

## Report of the Head of Planning, Sport and Green Spaces

**Address** WINDMILL COURT (FORMER WINDMILL PH) WINDMILL HILL RUISLIP

**Development:** Variation of condition 3 (Opening Hours) of planning permission Ref: 11924/APP/2013/1871 dated 27/11/2013 to allow use of property as a 24 hour 7 days gym (Change of use from A1 (shops) to flexible use permitting A1 (Shops), A2 (Financial and professional services) or use as a Gymnasium, Dental Clinic or health Centre).

**LBH Ref Nos:** 11924/APP/2015/2299

**Drawing Nos:** D11954-01-K  
Planning Statement  
Transport Assessment

**Date Plans Received:** 19/06/2015                      **Date(s) of Amendment(s):** 22/06/2015  
**Date Application Valid:** 29/06/2015

### 1. SUMMARY

The proposed scheme seeks to vary the opening hours permitted by Condition No. 3 of planning permission reference 11924/APP/2013/1871 dated 27/11/2013, to allow use of the application property as a 24 hour, 7 days a week gymnasium.

Permission 11924/APP/2013/1871 allows for the change of use of the property from Use Class A1 (shops) to flexible use permitting Use Class A1 (Shops), Use Class A2 (Financial and professional services) or use as a Gymnasium, Dental Clinic or health Centre within Use Classes D1 and D2, with the approved hours being: 0800 to 2100 Mondays to Fridays, 0800 to 2100 Saturdays and 1000 to 1800 Sundays, Public and Bank Holidays.

The proposed scheme is considered to be acceptable in relation to policy considerations for the safeguarding of residential amenity of the occupiers of adjoining and nearby properties. The applicant has proposed measures in the submitted Planning Statement / Acoustic Report, which would satisfactorily mitigate the generation of noise from the proposed 24 hour, 7 days gymnasium use, and ensure that there is no disturbance to the rest periods of neighbouring residential occupiers. The Council's Environmental Protection Unit (EPU) Officers have not raised an objection in this regard. The Council's Highways Officers have not raised an objection in relation to traffic and parking, as the submitted Transport Statement has demonstrated acceptable highways and parking impacts.

Therefore, the proposed variation of the opening hours permitted by Condition No. 3 of planning permission reference 11924/APP/2013/1871 is considered not to be harmful to the residential amenity of the adjoining and nearby occupiers.

Accordingly the application is recommended for the grant of permission.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

1            COM3            Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

**2 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number D11954-01-K and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

**3 COM12 Use Within Same Use Class**

The premises shall be used for any purpose within either Use Class A1, Use Class A2 or a Gymnasium, Dental Clinic or Health Centre, and for no other purpose (including any other purposes in Use Class D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

REASON

To ensure the development would not prejudice the free flow of traffic in accordance with Policy AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) to ensure no adverse impact on highway safety and parking issues.

**4 NONSC Non Standard Condition**

Notwithstanding the details of noise mitigation contained in the submitted Acoustic Report / Planning Statement, reference UK-0069 Revision 2, no music shall be played or amplified sound system shall be used which is audible outside of the premises or inside adjoining buildings between the hours of 2300 and 0700, 7 days a week.

REASON

To safeguard the amenities of adjoining residential occupiers in accordance with Policies OE1, OE3 and S6 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**5 NONSC Non Standard Condition**

Notwithstanding the details of noise mitigation contained in the submitted Acoustic Report / Planning Statement, reference UK-0069 Revision 2, the rating level of the noise emitted from the site shall be at least 5dB below the existing background noise level detailed in the submitted report AA603/07/04/15\_FINAL as 30dB (L90,T). The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest British Standard 4142.

REASON

To safeguard the amenities of adjoining residential occupiers in accordance with Policies OE1, OE3 and S6 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**6 NONSC Non Standard Condition**

Notwithstanding the details of noise mitigation contained in the submitted Acoustic Report / Planning Statement, reference UK-0069 Revision 2, for the first 12 months of operation, a sound level monitor shall be installed to measure sound levels within the premises. Details of the sound levels shall be recorded on a monthly basis and made available to the local planning authority at request.

**REASON**

To safeguard the amenities of adjoining residential occupiers in accordance with Policies OE1, OE3 and S6 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**7 NONSC Non Standard Condition**

Notwithstanding the details of noise mitigation contained in the submitted Acoustic Report / Planning Statement, reference UK-0069 Revision 2, a site management plan detailing how potential customer noise, including the control of unreasonable dropping of free weights or resistance weights, is to be submitted to and approved in writing by the Local Planning Authority prior to the approved use commencing. The approved management plan will thereafter be adhered to for the duration of the approved use.

**REASON**

To safeguard the amenities of adjoining residential occupiers in accordance with Policies OE1, OE3 and S6 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**8 NONSC Non Standard Condition**

There shall be no loading or unloading of vehicles, outside the hours of 0800 and 1800 Mondays to Fridays, and between the hours of 0800 and 1300 on Saturdays. No loading shall be undertaken on Sundays, Public or Bank Holidays.

**REASON**

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policies OE1, OE3 and S6 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

**2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM14 New development and car parking standards.

AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE26	Town centres - design, layout and landscaping of new buildings
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
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R16	Accessibility for elderly people, people with disabilities, women and children
S6	Change of use of shops - safeguarding the amenities of shopping areas
S8	Change of use of corner shops

### **3            I25                    Consent for the Display of Adverts and Illuminated Signs**

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

### **4            I26                    Retail Development - Installation of a Shopfront**

You are advised that planning permission will be required for the installation of a shopfront at these premises. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

## **3.            CONSIDERATIONS**

### **3.1            Site and Locality**

The application site comprises the former Windmill public house and it occupies a prominent corner location on the junction of Windmill Hill and Pembroke Road, Ruislip.

The site was granted planning permission in July 2007 (reference 11924/APP/2006/2632) for a mixed use scheme comprising residential on the upper floors with retail units on the ground floor. The development has been implemented and the site now comprises a part 3 storey / part 4 storey brick building. The residential units are currently occupied but the vacant retail units on the ground floor, which comprise a floor area of 630 square metres, are in a shell condition. Planning permission was granted in November 2013 (reference 11924/APP/2013/1871) for the change of use of the ground floor retail units from Use Class A1 shops to a more flexible range of uses permitting Use Class A1 (Shops), Use Class A2 (Financial and professional services), Use Class D1 (non-residential institutions) and D2 (assembly and leisure). The D1/D2 uses are limited to Dental clinic, Health centre or Gymnasium.

The location is made up of similar mixed uses with commercial uses at ground floor and residential above. The application site is located within the 'Developed Area' and the Ruislip

Manor Minor Town Centre as defined in the adopted Hillingdon Local Plan Part 2 Saved Policies (November 2012).

### 3.2 Proposed Scheme

The proposed scheme seeks to vary the opening hours permitted by Condition No. 3 of planning permission reference 11924/APP/2013/1871 dated 27/11/2013, to allow use of part of the vacant ground floor as a 24 hour, 7 days a week gymnasium (Anytime Fitness). The gymnasium would account for 415 square metres of the internal ground floor area.

### 3.3 Relevant Planning History

11924/ADV/2015/47      Former Windmill Ph Windmill Hill Ruislip  
Installation of 2 x internally illuminated fascia signs

**Decision:**

11924/APP/2013/1871      Former Windmill Ph Windmill Hill Ruislip  
Change of use from A1 (shops) to flexible use permitting A1 (Shops), A2 (Financial and professional services) or use as a Gymnasium, Dental Clinic or health Centre.

**Decision:** 20-11-2013      Approved

11924/APP/2015/2315      Former Windmill Ph Windmill Hill Ruislip  
Installation of new shopfront

**Decision:**

11924/APP/2015/2437      Former Windmill Ph Windmill Hill Ruislip  
Details pursuant to discharge condition 5 (Noise Mitigation) of planning permission Ref: 11924/APP/2013/1871 dated 27/11/2013 (Change of use from A1 (shops) to flexible use permitting A1 (Shops), A2 (Financial and professional services) or use as a Gymnasium, Dental Clinic or health Centre.)

**Decision:**

#### Comment on Relevant Planning History

11924/APP/2006/2632 - Redevelopment of site with a mixed use comprising thirty nine residential units in two blocks with ground and lower ground parking, amenity space and access from West Way and retail unit on ground floor facing Pembroke Road / Windmill Hill (involving demolition of public house) - Decision: Approved on 20/07/2007.

11924/APP/2013/1871 - Change of use from A1 (shops) to flexible use permitting A1 (Shops), A2 (Financial and professional services) or use as a Gymnasium, Dental Clinic or Health Centre D1/D2) - Decision: Approved on 27/11/2013.

## 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.CI1 (2012) Community Infrastructure Provision
- PT1.CI2 (2012) Leisure and Recreation
- PT1.E5 (2012) Town and Local Centres
- PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

- AM14 New development and car parking standards.
- AM7 Consideration of traffic generated by proposed developments.
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE26 Town centres - design, layout and landscaping of new buildings
- 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
- R2 Provision of recreation, entertainment and leisure facilities in Town Centres
- R16 Accessibility for elderly people, people with disabilities, women and children
- S6 Change of use of shops - safeguarding the amenities of shopping areas
- S8 Change of use of corner shops

**5. Advertisement and Site Notice**

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

**6. Consultations**

**External Consultees**

Letters were sent to local residents and the Ruislip Residents Association on 1 July 2015, and a site notice was put up on 1 July 2015. A petition containing 28 signatures has been received from local residents objecting to the proposal.

The objection raised in the petition are as follows:

- Impact on residential amenity due to noise levels and disturbance (particularly to those in Windhill Court itself).
- Parking issues
- The use would attract anti social behaviour to the area

Case Officer Comments: These issues are addressed in the main body of the report.

## **Internal Consultees**

### **HIGHWAYS OFFICER:**

No objection is raised on highway grounds.

The existing permitted hours are 0800 to 2100 Mondays to Saturdays and 1000 to 1800 Sundays and Bank holidays. The extension of operating hours fall outside the highway network peak hours and trip generation is therefore not an issue.

The original transport statement compared car parking demand and available on street spare capacity. It is not considered that the extension of hours beyond 2100 would have any material impact on on-street parking.

### **ENVIRONMENTAL PROTECTION UNIT (EPU) OFFICER:**

No objection to the proposal subject to the addition of suitable conditions to minimise disturbance to adjoining residential amenity. The submitted acoustic noise report has outlined measures to mitigate any noise disturbance from the new A/C condenser units to be installed for the gym.

The recommended conditions are:

a). Restricting the playing of music or use of amplified sound system that is audible outside of the premises or inside adjoining buildings between the hours of 2300 and 0700, 7 days a week; b). Restricting the rating level of the noise emitted from the site to at least 5dB below the existing background noise level, detailed in the submitted acoustic report as 30dB (L90,T). The noise levels shall be determined at the boundary of the nearest noise sensitive premises, and the measurements and assessment shall be made in accordance to the latest British Standard 4142; c). For the first 12 months of operation, a sound level monitor shall be installed within the premises to measure sound levels within the Gym. Details of the sound levels shall be recorded on a monthly basis and made available to the local planning authority at request; and d). A site management plan detailing how potential customer noise, including the control of unreasonable dropping of free weights or resistance weights is controlled to be submitted to the Environmental Protection Unit for approval. The approved management plan will thereafter be adhered to for the duration of the use.

## **7. MAIN PLANNING ISSUES**

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

The principle of operating a gymnasium in the application property has already been established as acceptable under permission reference 11924/APP/2013/1871.

The assessment provided for this application below seeks to establish the merits of permitting the use of the approved gymnasium beyond the hours of 2100 on Mondays to Saturdays and 1800 on Sundays and Bank holidays.

### **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 is not within a Conservation Area or Area of Special Local Character, and the application building is neither statutorily listed nor locally listed.

### **7.04 Airport safeguarding**

This application raises no airport safeguarding concerns.

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

Not applicable to this application.

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

It was previously considered under permission reference 11924/APP/2013/1871 that the approved gymnasium is compatible with a town centre location, and is not considered to be harmful in principle, to the character and appearance of the surrounding area.

Other than a small 0.3 millimetre by 0.3 millimetre glass louvre above an entrance door on the southern elevation fronting Pembroke Road, this application does not propose any specific alterations to the ground floor of the building (even though indicative sketch schemes have been provided). It is instructive to note that the applicant has submitted separate applications (references 11924/ADV/2015/47 and 11924/APP/2015/2315) for a new shopfront and associated advertisements for the approved gymnasium. The applications have not yet been determined.

Given the above, it is considered that the proposed development will not be harmful to the character and appearance of the area, and it complies with the requirements of Policies S6, BE13 and BE26 of the adopted Hillingdon Local Plan Part 2 Saved Policies (November 2012).

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

Policies OE1, OE3 and S6 of the adopted Hillingdon Local Plan Part 2 Saved Policies (November 2012) require a consideration of potential changes of use on the amenity enjoyed by adjoining and neighbouring residential properties.

The concern of the neighbours in respect of noise and disturbance is noted. The close proximity of the application premises to residential properties in the locality, as well as the existence of residential units above the property, is such that it was considered appropriate as part of permission 11924/APP/2013/1871 to restrict the hours of use of the premises to weekdays 0800 to 2200, Saturdays 0800 to 2200 and Sundays 0900 to 2000, to safeguard the residential amenity of adjoining and nearby occupiers.

The applicants have submitted that the 'Anytime Fitness' gym franchise operates on a 24 hour a day, 7 days a week model, which accounts for the proposed variation of the restrictive hours under Condition No. 3 of permission 11924/APP/2013/1871. The applicants have submitted an acoustic noise assessment report with noise mitigation measures embedded in a Planning Statement, which identifies the residential units above as the nearest noise sensitive receptors. Some of the mitigation measures outlined in the noise report are the installation of a secondary 'floating' concrete floor in the free weights area, housing external AC condenser units in an acoustic enclosure and locating them on anti-vibration mounts, using a sound level meter to control and maintain music levels at no higher than 71dB LAeq (78dBZ) on average, and installing non-opening windows and providing comfort cooling by air conditioning. The applicants further submit that the member usage statistics of some of the closest existing Anytime Fitness gyms to Ruislip Manor demonstrate that only a small percentage (generally between 1 percent and 5 percent) of members work out between the hours of 2300 and 0600.

It is instructive to note that the applicant has submitted an application (reference 11924/APP/2015/2437) to discharge Condition No. 5 attached to permission 11924/APP/2013/1871. Condition No. 5 requires the submission of and approval of details of noise mitigation measures including the LnTw measurements, prior to the approved gymnasium use commencing. The Council's EPU Officer has advised that the proposed measures are satisfactory to ensure the mitigation of airborne noise, impact sound from free weights, sound from the A/C condenser units and noise from the Air Handling Unit (AHU)



equipment. The Council's EPU Officer has advised that whilst the A/C condenser units have the possibility of generating the greater noise, the recommended conditions outlined above in the 'Internal Consultees' are considered adequate to mitigate such generation of noise.

The presence of other noise generating premises in close proximity to the application site such as as Kwik-fit and Daytona Motorcycles (which produce intermittent loud noises such as impact wrenches and the revving of engines) is noted. It is noted that these neighbouring premises do not have opening hours that extend beyond 1800, and would not therefore generate noise at the times affected by this application. The applicant has submitted and evidenced that only a small percentage of members are likely to work out between the hours of 2300 and 0600, and as such, any cumulative noise generated from the 'comings and goings' of customers accessing the premises at such late hours is such that it would not result in the transmission of unacceptable noise and disturbance to adjoining and nearby occupiers. Therefore, it is considered that the proposal would not be significantly harmful to the amenity of adjoining and nearby occupiers, and accord with policies OE1, OE3 and S6 of the adopted Hillingdon Local Plan Part 2 Saved Policies (November 2012).

The concern of the neighbours in respect of traffic and parking issues is noted. The applicant has submitted that anticipated users of the gymnasium would potentially include residents of Windmill Court itself, and members of the local community who could walk to the premises from either home or work, reducing their dependence on driving or using mass transit. The applicant has submitted that the information in the Transport Statement approved with permission 11924/APP/2013/1871 is applicable in respect of car parking demand and available on-street spare capacity. The Council's Highways Officer has no objection to the proposed scheme and has advised that the extension of operating hours falls outside the highway's network peak hours. As such, trip generation to the application premises is not an adverse concern, as the extension of hours beyond 2100 would not have any material impact on available on-street parking.

The neighbours submit that proposing a 24 hour gymnasium with access to heavy duty equipments so late at night, with no attendant staff and located opposite an existing low cost public house (JJ Moons) will result in anti-social behaviour. In this regard, it is instructive to note that the applicants have submitted that gym members will use a security-access key fob to enter the premises, even when it is not staffed. This would ensure that the gym facility never closes the door to active members with a unique swipe entrance for key. It is considered that this measure of accessing the premises would help to ensure a reasonable level of security in and around the premises.

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

Not applicable to this application.

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

The application site is located within a mixed use area, which forms a local / neighbourhood centre. There is good public transport including the railway station within a few minutes walking distance of the application site.

As outlined in the above section, the Highways Officer has not raised any objections to the proposed use of the approved gymnasium on a 24 hour, 7 days a week basis. There is a loading layby in Pembroke Road along the site frontage. 3 on-site parking spaces are provide for staff. Customers travelling by car will have to use on-street or off street places in car parks. Surveys indicate spare capacity of at least 38 spaces in the vicinity of the site, which the Highways Officer considers to be an acceptable provision.

As such it is considered that the proposed scheme complies with policy AM7 and AM14 of the adopted Hillingdon Local Plan Part 2 Saved Policies (November 2012).

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

In terms of access and security, it has been outlined above in the 'Impact on Neighbours' section that customers accessing the gymnasium on the application premises will use a security-access key fob to enter the premises, even when it is not staffed. This would ensure that the gym facility never closes the door to active members with a unique swipe entrance for key. It is considered that this measure of accessing the premises would help to ensure a reasonable level of security in and around the premises.

#### **7.12 Disabled access**

The proposed development would not alter the previously approved layout of the unit and would comply with Policy R16 of the adopted Hillingdon Local Plan (November 2012) and Policy 7.2 of the London Plan (July 2011).

#### **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 approved gymnasium would make use of the existing refuse storage arrangement that was approved as part of permissions 11924/APP/2006/2632 and 11924/APP/2013/1871.

#### **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**

As discussed above in the 'Impact on Neighbours' section, the Council's EPU Officer has considered that the proposed scheme is acceptable on the grounds of the generation of noise and disturbance to adjoining and nearby residents. Therefore, the proposal accords with Policy OE5 of the adopted Hillingdon Local Plan Part Saved Policies (November 2012)

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

The points and concerns raised by third parties relate to noise, traffic and anti-social issues. These have been discussed in detail in the planning assessment of the scheme above. In relation to traffic and anti-social behaviour, there is no evidence to suggest the proposal would result in any adverse impacts in relation to parking activity and crime in the surrounding area.

It has also been assessed that the proposal would not result in adverse impact on the amenity of adjoining and nearby residential occupiers in terms of noise nuisance and disturbance.

#### **7.20 Planning Obligations**

Not applicable.

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

Not applicable.

#### **7.22 Other Issues**

There are no other issues for consideration.

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

## General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

## Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

## Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

## Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

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

Not Applicable.

**10. CONCLUSION**

The proposed scheme seeks to vary the opening hours permitted by Condition No. 3 of planning permission reference 11924/APP/2013/1871 dated 27/11/2013, to allow use of the application property as a 24 hour, 7 days gymnasium.

The proposed scheme is considered to be acceptable in relation to policy considerations for the safeguarding of residential amenity of the occupiers of adjoining and nearby properties. The proposed mitigation measures have been considered satisfactory by the Council's EPU Officer, and subject to the addition of conditions, the scale, intensity and location of the proposed 24 hour, 7 days gymnasium use are such that the approved gymnasium use would not result in the generation of unacceptable noise and disturbance on neighbouring residential occupiers. Therefore, the proposed variation of the opening hours permitted by Condition No. 3 of planning permission reference 11924/APP/2013/1871 is considered not to be harmful to the residential amenity of the adjoining and nearby occupiers.

Accordingly the application is recommended for grant of permission.

**11. Reference Documents**

National Planning Policy Framework.

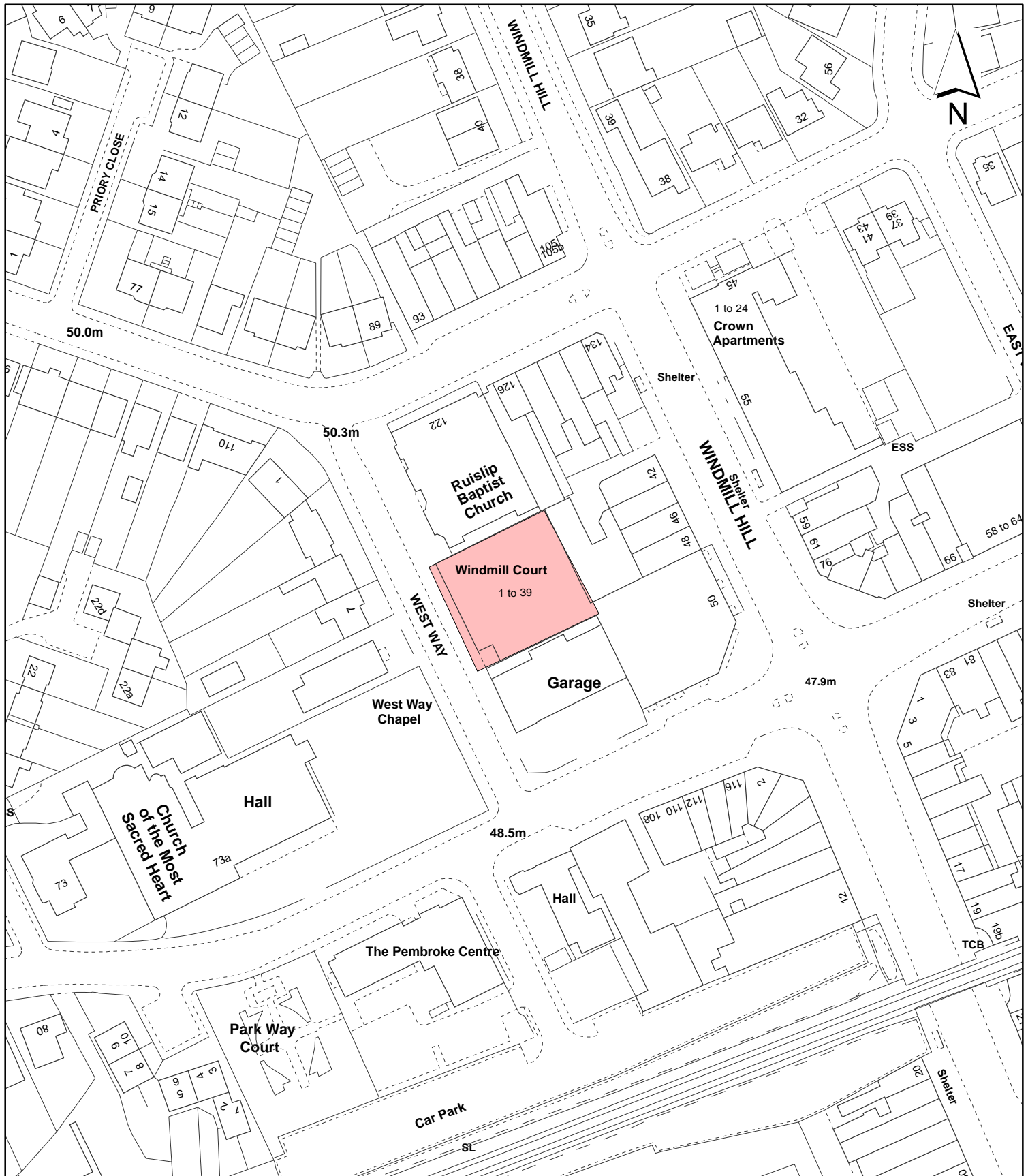
London Plan (March 2015).

Hillingdon Local Plan Part 1 2012.

Hillingdon Local Plan Part 2 Saved Policies (November 2012).

**Contact Officer:** Victor Unuigbo

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**Windmill Court (Former Windmill PH)  
 West Way  
 Ruislip**

Planning Application Ref:

**11924/APP/2015/2299**

Planning Committee:

**North**

Scale:

**1:1,250**

Date:

**August 2015**

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

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



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