

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

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

**Development:** Variation of Condition 2 (approved plans) of the Secretary of State's Appeal Decision ref: APP/R5510/W/16/3155076 dated 11/11/2016 (LBH ref: 38324/APP/2016/407 dated 24-06-2016) (Erection of detached building to accommodate refuse storage at ground floor and office accommodation above for minor elevational variations, relocation of refuse store and infilling of undercroft to create garage

**LBH Ref Nos:** 38324/APP/2018/164

**Drawing Nos:** Photos of Amended Refuse Are  
15.530-P.02 Previously Approved Site Plan  
15.530-P.03 Previously Approved Site Plan  
15.530-P.04 Previously Approved Ground Floor Plan  
15.530-P.05 Previously Approved First Floor Plan  
15.530-P.06 Previously Approved Front & Side Elevation  
15.530-P.07 Previously Approved Rear & Side Elevation  
15.530-P.08 Rev A Proposed Site Plan  
15.530-P.09 Rev A Proposed Ground Floor Plan  
15.530-P.10 Rev B Proposed First Floor Plan  
15.530-P.11 Proposed Front & Side Elevation  
15.530-P.12 Rev A Proposed Rear & Side Elevation  
15.530-P.13 Rev A Proposed Refuse Store  
15.530-P.02 Rev B Proposed Site Plan  
15.530-P.01 Car Parking Plan  
Planning Statement

<b>Date Plans Received:</b>	12/01/2018	<b>Date(s) of Amendment(s):</b>	12/01/2018
<b>Date Application Valid:</b>	12/01/2018		19/03/2018
			20/03/2018
			12/03/2018

### 1. SUMMARY

Planning permission is sought for the variation of Condition 2 (approved plans) of Secretary of State's Appeal Decision ref: APP/R5510/W/16/3155076, dated 11/11/2016, for the erection of a detached building to accommodate refuse storage at ground floor and office accommodation above (LBH ref: 38324/APP/2016/407, dated 24-06-16). The proposal is for minor elevational variations, relocation of the refuse store and infilling of the undercroft to create a garage.

The proposed alterations to the building are considered to be acceptable and would not have a detrimental impact on the character and appearance of the street scene and surrounding area, residential amenity or parking provision.

The proposal complies with Policies AM14, BE13, BE15, BE19 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application is therefore recommended for approval.

### 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 plans, B.01; L.01; P.01; P.02 Rev B; P.08 Rev A; P.09 Rev A; P.10 Rev B; P.11; P.12; P.13 Rev A; 15.530-P.01 Car Parking 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 Local Plan: Part Two - Saved UDP Policies (November 2012) and the London Plan (2016).

**3 COM7 Materials (Submission)**

No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE4	New development within or on the fringes of conservation areas
BE5	New development within areas of special local character

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.

### **3 115 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 and 18.00 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.

### **4 170 LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is located on the northern side of Pembroke Road. It is situated immediately to the rear of Pembroke House and the application building is located in the north western corner of the car park to the rear of the main building. Pembroke House is a partly four and five storey detached property and former office building fronting Pembroke Road. All floors of the building have consent for their conversion to residential under either

the prior approval process or planning/appeal.

The proposed development site falls adjacent to two heritage assets, the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character (ASLC). Although Pembroke House is a later intrusion within the street scene, to the rear of the site, it is characterised by well planted rear gardens. This part of the area includes housing development following the introduction of the railways in 1904 and a proposed urban expansion for a Garden Suburb. The immediate surrounding area is characterised by inter and post war properties and the rear of the commercial units on Ruislip High Street.

The site lies within Ruislip Town Centre and the Developed Area as identified within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### 3.2 Proposed Scheme

Planning permission is sought for the variation of Condition 2 (approved plans) of Secretary of State's Appeal Decision ref: APP/R5510/W/16/3155076, dated 11/11/2016, for the erection of a detached building to accommodate refuse storage at ground floor and office accommodation above (LBH ref: 38324/APP/2016/407, dated 24-06-16).

This application seeks permission to vary condition 2 (approved plans) of Secretary of State's Appeal Decision ref: APP/R5510/W/16/3155076 to allow for minor elevational variations, relocation of the refuse store and infilling of the undercroft to create a garage.

### 3.3 Relevant Planning History

38324/APP/2016/407      Pembroke House Pembroke Road Ruislip

Erection of detached building to accommodate refuse storage at ground floor and office accommodation above

**Decision:** 21-06-2016    Refused

**Appeal:** 11-11-2016    Allowed

#### Comment on Relevant Planning History

There have been a number of planning applications of relevance to the consideration of this scheme and additionally appeals relating to enforcement notices and decisions, which form material considerations in the consideration of this application. The most relevant are summarised below:

Application ref: 38324/APP/2014/2680 refused consent for the erection of a two storey building to rear for use as office space and storage involving installation of railings and gates. This decision was appealed and allowed in part in October 2015.

The appeal was allowed insofar as it related to the railings and gates along the boundary to the front and side of the site, as these were not considered to harm the character and appearance of the locality.

The appeal was dismissed in relation to the erection of the two-storey building in the rear of the site.

Application ref: 38324/APP/2016/407 refused consent for the erection of a detached building to accommodate refuse storage at ground floor and office accommodation above. This

decision was appealed and allowed in November 2016 (Appeal Decision ref: APP/R5510/W/16/3155076)

The current application seeks amendments to the plans approved by the Planning Inspectorate.

This application has been referred to planning committee for determination. The Council's constitution requires all applications relating to a site where enforcement notices have been served to be taken to planning committee (even when the enforcement does not relate to the proposal, as is the case in this instance).

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

BE4 New development within or on the fringes of conservation areas

BE5 New development within areas of special local character

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

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

**5.1** Advertisement Expiry Date:- **28th February 2018**

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

#### **6. Consultations**

##### **External Consultees**

Consultation letters were sent to 57 local owners/occupiers and a site notice was displayed. One response has been received:

- i) building reduces already limited shared space - impact on already limited parking availability in shared parking spaces.
- ii) loss of privacy

- iii) overdevelopment
- iv) concerns over security
- v) noise and disturbance
- vi) refuse collection

Ruislip Residents Association:  
No response received

### **Internal Consultees**

Highways:

This proposal is to move the proposed refuse store to the side of the existing building close to the street frontage which is supported.

The undercroft space will be used as an enclosed garage to service the office space as the parking area is for the residents of Pembroke House. This will increase the on-site car parking by 1 space and the highway impact of this proposal will be small.

On the basis of the above comments I do not have any significant highway concerns over this variation of condition.

## **7. MAIN PLANNING ISSUES**

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

There is no objection in principle to the proposed alterations to the building subject to compliance with the relevant Policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **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 proposed development site falls adjacent to two heritage assets, the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character (ASLC).

The application building was allowed at appeal in November 2016 (Appeal Decision ref: APP/R5510/W/16/3155076) where the Planning Inspectorate considered the building to be acceptable in regards to its impact on the character and appearance of the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character (ASLC).

It is considered that the proposed minor elevational variations, infilling of the undercroft to create a garage and the relocation of the refuse store would not have a significant impact on the character and appearance of the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character (ASLC).

### **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**

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires developments to harmonise with the existing street scene and other features of the area that are considered desirable to retain or enhance. Policy BE15 of the Hillingdon Local

Plan: Part Two - Saved UDP Policies (November 2012) require alterations and extensions to harmonise with the scale, form, architectural composition and proportions of the original building.

Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.

The application building was allowed at appeal in November 2016 (Appeal Decision ref: APP/R5510/W/16/3155076) where the Planning Inspectorate considered the impact of the building on the character and appearance of the street scene and surrounding area to be acceptable.

The current proposal seeks to infill the existing undercroft to create a garage and to provide additional windows. It is considered that the proposed alterations would not have a detrimental impact on the character and appearance of the building. The application building is located in the north western corner of the car park to the rear of the main building and so is not highly visible from the street scene; the proposed alterations to the building would therefore not have a detrimental impact on the character and appearance of the street scene.

The proposal therefore complies with Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires developments to protect the privacy of neighbouring dwellings. Furthermore, Paragraph 6.12 of the Council's HDAS: Residential Extensions SPD requires a 21m separation distance between habitable rooms to ensure no loss of privacy would occur.

The application building is located in the far north western corner of the existing car park serving Pembroke House. It is situated immediately adjacent to the boundary with 2 and 2a Brickwall Lane and 149-151 High Street.

The rear elevation windows of the building would be obscure glazed and so would not result in overlooking of the rear of the commercial units on Ruislip High Street. The proposed side windows to the garage would be high level windows and so there would not be overlooking of the residential units in the main building. The proposal includes the addition of three ground floor windows on the front elevation (it is noted that one of the windows already exists); whilst these windows would face onto parking spaces, given the nature of the building it is considered that these windows would be acceptable. Due to the orientation and positioning of the building, and separation distances of over 21m, the front dormer windows would not directly face onto any habitable room windows and so would not significantly impact on residential amenity.

It is therefore considered that the proposed alterations would not impact on privacy of neighbouring properties, in accordance with Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's HDAS: Residential Extensions SPD.

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

Not applicable to this application.

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

The proposal would enclose the existing undercroft parking space to create a garage. The parking space would be retained and so the proposal would not result in the loss of parking for either the office in the application building or the residential units within the main building (Pembroke House). The Council's Highways Engineer raises no objection to the proposal.

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

Urban design:

See Section 7.07 of this report

Access and security:

The application building is located in the western corner of the car park to the rear of the main building. The car park is accessed via vehicular and pedestrian gates with key code access. The proposed changes would not impact on the existing security arrangements into the site and the proposed garage would provide a more secure parking space for the office building (the application building).

#### **7.12 Disabled access**

Not applicable to this application.

#### **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 ground floor of the application building was previously used as a refuse storage. The refuse storage has been relocated to the side of the main building and would be screened by fencing. The new location of the refuse storage would be next to the access road which would allow refuse vehicles to collect the refuse without entering the gated car park. The proposed refuse storage is therefore considered to be acceptable.

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

Not applicable to this application.

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

There are no flooding or drainage issues associated with this application.

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

Concerns were raised during the public consultation in regards to noise and disturbance. It is considered that the proposed alterations would not result in significant increase in noise levels within the site.

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

One response was received during the public consultation.

Points i), and iii) relate to the location and size of the building, which was allowed at appeal in November 2016 (Secretary of State's Appeal Decision ref: APP/R5510/W/16/3155076).

The issues raised in Points ii), iv), v) and vi) have been discussed elsewhere in this report.

#### **7.20 Planning Obligations**

Not applicable to this application.

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

Previous enforcement notices and appeal decisions for the site have been complied with. This planning application seeks permission to amend plans approved by the Secretary of State's Appeal Decision ref: APP/R5510/W/16/3155076, dated 11/11/2016, for the erection



of a detached building to accommodate refuse storage at ground floor and office accommodation above (LBH ref: 38324/APP/2016/407, dated 24-06-16).

## **7.22 Other Issues**

None

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

### General

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

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

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

### Planning Conditions

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

### Planning Obligations

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

### Equalities and Human Rights

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

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

equalities issues is a matter for the decision maker to determine in all of the circumstances

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

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

Not applicable to this application.

#### **10. CONCLUSION**

Planning permission is sought for the variation of Condition 2 (approved plans) of Secretary of State's Appeal Decision ref: APP/R5510/W/16/3155076, dated 11/11/2016, for the erection of a detached building to accommodate refuse storage at ground floor and office accommodation above (LBH ref: 38324/APP/2016/407, dated 24-06-16). The proposal is for minor elevational variations, relocation of the refuse store and infilling of the undercroft to create a garage.

The proposed alterations to the building are considered to be acceptable and would not have a detrimental impact on the character and appearance of the street scene and surrounding area, residential amenity or parking provision.

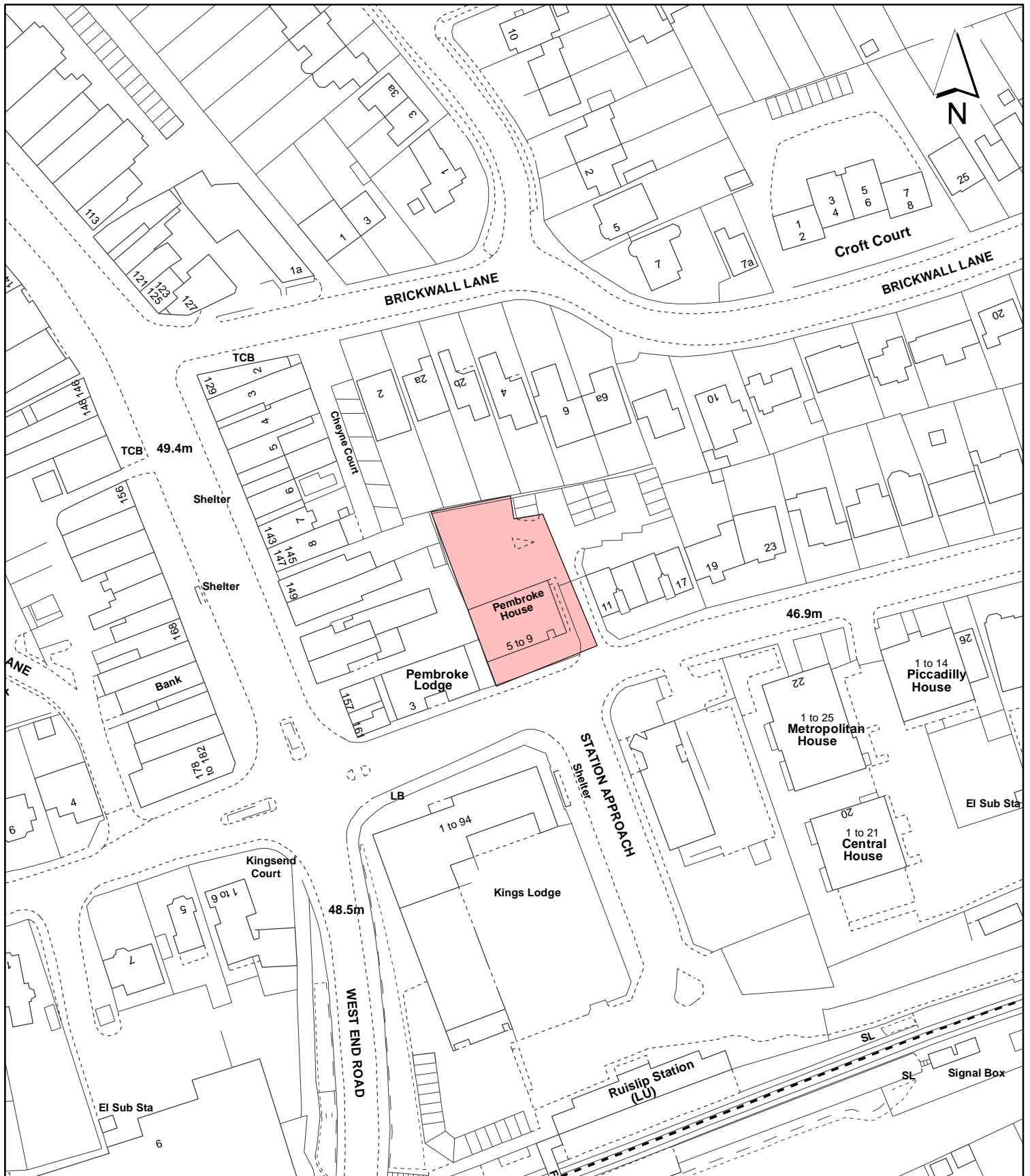
The proposal complies with Policies AM14, BE13, BE15, BE19 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The application is therefore recommended for approval.

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

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
London Plan (2016)  
National Planning Policy Framework

**Contact Officer:** Katherine Mills

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**Notes:**

 Site boundary

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Site Address:

**Pembroke House  
 Pembroke Road  
 Ruislip**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:

**38324/APP/2018/164**

Scale:

**1:1,250**

Planning Committee:

**North**

Date:

**May 2018**

