

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

**Address** 166 HIGH STREET RUISLIP

**Development:** Change of use from A1 (Shops) to A5 (Takeaway) and single storey rear extension with associated alterations

**LBH Ref Nos:** 4079/APP/2019/1642

**Drawing Nos:** Location Plan  
166HighRd-004  
166HighRd-003  
166HighRd-002  
166HighRd-001

**Date Plans Received:** 16/05/2019      **Date(s) of Amendment(s):**

**Date Application Valid:** 07/06/2019

### 1. **SUMMARY**

The application seeks permission for the change of use from A1 (Shops) to A5 (Takeaway) and the erection of a single storey rear extension with a new staircase and the provision of an extractor flue.

The proposed change of use to an A5 Take Away is considered inappropriate within a primary shopping area. The proposal has also failed to provide sufficient information to ensure that there would be no detrimental impact on the amenity of neighbouring occupiers. Therefore, the application is recommended for refusal.

### 2. **RECOMMENDATION**

**REFUSAL for the following reasons:**

#### 1            NON2            **Non Standard reason for refusal**

The proposal, by reason of the loss of a retail unit within the primary shopping area of the Ruislip Town Centre, would erode the retail function of the area, harming the vitality and viability of the centre. The proposal is therefore contrary to Policy S11 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and Policy 2.15 of the London Plan (2015).

#### 2            NON2            **Non Standard reason for refusal**

The proposal by reason of the lack of detail in relation to the location of a suitable extract flue, fails to demonstrate that the increased use for hot food takeaway would not result in an unacceptable loss of residential amenity to nearby resident, contrary to Policies OE1 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved 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).



**Decision:** 05-05-1999 Refused

**Appeal:** 05-10-1999 Dismissed

#### **Comment on Relevant Planning History**

The comments are noted and the merits of the scheme are addressed within the report.

#### **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

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE4 New development within or on the fringes of conservation areas

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.

OE1 Protection of the character and amenities of surrounding properties and the local area

S6 Change of use of shops - safeguarding the amenities of shopping areas

S11 Service uses in Primary Shopping Areas

LPP 2.15 (2016) Town Centres

LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

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

**5.1** Advertisement Expiry Date:- **17th July 2019**

**5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

9 neighbours and the Ruislip Residents Association were consulted for a period of 21 days expiring on the 2 July 2019. There was one response raising the following issues:

- Too many catering business on the high street. Other categories of business are more desirable to attract customers.

Ruislip Village Conservation Panel - No response

### **Internal Consultees**

Access Officer - Informatives should be attached to any grant of planning permission: 1. The proposed plan may not include a WC provision for disabled people and at least one accessible unisex toilet should be provided. As building works to construct new and revised toilet facilities are planned, the opportunity to incorporate accessible toilet provision is advised. 2. The accessible toilet should be designed in accordance with the guidance given in Approved Document M to the Building Regulations 2010 (2015 edition). 3. The accessible toilet should be signed either "Accessible WC" or "Unisex". Alternatively, the use of the "wheelchair" symbol and the words "Ladies" and "Gentlemen" or "Unisex" would be acceptable. 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. Conclusion: acceptable.

Environmental Protection - No response

Contaminated Land - No response

Highways - The application has been reviewed by the Highway Authority who are satisfied that the proposal would not measurably 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**

Emerging Policy DMTC 2 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) states that in

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 Use Class A1;
- ii) Use Class A5 hot food takeaways are limited to a maximum of 15% of the frontage;
- iii) the proposed use will not result a separation of more than 12 metres between A1 retail uses; and
- iv) the proposed use does not result in a concentration of non retail uses which could be considered to cause harm to the vitality and viability of the town centre.

Policy S11 states that in Primary Shopping Areas applications will be granted where i) the remaining retail facilities are adequate to accord with the character and function of the shopping centre and ii) the proposed use will not result in a separation of Class A1 uses or a concentration on non retail uses which might harm the viability or vitality of the centre. Use as a Class A2 (banks and building societies only) and Class A3 (food and drink) use are regarded as acceptable at ground floor level within shopping frontages of primary shopping areas.

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.

Ruislip High Street has a total frontage of 1,372 m within its boundary made up of 433.5m (65 units) in primary and 620.5m (95 units) in secondary shopping areas. A shopping survey was carried out May 2019, which demonstrated that the share of A1 frontages within the Primary Shopping Area by frontage was 62.7%. As such it is considered that the proposal would result in a concentration of non retail uses which could be considered to cause harm to the vitality and viability of the town centre.

The quantum of A5 uses is approximately 3%. Furthermore the May 2019 Town Centre Survey revealed that there were 4 vacant units within the Primary Shopping Area, with the application site being one of them.

There is therefore an in principle objection to the change of use.

#### **7.02 Density of the proposed development**

Not relevant to this proposal.

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

This is addressed within the impact on the character of the area.

#### **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 BE4 and 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 includes the erection of a single storey extension to the rear of the property. This would include a repositioned external staircase and an extractor flue. The proposed extension would infill between the rear projections of the neighbouring properties and would measure 10.7m in depth, 5m in width with a flat roof of 3.35m in height. This would be a substantial addition to the ground floor of the building but given the location between 2 existing extensions it is not considered to significantly impact on architectural character of the original property or the wider Conservation Area. As such the proposal complies with Part 1 Policy BE1 and Part 2 Policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan (November 2012) and guidance in HDAS: Residential Layouts.

#### **7.08 Impact on neighbours**

The proposed single storey extension would sit between the existing rear extensions of the neighbouring properties and in terms of scale would not impact on the amenity of the occupiers above.

The application for advises that details of the extractor fan are attached however whilst the elevations identify the location of the flue, the are no details provided for the proposed extractor. It is also noted that no proposed opening hours are given. It is therefore considered that insufficient information has been provided to establish if the proposal would

cause an adverse impact on the neighbours' amenity.

As such, the application proposal would fail to comply 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.

The Highway Officer has advised that the site is relatively sustainable on transport grounds therefore reducing the dependency on travelling to the location by private motor car. Private car usage is also deterred by the extensive waiting restrictions in the locality whereby 'uncharged for' parking is unavailable with local customer patronage being forced to utilise the abundant pay & display facilities in the area if they choose to travel by private motor car. A proportion of patrons to the address are therefore expected to be reliant on other sustainable modes of travel such as walking, cycling and the convenient and efficient public transport services that serve the town centre reflected by the abundance of bus services and neighbouring LU train station.

Hence there are no specific concerns with this CoU due also to the 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 also 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 1 secure and accessible cycle space for each of the proposed use classes which has not been demonstrated as part of the submission and should therefore be secured by condition.

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

Not relevant to this proposal.

#### **7.12 Disabled access**

The Access Officer has raised no objections to the proposal.

#### **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**

Not relevant to this proposal.  
**7.19 Comments on Public Consultations**

None.  
**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 Probitry 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**

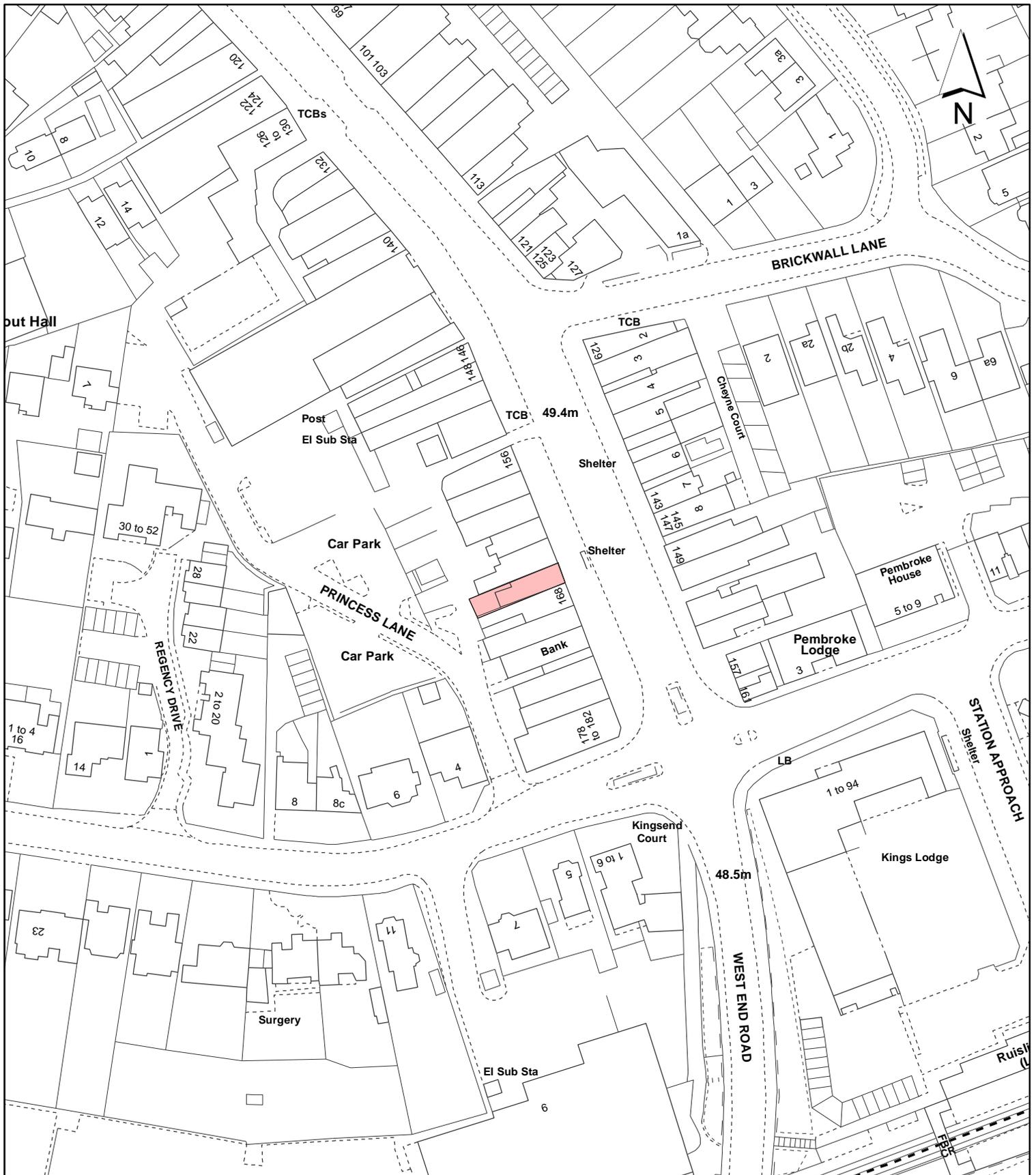
There is no objection to the extension to the rear of the premises however there is an in principle objection to the change of use from A1 to A5 Use. The proposal also fails to provide sufficient information to assess the potential impact on neighbouring occupiers.

#### **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:

**166 High Street Ruislip**

Planning Application Ref:

**4079/APP/2019/1642**

Planning Committee:

**North**

Scale:

**1:1,250**

Date:

**September 2019**

**LONDON BOROUGH OF HILLINGDON**  
 Residents Services  
 Planning Section

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



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