would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

7.11 Urban design, access and security

ACCESS

I have considered the detail of this change of use application which appears to include the fundamental provisions to allow older and disabled people to access the building and service. No further comments are therefore provided. However, the following informative should be 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: acceptable

7.12 Disabled access

As discussed on above

7.13 Provision of affordable & special needs housing

Not relevant

7.14 Trees, Landscaping and Ecology

Not relevant

7.15 Sustainable waste management

The uses proposed would have limited waste requirements which could be provided on site

7.16 Renewable energy / Sustainability

Not relevant

7.17 Flooding or Drainage Issues

	Not relevant
7.18	Noise or Air Quality Issues
	Not relevant
7.19	Comments on Public Consultations
	No local response
7.20	Planning Obligations
	None
7.21	Expediency of enforcement action
	Not relevant
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

The proposal is recommended for approval subject to conditions.

11. Reference Documents

Hillingdon Local Plan (November 2012)
London Plan (2016)
Supplementary Planning Guidance - Community Safety by Design
Supplementary Planning Guidance - Noise
Supplementary Planning Guidance - Air Quality
HDAS: Accessible Hillingdon
Hillingdon Planning Obligations Supplementary Planning Document July(2008) and updated chapter 4 Education (August 2010).

Contact Officer: Diane Verona

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<div>Notes:</div> <div><div></div> Site boundary</div> <div>For identification purposes only.</div> <div>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</div> <div>Unless the Act provides a relevant exception to copyright.</div> <div>© Crown copyright and database rights 2018 Ordnance Survey 100019283</div>	Site Address:		LONDON BOROUGH OF HILLINGDON	
	28 Victoria Road		Residents Services	
	Ruislip		Planning Section	
	Civic Centre, Uxbridge, Middx. UB8 1UW		Telephone No.: Uxbridge 250111	
	Planning Application Ref:		Scale:	
74773/APP/2019/1367		1:1,250		
Planning Committee:		Date:		
North		August 2019		
				