

## Report of the Head of Planning & Enforcement Services

**Address** PEMBROKE HOUSE, 5 - 9 PEMBROKE ROAD RUISLIP

**Development:** Change of use of ground and first floor from Use Class B1 (Business) to Use Class D1 (Non-Residential Institutions) for use as a nursery

**LBH Ref Nos:** 38324/APP/2012/42

**Drawing Nos:** SB/B46/1A  
SB/B46/2A  
SB/B46/3  
Location Plan to Scale 1:1250  
Design and Access Statement  
Transport Statement

**Date Plans Received:** 10/01/2012                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 24/01/2012

### 1. SUMMARY

Planning permission is sought for the change of use of part of this vacant office building for use as a childrens's day nursery. The proposal relates to the ground and first floors only.

Whilst originally an office building, planning permission has been granted for the use of the upper floors for residential accommodation, and for the ground floor to be used for retail purposes. This permission has not been implemented. A legal agreement is recommended to prevent the previous permission being implemented alongside the proposed development.

There is no objection in principle to the conversion of the ground and first floors to a day nursery use. A satisfactory standard of play space within the building can be created and the applicants have confirmed that there is no intention or requirement to provide an external play area.

Adequate parking and drop-off arrangements can be made available for the proposed use and there would be no significant increase in traffic generation that would result, nor are there any concerns relating to pedestrian and vehicular safety in the vicinity of the site.

The proposal would not adversely affect the residential amenity of adjoining occupiers, particularly in the light of the existing use for office purposes and the previously approved use for retail purposes.

It is therefore considered that the proposal would not conflict with any of the Council's planning policies and approval is recommended subject to appropriate conditions.

### 2. RECOMMENDATION

**1. That delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission, subject to the following:**

**a) That the Council enters into an agreement with the applicant under Section 106**

of the Town and Country Planning Act 1990 (as amended) and/ or other appropriate legislation to secure:

i) 10 Year Green Travel Plan in accordance with TfL guidance.

ii) Car Parking Management Scheme, including stagger pick up/drop off times.

iii) To prevent the implementation of this planning permission alongside planning permission 38324/APP/2011/786.

b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

c) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.

d) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised within 6 months of the date of this committee resolution, or any other period deemed appropriate by the Head of Planning, Sport and Green Spaces to grant planning permission, then the application may be referred back to the Committee for determination at the discretion of the Head of Planning, Sport and Green Spaces.

e) That subject to the above, the application be deferred for determination by the Head of Planning, Sport and Green Spaces under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

f) That if the application is approved, the following conditions

**1 T8 Time Limit - full planning application 3 years**

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 SB/B46/1A, SB/B46/2A, SB/B46/3 and Location 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 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

**3 COM12 Use Within Same Use Class**

The premises shall be used as a day nursery only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

## REASON

To ensure that the use remains appropriate to the site and to protect the amenities of the nearby residential occupiers as required by Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

### **4 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Car Parking Spaces and Layout (Drawing: SB/B46/3), and  
Refuse and Recycling Facilities (Drawing: SB/B46/3)

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

## REASON

1. To ensure that the development provides adequate parking in accordance with Policies AM7 & AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007); and
2. To ensure that the development is served by adequate refuse facilities in accordance with Policy 5.17 of the London Plan (July 2011).

### **5 HLC3 Hours of Use**

The day nursery shall only operate between the between the hours of 07:00 and 20.00. There shall be no staff allowed on the premises outside these hours.

## 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 Policies September 2007).

### **6 NONSC Cycle Parking**

The use hereby approved shall not commence until details of facilities to be provided for the covered, appropriately sign posted, secure and screened storage of cycles at the premises have been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained for so long as the use remains in existence.

## 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 the London Plan (2011).

## **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 (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM3	Proposals for new roads or widening of existing roads
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM16	Availability for public use of parking spaces in commercial developments in town centres and other 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
OE5	Siting of noise-sensitive developments
OE12	Energy conservation and new development
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R10	Proposals for new meeting halls and buildings for education, social, community and health services
R12	Use of premises to provide child care facilities
R13	Use of residential accommodation for educational and child care premises
R14	Provision child care facilities in shopping and other large developments
R16	Accessibility for elderly people, people with disabilities, women and children
LE6	Major officer and other business proposals in town centres

## **3 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

## **4 I15 Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control

of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

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

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

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

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

## **5 15 Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is located on the northern side of Pembroke Road, within the Ruislip Town Centre, but not within the primary or secondary shopping areas. The property comprises a four storey detached building known as Pembroke House, formerly used for B1 (office) purposes and currently vacant. However, the ground floor has planning permission for retail use and the first, second and third floors of the building have permission for residential use.

The site is bounded by housing to the north-west and north-east with Ruislip Station and Kings Lodge flats located to the south. The main shops are to the west on the High Street (A4180).

The application site has a parking area to the rear accessed via a shared drive along the north eastern boundary with 11-17 Pembroke House which comprises a three storey flat development also with car parking to the rear.

There are no significant landscape features on the site which constitute a constraint on this change of use application.

The site is located adjacent to the Ruislip Village Conservation Area.

### **3.2 Proposed Scheme**

Planning permission is sought for a change of use of the existing offices on the ground and first floor for use as a childrens's day nursery.

The total gross internal floor space for the proposed nursery would be 476 square metres.

At ground floor level the existing open plan office would be divided by partition walls to create a series of play spaces for 2-3 years olds and 3-5 year olds, a nappy changing area and toilet and staff accommodation.

At first floor level the existing accommodation would be adapted to provide rooms for under 1 year olds and 1-2 year olds, together with a nappy changing area and kitchen facilities.

The nursery would be accessed from the existing front entrance to the property, and would have access to the lift that already exists within the building.

The applicant proposes that 5 parking spaces would be provided within the existing car park at the rear of the site for drop off and pick up purposes. Two external refuse stores are proposed.

The applicant estimates that up to 87 children could be accommodated within the nursery which would require up to 25 staff. This would not necessarily be all at the same time.

The proposed hours of use would be 7am to 7pm Mondays to Saturdays.

### **3.3 Relevant Planning History**

38324/APP/2011/786      Pembroke House, 5 - 9 Pembroke Road Ruislip

Part conversion from retail/offices (Use Class A1/B1) to 6 x two-bedroom flats and 3 x three-bedroom flats with associated parking, amenity space, cycle store and bin store, alterations to elevations, new fenestration to upper floors, demolition of existing external fire escape and alterations to existing vehicular crossover.

**Decision:** 20-12-2011      Approved

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

There is some recent planning history of relevance to this application.

38324/APP/2011/786 - Planning permission was granted in December 2011 for the part conversion of the premises from retail/offices (Use Class A1/B1) to 6 x two-bedroom flats and 3 x three-bedroom flats with associated parking, amenity space, cycle store and bin

store, alterations to elevations, new fenestration to upper floors, demolition of existing external fire escape and alterations to existing vehicular crossover.

This permission approved a retail use on the ground floor, and the provision of residential flats on the upper floors. The residential flats were proposed to be accessed via the existing front entrance to the building, whilst the planted areas to the front of the building were proposed to be removed to allow a separate access to the retail unit on the ground floor. This permission has not been implemented, although some works appear to be taking place within the building.

38324/APP/2002/2285: Erection of additional office space at roof level, new roof and change of use of ground floor office to retail use. This was approved 25 April 2003 but not implemented.

#### **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:

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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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
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OE12	Energy conservation and new development
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R10	Proposals for new meeting halls and buildings for education, social, community and health services
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## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **29th February 2012**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

82 adjoining/nearby occupiers were consulted on 26th January 2012. 5 representations have been received, 3 of which object/raise concerns, 2 of which support the application:

1. It appears to be a good location (very near public transport) and use of premises but I am concerned that there is no outdoor provision for the youngsters - garden/play area.
2. We are against the plans as we feel that this could cause serious parking problems entering and leaving Neyland Court at peak times of the day and the sheer amount of cars dropping off and picking up children. We are also worried about the amount of noise during the day this would cause.
3. This service is much needed and we should encourage small businesses in the area to create jobs.
4. I fully support this application. The area desperately needs more childcare provision.
5. There is no outside area for children, there would be a significant amount of additional traffic, the 90 places will be taken by working parents, therefore vehicles will be parked in surrounding roads, with the 27 staff also looking for parking. 6 parking bays are inadequate for each of the morning or afternoon sessions, and cars dropping off at the front of the premises will cause havoc. The amenity space for the residential flats above would be compromised by the proposed use and cannot be used twice for two different purposes, the site plan is incorrect, and the use of the local park as outdoor space is unacceptable as it would be taken over by nursery children.

### RUISLIP RESIDENTS ASSOCIATION:

Planning consent has recently already been granted for conversion of first, second and third floors to residential use and it would appear that work has already commenced on this. Should this be the case what is the position regarding planning consent for another use i.e. is the residential consent still valid?

The approval for residential use included an amenity space however the current application shows that this will be taken over for car parking. The application does not show the layout of other parking and infers that the space would be used as a drop off and pickup point. This would be impractical and encourage parents to stop in Pembroke Road. Again this would be impractical (yellow line restrictions opposite Station Approach and close to traffic lights.)

Social Services/Education departments should confirm that if 90/children/27 carers is acceptable



and space/toilet etc facilities appropriate. There is also a lack of secure amenity/play area space and no direct connection between floors the only access being via stairs or lift available to other occupants of the building.

We believe that this would be an inappropriate site for such a venture and would oppose it on the grounds stated in support of nearby residents who share similar concerns.

### **Internal Consultees**

#### **TREES AND LANDSCAPE TEAM:**

The site is occupied by an office block opposite Station Approach. Vehicle access to the side provides access to a small car park to the rear, which is delineated by kerbs and white lines with a limited area of soft landscape. An off-site conifer hedge along the northern boundary provides privacy and screening. There are no trees, protected or otherwise, close to the site. However, it is just outside a Conservation Area.

The proposal is to change the use of the first and ground-floors from business to use as a nursery. 5 No. parking spaces are indicated at right angles to the rear of the building together with two refuse bins. The location of the car spaces indicates that a change to the car parking layout is proposed.

Saved Policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

No trees or other landscape features of merit will be affected by the development and the proposal will have little impact when viewed from the front.

The proposed change to the rear access and the car park layout should be shown. The opportunity should be taken to secure soft landscape enhancement (tree planting) in association with the new layout.

External storage for the refuse bins can have a detrimental visual impact on the landscape. Where possible they should be sited discretely in a sheltered compound which should be screened by planting.

A landscape management/maintenance plan should be submitted to ensure that the landscape of this communal area established and maintained in accordance with good practice.

No objection, subject to the above considerations and conditions TL5, TL6 and TL7.

#### **URBAN DESIGN AND CONSERVATION:**

This is a modern block of offices adjacent to the Ruislip Village Conservation Area. Permission for part conversion of the building and elevation changes has already been given. The proposed alterations are internal and would not have an impact on the Conservation Area. It is, therefore, acceptable. No objections from a conservation point of view.

#### **ENVIRONMENTAL PROTECTION UNIT:**

I spoke to the agent Mr Benaim on the 31st January 2012 to enquire about the provision of an external play area as this is not indicated on the submitted drawings. It is this element of these types of proposals which, in certain locations adjacent to residential dwellings, give rise to noise disturbance.

(OFFICER COMMENT: The applicant has since confirmed that no external play area is proposed or required to be provided).

#### HIGHWAYS:

No objection, there is sufficient parking to service the proposed development and impacts on the highway network will be acceptable. A legal agreement should be secured requiring the implementation of a green travel plan and a management scheme for car parking, including stagger drop off and pick up times.

## **7. MAIN PLANNING ISSUES**

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

The loss of the office accommodation has been considered acceptable in the granting of the previous application which permits the change of use of the premises to residential and retail. There has been no change in policy since that decision (December 2011) to warrant a different conclusion now being reached in this respect.

Whilst the National Planning Policy Framework (NPPF)(March 2011) encourages economic growth, it does not seek to prevent the loss of office accommodation in locations such as this. Moreover, it encourages the good use of existing buildings for alternative and appropriate uses. It is considered that the proposed use would be a "sustainable development" which the NPPF clearly advocates.

It is also considered that the proposed use within the town centre with its reasonably good public transport accessibility would help enhance the vitality of Ruislip Town centre. It would provide a complementary service to the shops and work places in the area, and its location is suited to encouraging linked or combined trips (either to the shops or public transport).

There is therefore no objection in principle of the development on the site, subject to the proposal satisfying other policies within the UDP.

Were this application to be granted it is assumed that the previously permitted scheme for residential and retail use would not be implemented, as that proposal, as approved and subject to conditions, could not be implemented in conjunction with the proposed day nursery use unless a revised plan were submitted to the Council for consideration. Whilst this day nursery application provides little information on the use of the remaining upper floors, it is assumed that the upper floors are to remain in their current use as office accommodation. Whilst some internal works appear to be being undertaken at the application premises, no applications have been submitted to discharge the conditions attached to the previous approval which is a pre-requisite of the commencement of that development.

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

Not applicable to this application.

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

The site does not fall within an Archaeological Priority Area and there are no Listed Buildings or Areas of Special Local Character within the vicinity. Whilst the site is located adjacent to the Ruislip Village Conservation Area the Council's Conservation Officer has been consulted on the application and stated that the use would not be detrimental to the street scene and appearance of the conservation area. As such the scheme is considered to comply with Saved Policy BE4 of the UDP.

### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

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

Policy BE13, seeks to ensure that new development will harmonise with the existing street scene and not result in a significant loss of residential amenity. Policy BE4 states that development on the fringes of Conservation Areas will be expected to preserve or enhance those features which contribute to their special architectural and visual qualities.

The proposal does not result in any external changes to the site, and as such the proposal would not result in any adverse impact on the character and appearance of the area.

The Council's Conservation Officer raises no objection to the scheme. As such, the application is considered to accord with Policies BE4 and BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) and also with the National Planning Policy Framework.

### **7.08 Impact on neighbours**

Saved Policies BE20, BE21 and BE24 seek to ensure that new development protects the amenities of existing dwellings in terms of sunlight, outlook and privacy. Policy OE1 seeks to ensure that new uses are not detrimental to the amenities of surrounding properties through traffic generation or other noise and disturbance.

The site is bounded by housing to the north-west and north-east with Ruislip Station and Kings Lodge flats located to the south. The nearest residential properties on the High Street are set some 25m from the application building and the properties to the rear on Brickwall Lane are set some 35m to 45m away.

The proposal does not result in any external changes to the building and thus there would be no concerns in relation to overlooking or loss of privacy arising from the proposed change of use.

The proposed use would result in a number of children visiting the premises, either on foot or by car. However, a designated parking/drop off area would be provided to the rear of the building, and it is considered that the arriving and departing of children and their carers, which would be staggered throughout the day, would not give rise to any significant increase in noise and disturbance that would adversely affect the amenities of surrounding residents. The number of movements is unlikely to be any greater than that which might be experienced were the proposed floors retained as office accommodation or the approved retail/residential use and would be commensurate with that which would be expected in this town centre location.

No external play space is proposed, and the applicant has confirmed that there is no statutory requirement for them to do so.

The proposed use would therefore not cause any significant harm to the amenities of the surrounding occupiers and is considered to comply with Policies OE1, BE20, BE21 and BE24 of the Hillingdon 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**

Policies AM2 and AM7 are concerned with traffic generation, and access to public transport. Policies AM9, AM14 and AM15 are concerned with on-site parking. The site

falls within an area with a Public Transport Accessibility Level (PTAL) of 4. A site with a PTAL of 4 is deemed to have good transport links.

Further to the Highways Engineer's initial comments, the applicant has submitted a Transport Statement to demonstrate the limited impact of the proposed use. This suggests that there would be no more traffic generation or parking issues compared with the existing permitted use of the premises.

The proposal envisages the provision of 5 parking spaces for the sole use of the nursery within the existing parking and turning area at the rear of the site. This is considered acceptable, although additional parking spaces within this area are also likely to be available.

It is however recommended that a Green Travel Plan be provided during the lifetime of the development so as to encourage users and staff to use alternative modes of transport other than the car. A parking management scheme, including a requirement for staggered drop off and pick up times is also recommended. These aspects could be secured by way of an appropriate legal agreement.

As such, it is considered that the development would not be prejudicial to highway and pedestrian safety and that it would comply with Policies AM7(ii) and AM14 of the Hillingdon UDP (Saved Policies, September 2007). Traffic associated with the development can be adequately accommodated on the adjoining highway network and would be unlikely to be prejudicial to the free flow of traffic and conditions of general highway safety in accordance with the aims of Policies AM2 and AM7 of the Hillingdon UDP (Saved Policies, September 2007).

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

There are no changes proposed to the external appearance of the building and hence there are no design issues that arise. The Design and Conservation Officer raises no objection to the proposal.

The existing access arrangements to the building would be retained, with a separate internal entrance to the nursery accommodation. Level and lift access are provided as appropriate.

#### **7.12 Disabled access**

The applicant has stated that the scheme will enable disabled access and level thresholds. Subject to conditions, the proposal is considered to comply with the intentions of Policy 3.8 of the London Plan (July 2011) and the Council's Accessible Hillingdon SPD (January 2010).

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

Not applicable to this application.

#### **7.14 Trees, landscaping and Ecology**

Policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

In this respect no changes are proposed to the external appearance of the building or the site, other than in respect of the location of a bin store within the existing car parking area. The appearance of this can be secured by means of an appropriate condition.

The proposal is therefore considered to comply with Policy BE38 of the Hillingdon UDP (Saved Policies, September 2007).

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

A bin store area is proposed within the existing car parking area.

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

The re-use of existing buildings is in itself sustainable as it makes the best use of resources and structures which already exist. It is therefore considered that the proposal overall would comply with the intentions of Policy 5.3 and 5.7 the London Plan (July 2011).

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

Not applicable to this application.

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

Policy OE5 of the UDP prevents the siting of noise sensitive development, such as housing, in locations where the occupants may suffer from excessive noise or vibration.

It is considered that the arriving and departing of children, and the proposed use, would not result in any significant increase in noise and disturbance to the surrounding residential occupiers. It would therefore not conflict with Saved Policy OE5 of the Hillingdon UDP (Saved Policies, September 2007).

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

These have been addressed in the consideration of this report.

#### **7.20 Planning obligations**

Policy R17 of the saved UDP is concerned with securing planning obligations to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities. However, the proposed change of use does not generate a requirement for any such obligation in this case.

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

Not applicable to this application.

#### **7.22 Other Issues**

Concern has been raised by objectors that no outdoor play space is proposed. This has been discussed with the applicants who are of the view that there is no statutory requirement for such provision. The Outdoor Space requirements from the Early Years Legal Framework suggests that it should be the norm for outdoor space to be provided although where it cannot, then outings should be planned and taken on a daily basis. The applicant accepts this arrangement.

With regard to the previous planning permission it is considered that were this application to be granted for a nursery, then only one of the permissions could be implemented. Otherwise there would be potential conflict between the entrances to the uses, and issues relating to the provision of parking and amenity space. It should therefore be assumed that the upper floors of the premises would remain in office use were the permission for the day nursery granted and implemented. The previous planning permission for a residential use of the upper floors would need to be amended to reflect the day nursery below, which would require a fresh planning application to be submitted to the Council for consideration.

### **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**

In conclusion it is considered that the proposed development would not be out of keeping with the character or appearance of the surrounding area nor would there be any adverse impact on the amenity of adjoining properties. A satisfactory form of accommodation would be provided and car parking and bicycle parking provision comply with the Council's standards.

As such, it is considered that the proposed development complies with the Hillingdon UDP (Saved Policies, September 2007), the London Plan (July 2011) policies and the NPPF. Approval of planning permission is recommended subject to conditions.


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

NPPF  
London Plan (July 2011)  
Hillingdon Unitary Development Plan Saved Policies (September 2007)  
Hillingdon Design and Accessibility Statement (HDAS)  
Council's Supplementary Planning Guidance Community Safety by Design  
Council's Supplementary Planning Guidance Planning Obligations Strategy

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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>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).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100019283</p>	<p>Site Address</p> <p><b>Pembroke House</b>  <b>5 - 9 Pembroke Road</b>  <b>Ruislip</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b>  <b>Planning, Environment, Education &amp; Community Services</b>          Civic Centre, Uxbridge, Middx. UB8 1UW          Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p><b>38324/APP/2012/42</b></p> <p>Planning Committee</p> <p><b>North</b></p>	<p>Scale</p> <p><b>1:1,250</b></p> <p>Date</p> <p><b>October 2011</b></p>	