

## Report of the Head of Planning & Enforcement Services

**Address** 114 HIGH STREET RUISLIP

**Development:** Change of use from Class A1 (Retail) to Class A1/A3 (Retail/Restaurants and Cafes)

**LBH Ref Nos:** 28254/APP/2011/454

**Drawing Nos:** Location Plan  
CN450-100 Ground Floor Plans  
Supporting Planning Statement

**Date Plans Received:** 25/02/2011 **Date(s) of Amendment(s):**

**Date Application Valid:** 28/02/2011

### 1. SUMMARY

The application seeks permission from change of use from A1 (Retail) use to a mixed A1/A3 (Retail/cafe) use. The application contends the nature of the use is to serve coffee both on and off the premises which accounts for 60% of the companies turnover, with other cold drinks accounting for 10%, sandwiches 15% and cold food 15%. A small proportion of food is reheated but no cooking occurs.

Whilst the change of use would further reduce the traditional retail function in the Ruislip Town Centre, it is considered that in this particular case the proposed change of use is acceptable as it would still retain an element of retail use and given that there is evidence that the nature of the proposed café use also acts as a location for people to meet thereby maintaining the vitality and viability of the shopping centre. The proposal is not considered to adversely affect the amenity of nearby residential properties or result in harm to highway and pedestrian safety. Therefore, planning permission is recommended for approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

#### REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### 2 NONSC Non Standard Condition

The premises shall not be used other than as a coffee shop serving coffee, other hot drinks and cold drinks, sandwiches and other similar light refreshments, for consumption on or off the premises.

#### REASON

To conform to the terms of the application and to ensure the use is appropriate to the retail function and assists in maintaining the retail vitality and viability in accordance with Policy S11 of the Hillingdon Unitary Development Plan.

**3 NONSC Non Standard Condition**

No primary cooking of unprepared food shall be carried out within the premises. Only reheated or cold food that has been prepared elsewhere shall be served within the premises

**REASON**

To conform to the terms of the application and to ensure the use is appropriate to the retail function and assists in maintaining the retail vitality and viability in accordance with Policy S11 of the Hillingdon Unitary Development Plan.

**4 NONSC Non Standard Condition**

Within 3 calendar months of the date of this decision, a scheme detailing the method of disposal, storage and collection of litter and waste materials, generated by the business and/or discarded by patrons, shall be submitted to and approved in writing by the Local Planning Authority. If these details fail to be agreed within three months of their submission, the use shall cease until agreement has been reached. The details shall include a description of the facilities to be provided and the methods for collection of litter within and in the vicinity of the premises. The approved scheme shall be implemented in full thereafter.

**REASON**

To ensure that adequate provision is made for the disposal of litter and waste, in the interests of maintaining a satisfactory standard of amenity in the locality, in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

**5 NONSC Non Standard Condition**

No customers shall be present on the premises, nor shall the premises be used for the preparation or sale of food or drinks, outside the following times;

- 0700hrs and 1800hrs between Mondays and Fridays
- 0730hrs and 1800hrs on Saturdays
- 0830hrs and 1800hrs on Sundays and Bank Holidays

**REASON**

To safeguard the residential amenity of the occupiers and nearby properties, in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Polices September 2007).

**6 NONSC Non Standard Condition**

Within 3 calendar months of the date of this decision, details of the height, position, design and materials of any chimney or extraction vent provided in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. If these details fail to be agreed within three months of their submission, the use shall cease until agreement has been reached. The development shall then be carried out in accordance with these approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

**REASON**

To safeguard the residential amenity of the occupiers of nearby properties in accordance

with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

**7 NONSC Non Standard Condition**

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON**

To safeguard the residential amenity of the occupiers of nearby properties in accordance with Policies OE1 and OE3 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

**8 NONSC Non Standard Condition**

The premises shall not be used for deliveries and collections, including waste collections other than between the hours of 08:00 and 18:00, Mondays to Fridays, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank and Public Holidays.

**REASON**

To safeguard the amenity of surrounding areas, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

**9 NONSC Non Standard Condition**

Within 3 calendar months of the date of this decision, details of access to building entrances (to include ramped/level approaches, signposting, types and dimensions of door width and lobby openings) to meet the needs of people with disabilities shall be submitted to and approved in writing by the Local Planning Authority. If these details fail to be agreed within three months of their submission, the use shall cease until agreement has been reached. The approved facilities should be provided within a further 3 months of this agreement and shall be permanently retained thereafter.

**REASON**

To ensure that people with disabilities have adequate access to the development in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.13, 3A.17 and 4B.5.

**10 NONSC Non Standard Condition**

Within 3 calendar months of the date of this decision, a sound insulation scheme for the control of noise transmission to neighbouring dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. If these details fail to be agreed within three months of their submission, the use shall cease until agreement has been reached. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

## 11 NONSC Non Standard Condition

Within 3 calendar months of the date of this decision, details of facilities to be provided for the covered, secure and screened storage of refuse at the premises shall be submitted to and approved in writing by the Local Planning Authority. If these details fail to be agreed within three months of their submission, the use shall cease until agreement has been reached. The approved facilities should be provided within a further 3 months of this agreement and shall be permanently retained thereafter.

### REASON

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

## 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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
S6	Change of use of shops - safeguarding the amenities of shopping areas
S11	Service uses in Primary Shopping Areas
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 3A.13	London Plan Policy 3A.13 - Special needs and specialist housing
LPP 3A.17	London Plan Policy 3A.17 - Addressing the needs of London's diverse population
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.

### 3 I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building

Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

#### **4 16 Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

#### **5**

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use best practicable means as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in The control of dust and emissions from construction and demolition: best practice guidelines, Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is on the south west side of High Street, Ruislip and forms part of a terrace of commercial units on the ground floor with the two upper floors in residential use accessed from the rear. The street scene is commercial in character and appearance. The application site lies within the Primary Shopping Frontage of Ruislip Town Centre and within the Ruislip Village Conservation Area, as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies, September 2007).

#### **3.2 Proposed Scheme**

The proposal involves the change of use of the ground floor from an A1 (retail unit) to a mixed A1/A3 (Retail/Caf©). No external alterations are proposed as part of this application.

There are two further applications running concurrently with this application for

- New fascia and projecting sign, together with awning (28254/ADV/2011/6), and

- New shop front and awning (28254/APP/2011/239)

### 3.3 Relevant Planning History

28254/ADV/2010/57      114 High Street Ruislip

Installation of 1, internally illuminated hanging sign, and 1, non-illuminated fascia sign to front.

**Decision:** 19-10-2010    Approved

28254/ADV/2011/6      114 High Street Ruislip

Installation of 1, internally illuminated fascia sign, 1, externally illuminated projecting sign and 1, awning to front.

**Decision:**

28254/APP/2010/2001    114 High Street Ruislip

Installation of new shopfront and 1 air conditioning condenser unit to rear.

**Decision:** 29-10-2010    Approved

28254/APP/2011/239    114 High Street Ruislip

Installation of new shopfront and awning (Part retrospective application).

**Decision:**

28254/H/94/0911      114 High Street Ruislip

Installation of a new shopfront

**Decision:** 06-07-1994    Approved

### Comment on Relevant Planning History

None

### 4. Planning Policies and Standards

None

### UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

- BE13      New development must harmonise with the existing street scene.
- BE15      Alterations and extensions to existing buildings
- S6        Change of use of shops - safeguarding the amenities of shopping areas
- S11      Service uses in Primary Shopping Areas

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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
LPP 3A.13	London Plan Policy 3A.13 - Special needs and specialist housing
LPP 3A.17	London Plan Policy 3A.17 - Addressing the needs of London's diverse population
LPP 3D.1	London Plan Policy 3D.1 - Supporting Town Centres.
LPP 4A.20	London Plan Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **6th April 2011**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

The application has been given statutory press and site publicity.

Cllr. Philip Corthorne objects to the application

26 neighbours and interested parties were consulted and 3 responses have been received, which made the following comments

1. The site has already changed its use without planning permission
2. There seems to be a growing culture in the high street of lessees moving in and starting trading before making change of use applications
3. We believe if this application is given consent the 70%-30% balance on the High Street will be exceeded and therefore we object.
4. We do not want to see the loss of another retail unit.
5. The noise from the air conditioning units is a nuisance and a degradation of the quality of the enjoyment from our patio. The fans are audible from our back door, they are sited about 5m from our property boundary and run 24 hrs a day. They are mounted on the adjoining units wall. I oppose this application until the noise issues are resolved.

Ruislip Residents' Association - We are very concerned to note that Nero Holdings Ltd have applied for retrospective planning permission for change of use from Class A1 (Retail) to Class A3 (Restaurants and cafes) when the Use Classes Order as most recently amended in 2010 clearly states that no permitted change is allowed from Class A1 (retail).

We await with some interest as to how you will deal with this application.

Thames water - no comments received.

## **Internal Consultees**

Environmental Protection Unit      I do not wish to object to this proposal. I note this is a retrospective application.

### **Condition 1**

No customers shall be present on the premises, nor shall the premises be used for the preparation or sale of food or drinks, between the following times;

- 0700hrs and 1800hrs between Mondays and Fridays
- 0730hrs and 1800hrs on Saturdays
- 0830hrs and 1800hrs on Sundays and Bank Holidays

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

### **Condition 2**

No development shall take place until details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out until the vent/chimney has been installed in accordance with the approved details. Thereafter the vent/chimney shall be permanently retained and maintained in good working order for so long as the use continues.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

### **Condition 3**

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

### **Condition 4**

The development shall not begin until a sound insulation scheme for the control of noise transmission to neighbouring dwellings has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

### **Condition 5**

Deliveries and collections, including waste collections, shall be restricted to the following hours: 0800 hrs to 1800 hrs Monday to Fridays; 0800 hrs to 1300 hrs on Saturdays; and not at all on Sundays and Bank Holidays.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

In order to control nuisance from demolition and construction work, I recommend the following informative;

Informative



Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use best practicable means as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in the control of dust and emissions from construction and demolition: best practice guidelines, Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

Waste Development Manager - I would make the following comments on the above application regarding waste management.

a) The application is for a restaurant and cafe. I would usually recommend 1 x 1,100 litre type of bulk bin to safely and hygienically contain the waste arising from this type of business. This design of bin has dimensions given in the table below:-

Bin Size Height Depth Width

1,100 litre Eurobin 1,370mm 990mm 1,260mm

However, the rear yard of the premises can only be accessed by a pedestrian alley so a number of smaller 240 or 360 litre wheeled bins may be more suitable. Additional bins for recycling waste may also be required.

b) The wheeled bins should be sited on an area of hard-standing, with a smooth surface, so that it can be washed down with water and disinfectant. The surface should be cambered so the run off follows towards a proper drain.

c) The collectors should not have to cart a wheeled bin more than 15 metres from the point of storage to the collection vehicle (BS 5906 standard). The collection crew would therefore need to access the rear of the shop. Alternatively the owners would have to present the wheeled bins at an agreed collection point on the allocated day.

d) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the path is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

e) Please note the Council commercial waste service does not currently include the 240 or 360 litre wheeled bins. The service would have to be provided by a private waste collection company.

Conservation and Urban Design Officer - This is a shop front within the Ruislip Village Conservation Area. Following the recent Conservation Area designation, any new development should preserve or enhance the character and appearance of the area (PPS 5).

There are no alterations proposed to the approved shop front and signage. There are, therefore, no objections from a conservation point of view.

Conclusion: Acceptable from a conservation point of view.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The Local Planning Authority will resist proposals that would result in the loss of Class A1

shop use in core areas and will examine very closely similar proposals for other parts of these centres. The principle for a change of use from A1 to a non-A1 use in a primary frontage can be established where there remain adequate retail facilities to accord with the character and function of the shopping centre, in order to maintain the vitality and viability of the town centre.

Policy S6 states changes of use applications will be granted where; a frontage of design appropriate to the surrounding area is maintained or provided; the use would be compatible with neighbouring uses and will not cause unacceptable loss of amenity to nearby residential properties; and would have no harmful effect on road safety or worsen traffic congestion. The proposal seeks change of use only and therefore would not have an effect on the existing frontage design. Loss of residential amenity and highway issues are considered acceptable (and are dealt with below), and as such, the proposal is considered to comply with all the criteria listed in Policy S6 of the UDP (Saved Policies September 2007).

Policy S11 establishes the criteria where service use would be permitted in primary shopping frontages. To maintain the viability of the retail function of a centre, class A1 units should be separated by no more than 12m and at least 70% of the remaining frontage should remain in A1 use. There are A1 (retail) units to either side of the proposal, and this unit is 5.6m wide, so would not conflict with this criteria. With regard to the 2010 shopping survey, within this primary shopping area this found that A1 uses are already below the 70% threshold (67.6%).

Policy 3D.3 of the London Plan (2008), states Boroughs should work with retailers and other to prevent the loss of retail facilities within these areas.

However in accessing this proposed change of use, there are two key issues that need to be considered; first the status of coffee shops and secondly the impact of the proposal on the viability and vitality of Ruislip Town Centre.

Following the changes to the Use Class Order that took effect on 21 April 2005, the issue of the use classification of coffee shops was not resolved. Paragraph 36 of Circular 03/2005: change of Use of Buildings and Land states that:

'Coffee shops will need to be considered on a case by case basis. Whether their primary purpose is as a shop, i.e. premises for the sale of hot beverages to be taken away, or as a cafe, where the primary purpose is the consumption of beverages off the premises, or indeed whether it is a mix of both uses'

Although the circular does not classify 'coffee shops', it does however, recognise the various kinds of coffee shop uses and their existence and the role they play in shopping centres.

Recent appeal decisions have treated coffee shops as both A1 and mixed use A1/A3. The need for a mixed-use definition was established following the Hounslow decision (2002) and where it could not be clearly established which was the primary and which was the secondary use of the coffee shop. A further relevant appeal decision relates to Winchester's primary shopping frontage, the Inspector found that the coffee shop was a mixed use (A1/A3), but indicated that he would have allowed the appeal even had it been an A3 use because of the positive and necessary role played by such uses in principle shopping streets (2004). In Rugby, 2008, an Inspector commented that the proposal for a coffee shop would not harm the primary shopping area, due to the increased footfall and the A1 element.

It is acknowledged that coffee shops are common in high streets and town centres and this proposed mixed-use concept is unlikely to be out of character with the traditional retail high street. Furthermore, it has become apparent that coffee shops in primary retail frontages can enhance the shopping experience by providing a location for shoppers to relax. Coffee shops also act as a location for people to meet. When combined, these two effects can add to the vitality and viability of a town centre.

Although the proposal would further reduce the percentage level of retail uses, contrary to Policy S11, given the appeal decisions and bearing in mind this type of premises attract a high number and regular flow of customers who either choose to take food and drink products off the premises (a retail use) or sit down and consume such products (a cafe use), it is considered that in this particular case the proposed mixed-use would maintain the vitality and viability of the Ruislip Major Town Centre.

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

Not applicable No housing is proposed

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

This site is within the Ruislip Village Conservation Area. Following the recent Conservation Area designation, any new development should preserve or enhance the character and appearance of the area (PPS 5). There are no alterations proposed to the approved shop front and signage and therefore there would be no objections from a conservation point of view. As such the proposal would comply with Policy BE4 of the UDP (Saved Policies September 2007).

#### **7.04 Airport safeguarding**

Not applicable, the application is not within a safeguarding area.

#### **7.05 Impact on the green belt**

Not applicable, the application does not effect the Green Belt.

#### **7.06 Environmental Impact**

Not applicable.

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

There are no external alterations proposed as part of this application, the application is for change of use only. As such the proposal is considered to comply with Policy BE13 of the UDP (Saved Policies September 2007).

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

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated. The Environmental protection officer has not raised an objection to the application subject to a number of safeguarding conditions being applied relating to the; hours of operation; extract ventilation systems and odour control; noise; deliveries; and litter, in order to safeguard the amenity of residents and the surrounding area. Therefore subject to condition the proposal is considered to accord with policies OE1 and OE3 of the UDP (Saved Policies September 2007).

#### **7.09 Living conditions for future occupiers**

Not applicable, no housing is proposed.

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

There is no off-street car parking for customers of this site, however, there is limited on-street parking available. It is not considered the traffic generation between A1 and A1/A3 would be significantly worsened if the proposal received permission. Therefore the proposal would comply with AM7 and AM14 of the UDP (Saved Policies September 2007).

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

Not applicable, the application is for change of use only and does not involve any alterations to the building.

#### **7.12 Disabled access**

Not applicable, the application is for change of use only and does not involve any alterations to the building.

#### **7.13 Provision of affordable & special needs housing**

Not applicable, no housing is proposed.

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

Not applicable, the application is for change of use only. The site is situated within an existing commercial area and would not have any effect on any existing landscape features.

#### **7.15 Sustainable waste management**

The Waste Development Manager has commented on the application and advised that a number of criteria are met regarding the waste management of the site (These are listed in full above). These details have not been submitted however, it is considered these issues could be dealt with by way of a condition should members wish to approve the application.

#### **7.16 Renewable energy / Sustainability**

Not applicable, the application is for change of use only and does not involve any alterations to the building.

#### **7.17 Flooding or Drainage Issues**

The site is not within a flood zone and no further drainage issues have been raised.

#### **7.18 Noise or Air Quality Issues**

See impact on neighbours section (above)

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

Point 2 would not be a material planning consideration in the determination of this planning application and the remaining points are addressed on the body of the report.

#### **7.20 Planning Obligations**

None

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

Not applicable

#### **7.22 Other Issues**

None

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

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

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

Not applicable

#### **10. CONCLUSION**

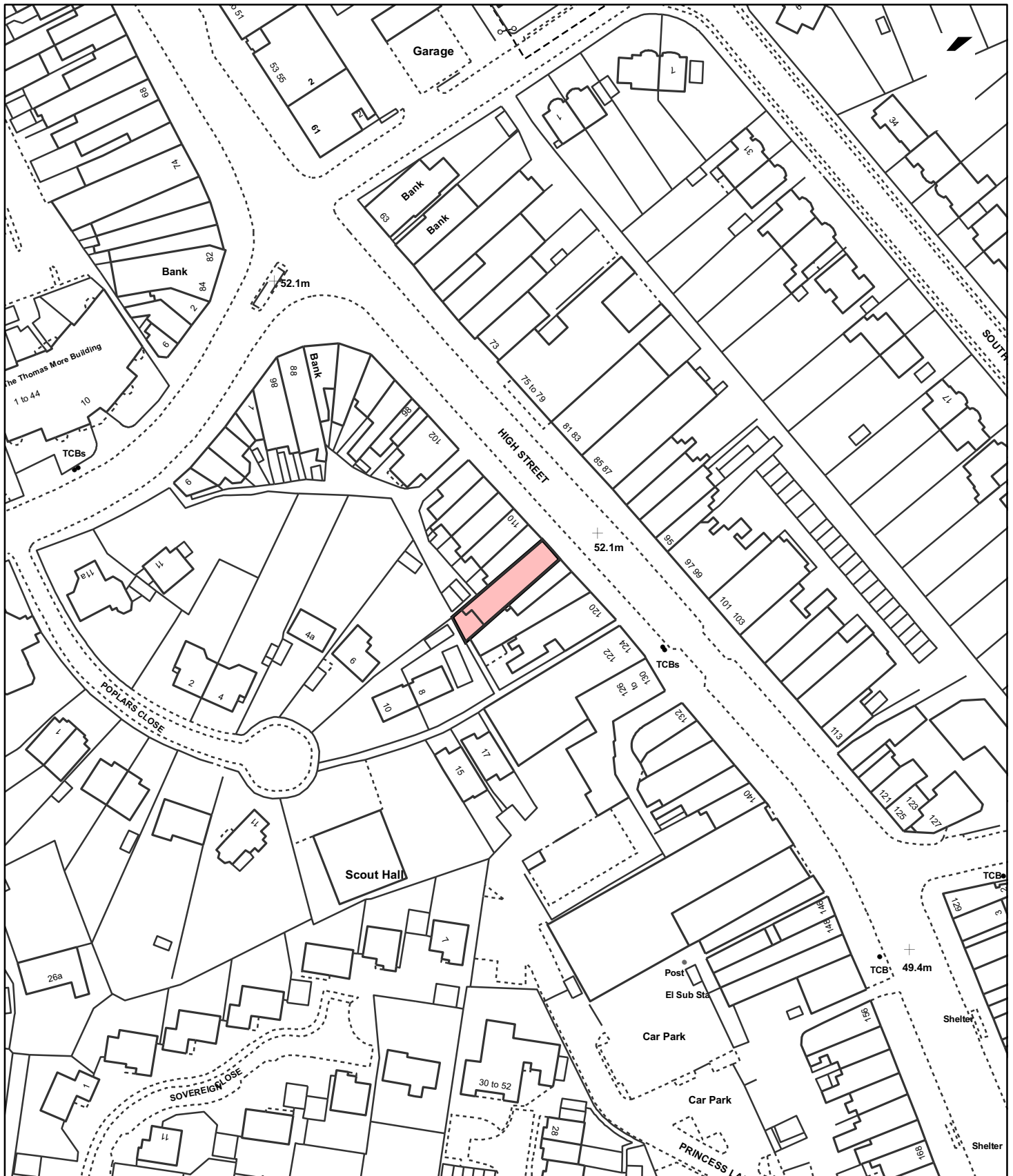
The proposed change of use would further reduce the percentage level of retail uses within the Ruislip Town Centre. However, given that coffee shop uses are an established feature within the high street and bearing in mind this type of premises attracts a high number and regular flow of customers, it is considered that the proposed mixed use would help to maintain the vitality and viability of Ruislip Town Centre. The proposal is unlikely to adversely affect the amenity of surrounding residential properties or prejudice highway and pedestrian safety. Accordingly, planning permission is recommended for approval.

#### **11. Reference Documents**


Unitary Development Plan (Saved Policies September 2007)  
London Plan Policies (2008)

**Contact Officer:** Catherine Hems

**Telephone No:** 01895 250230



**Notes**

 Site boundary

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Site Address	
<b>114 High Street Ruislip</b>	
Planning Application Ref:	Scale
<b>28254/APP/2011/454</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>April 2011</b>

**LONDON BOROUGH  
OF HILLINGDON**

**Planning,  
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