

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

**Address** 23 STONEFIELD WAY RUISLIP

**Development:** Variation of Conditions 2 (Approved Plans) and 11 (Material Stack Height) of planning permission Ref: 25508/APP/2014/3570 dated 02-03-2015 (Demolition of existing buildings and redevelopment to provide a Builders Merchants (sui generis use) with associated access, servicing, parking and outdoor storage) to allow for the increase in storage heights within the existing builders yard up to 3 metres around the perimeter of the site and up to 4 metres within the centre of the site, with associated amendments to re-configure the car parking, customer loading bay and servicing area arrangement.

**LBH Ref Nos:** 25508/APP/2020/4269

**Drawing Nos:** Cover Letter (Dated 17th December 2020)  
Air Quality Assessment  
Transport Statement  
Demolition Method Statement TPRUI 1F/  
Asbestos Demolition Survey - J047063  
Energy/Sustainability Statement  
Flood Risk Assessment R-FRA-TP\_RUI-01  
Ground Investigations Report - STL2801B-G0  
14061-P01 Rev A  
14061-P02-A\_TP RUISLIP - Site Survey Plan  
14061-P03-A\_TP RUISLIP - Site Survey Elevation:  
14061-P04-A\_TP RUISLIP - Block Plan  
14061-P06-A\_TP RUISLIP - Ground Floor Plan  
14061-P07-A\_TP RUISLIP - Mezzanine Floor Roof Plan  
14061-P08-A\_TP RUISLIP - Elevations Section  
Design and Access Statement 1406-B2 Rev A  
14061-P09-A\_TP RUISLIP - Street Elevation:  
1.0.4 Proposed Site Plan

<b>Date Plans Received:</b>	21/12/2020	<b>Date(s) of Amendment(s):</b>	06/10/2014 21/12/2020
<b>Date Application Valid:</b>	21/12/2020		

### 1. SUMMARY

This application seeks permission for the Variation of Condition 2 (Approved Plans) and 11 (Material Stack Height) of planning permission Ref: 25508/APP/2014/3570 dated 02/03/2015 (Demolition of existing buildings and redevelopment to provide a Builders Merchants (sui generis use) with associated access, servicing, parking and outdoor storage). The proposed variation seeks to allow for the increase in storage heights within the existing builders yard up to 3 metres around the perimeter of the site and up to 4 metres within the centre of the site, with associated amendments to re-configure the car parking, customer loading bay and servicing area arrangement.

Matters relating to most material planning considerations have already been established by the grant of the original permission and there has been no material change in policy and /or site circumstances to suggest that the previous assessment is no longer valid.

Specifically, the proposed changes to the car park, loading bays and servicing area are considered acceptable. Although the proposal would impact the visual qualities of the site, it is not considered to be such that a reason for refusal would be considered reasonable and robust in an appeal scenario. It is also acknowledged that Policies E4, E5 and E7 of the London Plan (2021) encourage the intensification of business uses in Strategic Industrial Locations. The proposed change is also needed to support the business. On balance, the proposal is considered to be acceptable and is recommended for approval.

## **2. RECOMMENDATION**

**1. That delegated powers be given to the Deputy Director of Planning and Regeneration to grant planning permission subject to the following conditions:**

### **1 NONSC Material Stacking Height**

Materials shall not be stacked or deposited to a height exceeding 3 metres above existing ground level at the site boundaries or 4 metres in height within the centre of the site, in accordance with approved drawing reference '1.0.4 Proposed Site Plan'.

#### **REASON**

In order to safeguard the visual amenities of the area in accordance with Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy D3 of the London Plan (March 2021).

### **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:

14061-P01-A\_TP RUISLIP,  
14061-P02-A\_TP RUISLIP,  
14061-P03-A\_TP RUISLIP,  
14061-P04-A\_TP RUISLIP,  
14061-P06-A\_TP RUISLIP,  
14061-P07-A\_TP RUISLIP,  
14061-P08-A\_TP RUISLIP,  
14061-P09-A\_TP RUISLIP;  
1.0.4 Proposed Site 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 the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), the London Plan (March 2021) and the National Planning Policy Framework (February 2019).

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

The development hereby permitted shall not be carried out except in complete accordance with the specified supporting plans and/or documents:

- Reduction in energy use and renewable technology installation [[TP Ruislip Energy/Sustainability Statement October 2014]]
- Vehicle and Cycle Parking [14061-P05-A\_TP RUISLIP]
- Refuse and Recycling Storage [14061-P05-A\_TP RUISLIP]

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

#### REASON

To ensure that the development complies with the objectives of Policies contained with the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), the London Plan (March 2021) and the National Planning Policy Framework (February 2019).

#### **4 COM9 Electric Vehicle Charging Points**

Prior to occupation of the development hereby approved active provision of electric vehicle charging points shall be made to serve at least 2 of the parking spaces. Thereafter the charging points shall be maintained for the life of the development.

#### REASON

To provide facilities for and encourage the uptake of more sustainable modes of travel, in accordance with Policy T6 of the London Plan (March 2021) and Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

#### **5 COM31 Secured by Design**

The building(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No building shall be occupied until accreditation has been achieved.

#### REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with Policy D11 of the London Plan (March 2021).

#### **6 NONSC Sustainable Water Management**

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it follows the strategy set out in Flood Risk Assessment and Surface Water Drainage Strategy, produced by JPP consulting dated July 2014, and incorporates sustainable urban drainage in accordance with the hierarchy and will:

- i. provide information on all Suds features including the method employed to delay and control the surface water discharged from the site and:
  - a. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume.
  - b. any overland flooding should be shown, with flow paths depths and velocities identified as well as any hazards, ( safe access and egress must be demonstrated).
  - c. measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - d. how they or temporary measures will be implemented to ensure no increase in flood risk from commencement of construction.
- ii. provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime.

Including appropriate details of Inspection regimes, appropriate performance specification, remediation and timescales for the resolving of issues.

iii. provide details of the body legally responsible for the implementation of the management and maintenance plan.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

i. incorporate water saving measures and equipment.

ii. provide details of water collection facilities to capture excess rainwater;

iii. provide details of how rain and grey water will be recycled and reused in the development.

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

NOTE: the above has been discharged under planning application reference 25508/APP/2015/3183, dated 27th October 2015.

#### REASON

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding, contrary to Policies DMEI 1, DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020); Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012); Policies SI 12 and SI 13 of the London Plan (March 2021); the National Planning Policy Framework (February 2019); and Planning Practice Guidance: Flood Risk and Coastal Change (March 2014).

#### **7 COM14 No additional internal floorspace**

Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 (or any others revoking and re-enacting this provision with or without modification), no additional internal floorspace shall be created in excess of that area expressly authorised by this permission nor shall the approved mezzanine be used as trading floorspace.

#### REASON

To enable the Local Planning Authority to assess all the implications of the development and to ensure that adequate parking and loading facilities can be provided on the site, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

#### **8 NONSC Plant and Machinery**

Before the development is occupied, details of the number of any plant, machinery and fuel burnt, as part of the energy provision shall be submitted to the LPA for approval. This shall include suitable pollutant emission rates with and without mitigation technologies, which needs to be considered as part of a wider air quality assessment if necessary, as set out in the EPUK CHP Guidance 2012 (September 2007). Prior to installation of the approved plant, the maintenance regime to ensure all pollutant emissions are kept to a minimum shall be submitted to the LPA for approval and thereafter maintained for the lifetime of the development.

NOTE: the above has been discharged under planning application reference 25508/APP/2015/3183, dated 27th October 2015.

#### REASON

To safeguard the amenity of the site and neighbouring properties in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and the National Planning Policy Framework (February 2019).

## **9 COM30 Contaminated Land**

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance on Land Contamination and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use.

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement.

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

NOTE: the above has been discharged under planning application reference 25508/APP/2015/3183, dated 27th October 2015.

### **REASON**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DME1 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) and the National Planning Policy Framework (February 2019).

## **10 DIS1 Facilities for People with Disabilities**

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

### **REASON**

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy D5 of the London Plan (March 2021).

## **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 Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (March 2021) and national guidance.

NPPF- 6	NPPF-6 2018 - Building a strong, competitive economy
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
DME 1	Employment Uses in Designated Sites
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMHB 11	Design of New Development
DMCI 7	Planning Obligations and Community Infrastructure Levy

**3**            I70                    **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 Local Plan Part 1, Local Plan Part 2, 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.

**4**

The applicant is advised that where conditions requiring submissions of details have been discharged in connection with the original permission, the Local Planning Authority will not require these details to be resubmitted as part of this new planning permission where details remain the same.

**3.        CONSIDERATIONS**

**3.1      Site and Locality**

The application site is a corner plot measuring approximately 0.4 hectares, located within the South Ruislip Industrial Estate, to the south of Victoria Road bounded by Stonefield Way on the western and southern sides. The site is currently occupied by a builder's merchants, comprising a prefabricated commercial shed with external materials storage, access, servicing and parking. The site is designated as part of the Stonefield Way Strategic Industrial Location and is characterised as such.

**3.2      Proposed Scheme**

This application seeks permission to vary Condition 2 (Approved Plans) and 11 (Material Stack Height) of planning permission Ref: 25508/APP/2014/3570 (Demolition of existing buildings and redevelopment to provide a Builders Merchants (sui generis use) with associated access, servicing, parking and outdoor storage) in order to increase in storage heights within the existing builders yard up to 3 metres around the perimeter of the site and up to 4 metres within the centre of the site, with associated amendments to re-configure the car parking, customer loading bay and servicing area arrangement.

### 3.3 Relevant Planning History

25508/APP/2014/3570 23 Stonefield Way Ruislip

Demolition of existing buildings and redevelopment to provide a Builders Merchants (sui generis use) with associated access, servicing, parking and outdoor storage.

**Decision:** 09-12-2014 Approved

25508/APP/2015/3021 23 Stonefield Way Ruislip

Application for a non-material amendment to planning permission ref: 25508/APP/2014/3570 (demolition of existing buildings and redevelopment to provide a builders merchants (sui generis use) with associated access, servicing, parking and outdoor storage) comprising: 107sqm additional mezzanine floorspace, increasing the total floor area by 7.7% from 1,392sqm to 1,499sqm

**Decision:** 07-09-2015 Refused

25508/APP/2015/3022 23 Stonefield Way Ruislip

Application for a non-material amendment to planning permission ref: 25508/APP/2014/3570 (Demolition of existing buildings and redevelopment to provide a builders merchants (sui generis use) with associated access, servicing, parking and outdoor storage) to allow height limits for external storage referred to in condition 11 to be increased from 2m to 5m

**Decision:** 07-09-2015 Refused

25508/APP/2015/3183 23 Stonefield Way Ruislip

Details pursuant to conditions 6 (Water Management), 8 (Energy Report) and 9 (Contamination) planning permission Ref: 25508/APP/2014/3570 dated 02/03/2015 (Demolition of existing buildings and redevelopment to provide a Builders Merchants (sui generis use) with associated access, servicing, parking and outdoor storage) (Resubmission)

**Decision:** 27-10-2015 Approved

25508/APP/2019/1477 23 Stonefield Way Ruislip

Variation of Condition 2 (Approved Plans) and 11 (Material Stack Height) of planning permission Ref: 25508/APP/2014/3570 dated 02/03/2015 (Demolition of existing buildings and redevelopment to provide a Builders Merchants (sui generis use) with associated access, servicing, parking and outdoor storage) to allow for the increase in storage heights within the existing builders yard up to 5.5 metres and to amend plans to re-configure no.8 car parking spaces, re-locate no.1 disabled parking space, create customer loading bays and re-locate the servicing area.

**Decision:** 02-08-2019 Refused

**Appeal:** 22-09-2020 Dismissed

## **Comment on Relevant Planning History**

Planning permission reference 25508/APP/2014/3570 granted permission for the demolition of existing buildings and redevelopment to provide a Builders Merchants (sui generis use) with associated access, servicing, parking and outdoor storage. This approval attached Condition 11 which states that:

"Materials shall not be stacked or deposited to a height exceeding 2 metres above existing ground level.

### **REASON**

In order to safeguard the visual amenities of the area in accordance with Policies OE1, BE13 and BE25 of the Hillingdon Local Plan: Part Two (November 2012) and London Plan Policy (July 2011) 7.1."

A non-material application (25508/APP/2015/3022) for external storage referred to in Condition 11 to be increased from 2m to 5m was refused on 7/9/15 as it was considered that this could have a significant impact upon the character and appearance of the site on this prominent corner plot and therefore can not be construed as being a non-material amendment to the approved scheme.

Application reference 25508/APP/2019/1477 also sought permission to vary Conditions 2 (Approved Plans) and 11 (Material Stack Height) of planning permission Ref: 25508/APP/2014/3570 to allow for the increase in storage heights within the existing builders yard up to 5.5 metres and to amend plans to re-configure no.8 car parking spaces, re-locate no.1 disabled parking space, create customer loading bays and re-locate the servicing area. This was refused for the following reasons:

"1)The proposed layout, including the stacking of materials to a height of 5.5 metres on this corner plot, by reason of the substantial height and siting of the stacked material immediately adjacent to the public footway would appear unduly prominent and dominant within the street scene. The proposed site layout would therefore be detrimental to the character, appearance and visual amenities of the street scene and would be harmful to the character and appearance of the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies OE1, BE13 and BE25 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy DMHB 11 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) and Policy 7.4 of the London Plan (March 2016).

2)The proposed maximum stacking height of 5.5 metres, by reason of its substantial height and siting immediately next to the public footway, would be detrimental to the safety of customers and staff at the site, as well as road users and pedestrians on the adjoining highway. As such, the proposal is considered contrary to Policy 7.13 of the London Plan (March 2016), Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMT 2 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019)."

An appeal against this refusal was submitted and dismissed under reference APP/R5510/W/20/3246097. The Inspector concluded:

"The proposed variation to the layout, and to the heights at which materials could be stacked or deposited, has the potential to result in significant harm to the character and appearance of the area. In that particular regard, conditions 2 and 11 are reasonable and

necessary in order ensure the development complies with the elements that seek to protect the character and appearance of the area under Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) (LP1), Policy DMHB 11 (Design of New Development) of the LP2 and Policy 7.4 (Local Character) of the London Plan (2016) and the Framework."

The Inspector also concluded:

"It has not been demonstrated that the safety of pedestrians and road users on Stonefield Way would be maintained. In that regard, the proposed variations to conditions 2 and 11 would conflict with Policy DMT 2 (Highway Impacts) of the LP2 which amongst other things require that development proposals must ensure that they do not contribute to the deterioration of safety of all road users."

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

##### Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)

##### Material Considerations

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

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

The following Local Plan Policies are considered relevant to the application:-

##### Part 1 Policies:

PT1.BE1 (2012) Built Environment

##### Part 2 Policies:

NPPF- 6 NPPF-6 2018 - Building a strong, competitive economy  
NPPF- 12 NPPF-12 2018 - Achieving well-designed places  
DME 1 Employment Uses in Designated Sites  
DMT 2 Highways Impacts  
DMT 5 Pedestrians and Cyclists  
DMT 6 Vehicle Parking  
DMHB 11 Design of New Development

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **24th February 2021**

5.2 Site Notice Expiry Date:- **18th February 2021**

## 6. Consultations

### External Consultees

The application has been advertised in the local paper, a site notice has been displayed and letters have been sent to neighbouring properties. All forms of consultation expired on 24th February 2021. No comments have been received.

### Internal Consultees

HIGHWAYS OFFICER:

Variation to Condition 2

The elements of the variation consist of :-

- i) Reconfiguring 8 on-plot car park spaces
- ii) Relocating 1 disabled space
- iii) Creation of new customer loading bays
- iv) Service area reconfiguration

The above 4 adaptations to the original designs are considered workable in design layout terms. In summary, there is no objection to the variation of condition 2.

Variation to Condition 11

Condition 11 limits the external material stacking height to 2 metres. The applicant (Travis Perkins) would normally require a stacking height limit of 5.5 metres for operational purposes however this aspect was subject of a previous application (25508/APP/2019/1477) which was refused partly on the excessive height of 5.5m which was considered as a risk to highway safety on the neighbouring public footway owing to the substantively lower boundary fencing of 2 metres in height that encompasses the site envelope.

The decision was appealed and dismissed thereafter as PINS concurred that the proposed stacking height was excessive. At the time of original determination, the Highway Authority (HA) suggested that the 5.5 metre height could be reduced to a maximum of 3 metres in order to best placate safety concerns. The Inspectorate made reference to this recommendation but disagreed with this approach as it was considered that without substantial evidence to demonstrate otherwise this lower height would not reduce concerns related to the likelihood of goods being deposited onto the neighbouring highway.

The applicant is now proposing that the maximum staking height should not exceed the aforementioned height of 3 metres alongside the perimeter of the site and a maximum height of 4 metres for stackers located further within the site away from the abutting highway. In addition to the reduced height, the other material change to the appealed application is that the applicant would now install an 'anti-collapse mesh' to the rear facade of all of the proposed 3 and 4-metre high stackers. This would assist in preventing the potential spillage of goods onto the public highway by compensating for the lower boundary fencing.

Therefore, on balance, it is considered that the proposal now complies with the Inspectorate's requirement for substantive evidence to be provided in relation to placating concerns related to goods being deposited onto the public highway. The added safety benefit of applying 'anti-collapse mesh' to the 4-metre high stackers set deeper within the site would also be realised.

In summary, there is no objection to the variation of condition 11.

## **7. MAIN PLANNING ISSUES**

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

Paragraph 80 of the NPPF (2019) states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Policies E4 and E5 of the London Plan (2021) encourage the retention, enhancement and provision of additional industrial capacity in Strategic Industrial Locations. Specifically, Policy E7 of the London Plan (2021) states that development proposals should be proactive and encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land through:

4) more efficient use of land through higher plot ratios having regard to operational yard space requirements (including servicing) and mitigating impacts on the transport network where necessary.

Given the above, there is planning policy support for the intensification of business uses in Strategic Industrial Locations, as well as general support for development which supports economic growth and business.

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

Not applicable to the consideration of this application.

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

Not applicable to the consideration of this application.

### **7.04 Airport safeguarding**

Matters relating to airport safeguarding have already been established by grant of original permission and remain unchanged and do not require reassessment.

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

Not applicable to the consideration of this application.

### **7.06 Environmental Impact**

Matters relating to airport safeguarding have already been established by grant of original permission and remain unchanged and do not require reassessment.

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

Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design led approach that optimises the capacity of sites. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Part D states that development proposals:

- 1) enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions
- 2) encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are

aligned with peoples' movement patterns and desire lines in the area  
3) be street-based with clearly defined public and private environments  
4) facilitate efficient servicing and maintenance of buildings and the public realm, as well as deliveries, that minimise negative impacts on the environment, public realm and vulnerable road users

Policy BE 1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states:

A) All development is required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding:
- scale of development, considering the height, mass and bulk of adjacent structures;
  - building plot sizes and widths, plot coverage and established street patterns;
  - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
  - architectural composition and quality of detailing;
  - local topography, views both from and to the site; and
  - impact on neighbouring open spaces and their environment.

The current application seeks permission to increase material stacking heights from 2 metres up to 3 metres around the perimeter of the site and increase heights up to 4 metres within the centre of the site. Notably, this is reduced from the previously refused proposal to increase stacking heights up to 5.5 metres. This was dismissed as appeal and some of the Inspector's comments are noted as follows:

"From my observations on site, the items that would be stacked would be likely to be of a wide variety in terms of their size, composition and appearance. The height and cumulative extent of the stacked materials has the potential to create a visually dominating and cluttered feature along the boundary with Stonefield Way. This would particularly be the case at times when stock levels are high. The considerable height of stacked materials would be further pronounced due to the open nature of the mesh boundary fence in addition to the degree to which the stacked materials would sit above the top of the fence."

The current submission has partially addressed these concerns by reducing the proposed height of materials located on the boundaries of the site to 3 metres. This would exceed the height currently permitted by 1 metre and would slightly exceed the height of the 2.4 metre high boundary fence. The proposed 4 metre stacking height would also only apply to the centre of the site, which would be set over 10 metres back from the public footway. It is important to note that the principle of storing materials in these locations has already been established by the original permission.

It should be made clear that the proposed increase in stacking heights would still have an adverse impact on the visual amenities of the area. It is acknowledged that the immediate area is not highly sensitive in terms of the quality of architecture or the nature of visual receptors, but the height, mass, bulk and varied appearance of the stacked materials and their position relative to the street would not add to the overall quality of the area.

Policies E4, E5 and E7 of the London Plan (2021) are taken into consideration and notably

support the retention, enhancement and provision of additional industrial capacity in Strategic Industrial Locations. In view of this, alongside the reduced material stacking height and the context of an area which is not highly sensitive in terms of design, it is not considered that a reason for refusal would be reasonable and robust in an appeal scenario. As such, the proposal is considered to be on-balance acceptable.

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

All adjoining neighbours are commercial uses. Given the nature and distance of the proposed changes to any residential neighbour, the proposal is not considered to result in any significant impact upon amenity.

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

Not applicable to the consideration of the application.

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

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals must ensure that development proposals do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents.

Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network. Part (A)(ii) specifically requires the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists.

The proposal seeks permission to re-configure 8 on-plot car park spaces, relocate 1 disabled space, create loading bays and relocate the service area. As stated by the Highways Officer, the existing adaptations of the original design are considered workable in terms of layout and are not considered to compromise the local highways network, parking or pedestrian safety.

The previous application submission sought permission to increase material stacking heights from 2 metres to 5.5 metres. This was considered to be excessive, particularly given the placement of materials adjacent to the public footway which is adopted highway. Such a proposal could result in debris falling onto the public highway to the safety detriment of pedestrians and vehicular traffic. Accordingly, the application was recommended for refusal.

The current application seeks permission to increase material stacking heights from 2 metres up to 3 metres around the perimeter of the site and up to 4 metres within the centre of the site. In addition to the reduced height, the proposal would also include 'anti-collapse mesh' to the stackers and would assist in preventing the spillage of goods onto the public highway.

Given the above considerations, the proposal is not considered contrary to Policies DMT 2 and DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020)

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

URBAN DESIGN

Please see Section 07.07 of the report.

ACCESS

Please see Section 07.12 of the report.

## SECURITY

Matters relating to airport safeguarding have already been established by grant of original permission and remain unchanged and do not require reassessment.

### **7.12 Disabled access**

The proposals include the relocation of one disabled parking bay which was approved under the original consent. There is no loss of disabled parking under this application.

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

Not applicable to the consideration of the application.

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

Matters relating to airport safeguarding have already been established by grant of original permission and remain unchanged and do not require reassessment.

### **7.15 Sustainable waste management**

Matters relating to airport safeguarding have already been established by grant of original permission and remain unchanged and do not require reassessment.

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

Matters relating to airport safeguarding have already been established by grant of original permission and remain unchanged and do not require reassessment.

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

Matters relating to airport safeguarding have already been established by grant of original permission and remain unchanged and do not require reassessment.

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

Matters relating to airport safeguarding have already been established by grant of original permission and remain unchanged and do not require reassessment.

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

Please see Section 06.1 of the report.

### **7.20 Planning Obligations**

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the National Planning Policy Framework (February 2019) have put three tests on the use of planning obligations into law. Planning obligations should be:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable related in scale and kind to the development

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states:

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

- i) to secure the provision of affordable housing in relation to residential development schemes;
- ii) where a development has infrastructure needs that are not addressed through CIL; and
- iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

Planning permission reference 25508/APP/2014/3570 was subject to a S106 Agreement made between the Applicant and London Borough of Hillingdon on 26th February 2015. This S106 secured two payments of £12,500 and £625 respectively to cover an air quality management contribution and monitoring fee. This payment was required to be paid prior to the commencement of development. Both payments have been paid in full. On the basis that the S106 has been discharged, there is no requirement for a Deed of Variation to link the S73 consent to the original permission.

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

Not applicable.

#### **7.22 Other Issues**

##### **CONTAMINATED LAND**

Matters relating to airport safeguarding have already been established by grant of original permission and remain unchanged and do not require reassessment.

### **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**

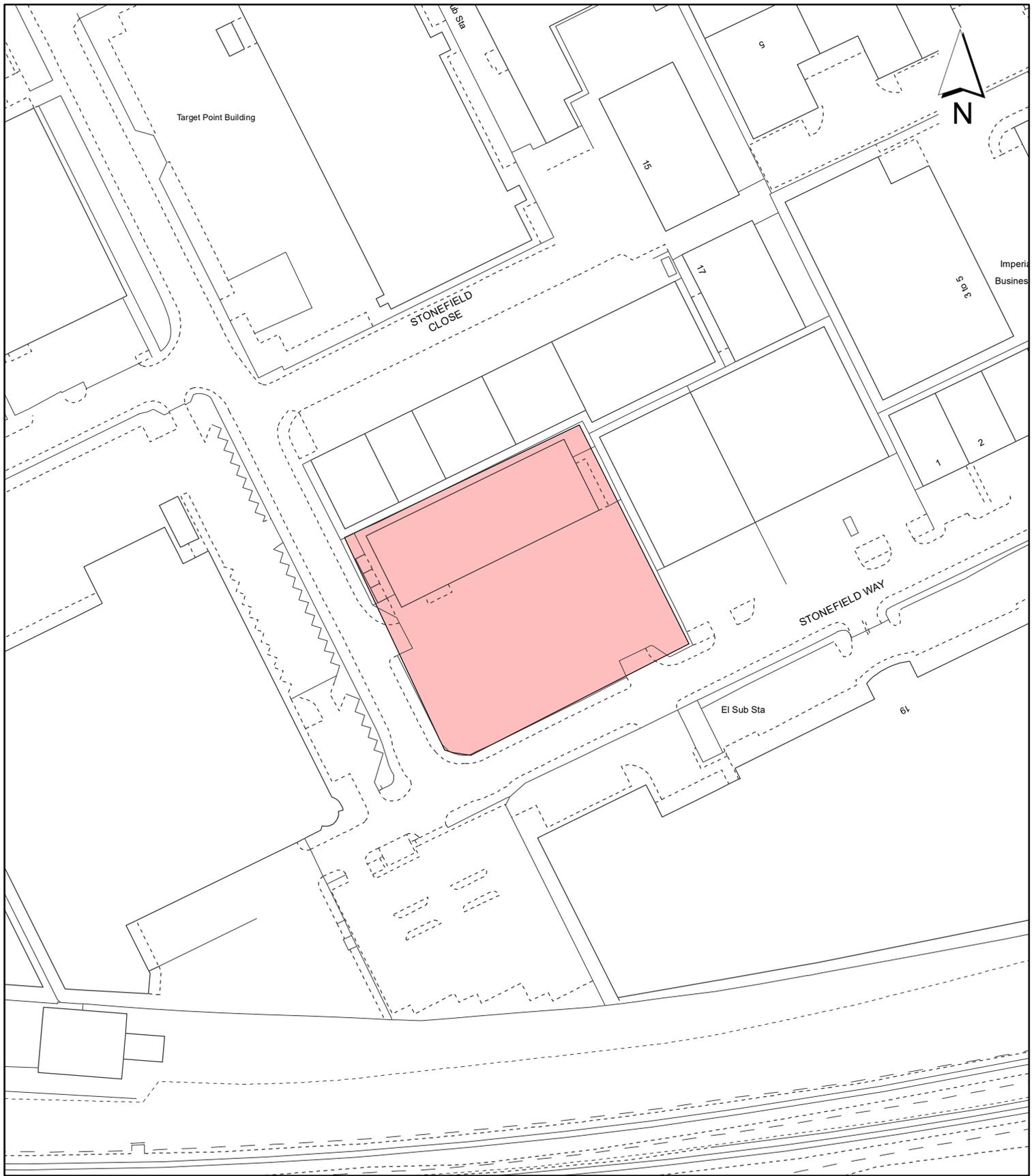
In conclusion, the proposed variation of Conditions 2 and 11 would change the material stacking heights from 2 metres up to 3 metres around the perimeter of the site and up to 4 metres within the centre of the site, with associated amendments. Matters relating to most material planning considerations have already been established by the grant of the original permission and there has been no material change in policy and /or site circumstances to suggest that the previous assessment is no longer valid. Although the proposal would impact the visual qualities of the site, it is not considered to be such that a reason for refusal would be considered reasonable and robust in an appeal scenario. It is also acknowledged that Policies E4, E5 and E7 of the London Plan (2021) encourage the intensification of business uses in Strategic Industrial Locations. The proposed change is also needed to support the business. On balance, the proposal is considered to be acceptable and is recommended for approval.

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

National Planning Policy Framework (February 2019)  
The London Plan (March 2021)  
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)  
Accessible Hillingdon Supplementary Planning Document (September 2017)  
Planning Obligations Supplementary Planning Document (July 2014)

**Contact Officer:** Michael Briginshaw

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**Notes:**

 Site boundary

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**LONDON BOROUGH  
 OF HILLINGDON**  
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 Planning Section

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Planning Application Ref:

**25508/APP/2020/4269**

Scale:

**1:1,250**

Planning Committee:

**Major**

Date:

**March 2021**



**HILLINGDON**  
 LONDON