

Report of the Head of Planning & Enforcement Services

Address 534 VICTORIA ROAD RUISLIP

Development: Change of use from Class A1 (Retail) to Class A2 (Financial and Professional Services) for use as an estate agent.

LBH Ref Nos: 3677/APP/2011/851

Drawing Nos: Existing Floor plan
Proposed Floor plan
Location Plan to Scale 1:1250

Date Plans Received: 05/04/2011 **Date(s) of Amendment(s):**
Date Application Valid: 14/04/2011

1. SUMMARY

The site is within the core area of the South Ruislip Local Centre and comprises a ground floor commercial unit. Policy S9 states that in Local Centres the Local Planning Authority will only grant planning permission to change the use from Class A1 shops outside the core areas. Local Centres are generally much smaller than Town Centres and in order that these centres retain a strong retail core, with more than just the bare minimum of shops, the Local Planning Authority will not grant planning permission to change the use from Class A1. The application seeks the change of use of an existing A1 (retail) use to a A2 (Financial and Professional Services) use and therefore would be contrary to adopted policy. 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 would erode the retail function and attractiveness of the core area of South Ruislip Local Centre, harming the vitality and viability of that shopping area. The proposal is therefore contrary to Policy S9 of Hillingdon's adopted Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE 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.

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| 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 |
| S9 | Change of use of shops in Local Centres |
| 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 |
| AM14 | New development and car parking standards. |
| AM7 | Consideration of traffic generated by proposed developments. |
| LPP 3D.1 | London Plan Policy 3D.1 - Supporting Town Centres. |
| LPP 3D.3 | London Plan Policy 3D.3 - Maintaining and Improving Retail Facilities. |

3. CONSIDERATIONS

3.1 Site and Locality

The application is situated in a corner position, fronting the junction of Long Drive and Victoria Road and, as such, has a wider than average frontage. The application relates to a ground floor commercial unit within the parade, with residential above. The site has a wide footway to the front, together with a service/access road to the rear. The site is situated within the Core Area of South Ruislip Local Centre as identified in the Hillingdon Unitary Development Plan (UDP) Saved Policies (September 2007).

3.2 Proposed Scheme

The application seeks permission to change the use of the site from Retail (Use Class A1) to an estate agents (Use Class A12). No external alterations are proposed as part of this application.

3.3 Relevant Planning History

3677/B/83/1713 534 Victoria Road Ruislip
Erection of single storey storage building

Decision: 25-01-1984 Approved

Comment on Relevant Planning History

None

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

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|----------|--|
| BE13 | New development must harmonise with the existing street scene. |
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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

30 neighbours and interested parties were consulted and a petition of 37 signatures has been received objecting to the application on the following grounds:

1. We have always defended the need for diversity of retail premises in order to maintain a healthy balance of services for the public.
2. The future success of the parade is served by this approach.
3. Once a parade loses its diversity and popularity it will be set on an irreversible downward trend. Please do not let this happen.

NATS: No safeguarding objections.

MOD: No safeguarding objections.

Crossrail: Do not wish to make any comment on this application

Internal Consultees

Environmental Protection Unit: No objection subject to conditions relating to hours of operation, hours of deliveries and waste collections, details of air handling units and the construction site informative.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy S9 of the Unitary Development Plan Saved Policies September 2007 states that in Local Centres the Local Planning Authority will only grant planning permission to change the use from Class A1 shops outside the core areas.

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.

There are no external alterations proposed to the frontage as part of this application, and therefore the proposal would comply with the first criteria, and loss of residential amenity and highway considerations are considered acceptable. However, the application site is within a core area of a designated Local Centre. Local Centres are generally much smaller than Town Centres and in order that these centres retain a strong retail core, with more than just the bare minimum of shops, Policy S9 states, the Local Planning Authority will not grant planning permission to change the use from Class A1. The application seeks the change of use of an existing A1 (retail) use to an A2 (financial and professional services) use and therefore would fail to comply with this policy. The principle of the change of use is thus considered unacceptable.

Members will note that another application on this agenda, at 516A, for a change of use within the core area is recommended for approval. However, there are differences between the applications with the main one being that 516A was the subject of an appeal where the Inspector considered that this site had been in non-retail use, albeit unauthorised, for a considerable period of time and thus it had made little contribution to the vitality and viability of the core area. This is not the case with 534 and there are therefore no extenuating circumstances for allowing its loss to non-retail use.

7.02 Density of the proposed development

Not applicable to this application

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

Not applicable to this application

7.04 Airport safeguarding

Not applicable to this application

7.05 Impact on the green belt

Not applicable to this application

7.06 Environmental Impact

Not applicable to this application

7.07 Impact on the character & appearance of the area

There are no external alterations proposed as part of this application and the existing frontage will be retained. Therefore the proposal would comply with Policy BE13 of the UDP Saved Policies (September 2007).

7.08 Impact on neighbours

Policy OE1 of the UDP (Saved Policies September 2007) 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 change of use from A1 (retail) to A2 (financial and professional services) is not considered to result in any additional noise and disturbance over the current situation and therefore is considered to comply with policies OE1 and OE3 of the UDP Saved Policies (September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application

7.10 Traffic impact, car/cycle parking, pedestrian safety

The site occupies a corner position, fronting a busy traffic-lighted junction, and does not have any dedicated off street parking available for customers. However, it is not considered the traffic generation between A1 (retail) and A2 (financial and professional

services) uses would be significantly different. Furthermore, metered parking is available to the front of units in Long Drive, and therefore on-street, short stay, parking is more readily available. The proposal would therefore comply with policies AM7 and AM14 of the UDP Saved Policies (September 2007).

7.11 Urban design, access and security

Not applicable to this application

7.12 Disabled access

The application is for change of use only and does not involve any alterations to the building, however, it is recommended that if permission were to be granted an informative is added advising the applicant of the need to comply with The Building Regulations Part M 'Access to and use of Buildings.' Therefore the proposal would comply with the intentions of Policy 3A.4 of the London Plan and the Council's HDAS: Accessible Hillingdon.

7.13 Provision of affordable & special needs housing

Not applicable to this application

7.14 Trees, Landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

The application is for change of use only and does not involve any alterations to the building. Furthermore, it is not considered the waste generation between an A1 and A2 use would be significantly different.

7.16 Renewable energy / Sustainability

Not applicable to this application

7.17 Flooding or Drainage Issues

Not applicable to this application

7.18 Noise or Air Quality Issues

Not applicable to this application

7.19 Comments on Public Consultations

The comments received have been addressed in the body of the report.

7.20 Planning Obligations

Not applicable to this application

7.21 Expediency of enforcement action

Not applicable to this application

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 to this application

10. CONCLUSION

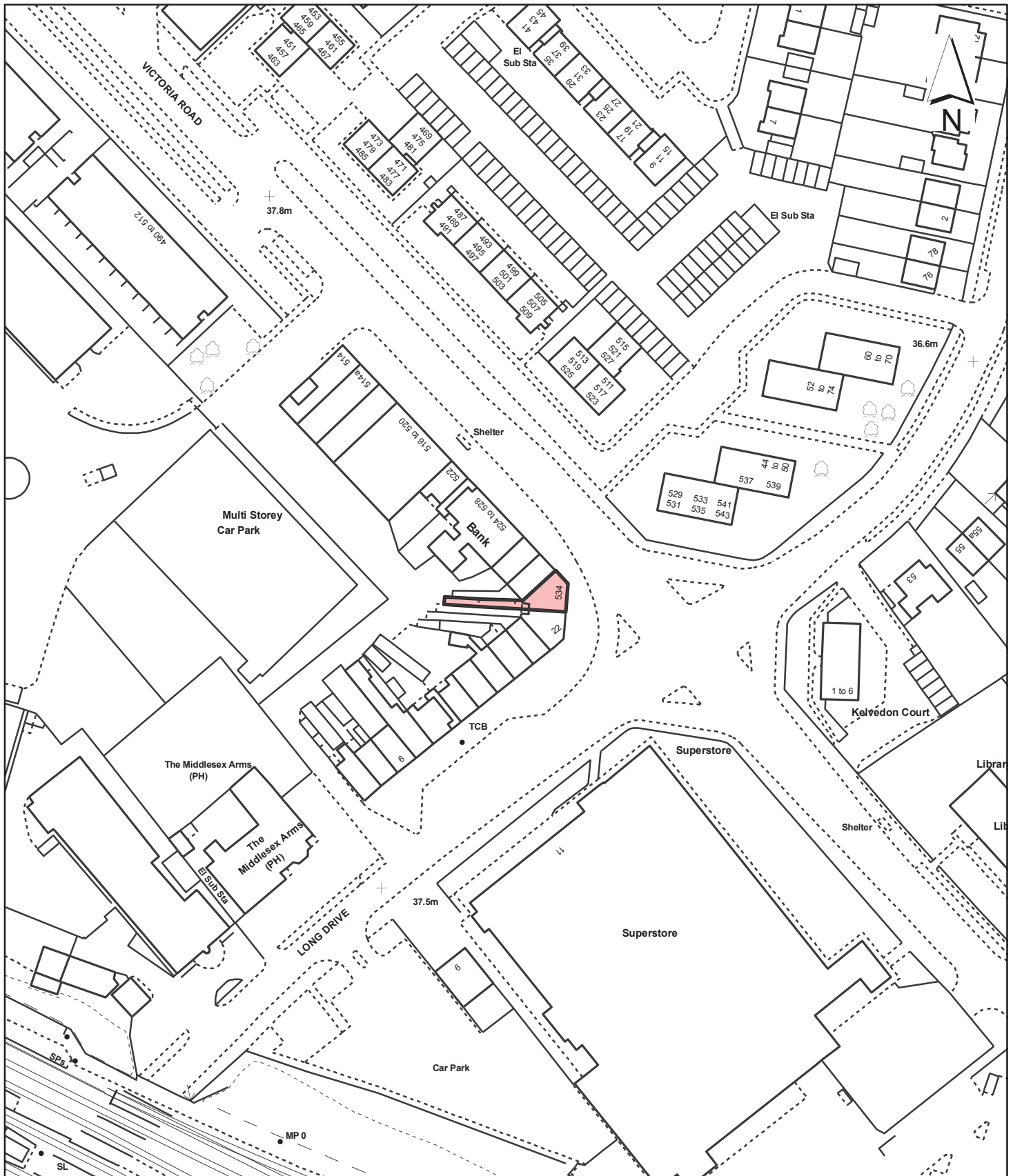
The application site is within the core area of the Local Centre and still maintains an A1 (retail) use. Local Centres are generally much smaller than Town Centres and in order that these centres retain a strong retail core, with more than just the bare minimum of shops, Policy S9 states, the Local Planning Authority will not grant planning permission to change the use from Class A1. The application seeks the change of use of an existing A1 (retail) use to an A2 (financial and professional services) use and therefore would fail to comply with this policy.



11. Reference Documents

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

Contact Officer: Catherine Hems

Telephone No: 01895 250230



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| | <p>Planning Application Ref:</p> <p>3677/APP/2011/851</p> | <p>Scale</p> <p>1:1,250</p> | |
| | <p>Planning Committee</p> <p>North</p> | <p>Date</p> <p>July 2011</p> | |
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