

Report of the Head of Development Management and Building Control

Address: PEMBROKE HOUSE 5-9 PEMBROKE ROAD RUISLIP

Development: Variation of Condition 2 of planning permission ref. 38324/APP/2019/4066, dated 13/03/2020 (Erection of detached building to accommodate office accommodation above existing parking) to amend elevations, infill of undercroft and provision of wc/shower room and kitchen to first floor offices (part retrospective).

LBH Ref Nos: 38324/APP/2022/2001

Drawing Nos: B.01 Rev. C
EX.01
P.04 Rev. D
P.05 Rev. E
P.06 Rev. C
VOX Solid System Brick Panel product specification
Skylight product specification by Custom Rooflights
P.07 Rev. C

Date Plans received: 23-06-2022 **Date(s) of Amendments(s):**

Date Application valid 23-06-2022

1. SUMMARY

The application proposes a 'Minor Material Amendment' to vary Condition 2 attached to planning permission 38324/APP/2019/4066, dated 13th March 2020, for the erection of detached building to accommodate office accommodation above existing parking. This is a part retrospective planning application.

It should be noted that the principle of erecting an office building to the rear of Pembroke House cannot be revisited, as this aspect has already been established through the original scheme allowed at Appeal by the Secretary of State (Appeal Decision APP/R5510/W/18/3218019), and the subsequent scheme granted under planning permission 38324/APP/2019/4066.

Having regard to the previous scheme approved under planning permission 38324/APP/2019/4066, it is considered that the amended size, height, design and fenestration treatment of the constructed office building have not caused harm to the character and appearance of the area and the wider setting of the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character. Furthermore, it is considered that the constructed office building has not unduly impacted upon the residential amenities of neighbouring occupiers.

Following negotiations, revised drawings were submitted showing the removal of the existing hob and oven from the kitchen, as these facilities are of a residential nature and go beyond what might

reasonably be expected in an office unit. In the event of an approval, recommended Condition number 5 would require the removal of the hob and oven within a period of 2 months from the date of the decision notice. The condition would also prohibit the installation of cooking appliances (with the exclusion of a microwave) in the future.

The proposal retains the same number of parking spaces as per the previously approved scheme. Whilst it is acknowledged that the constructed garage and undercroft area would not technically comply with the recommended dimensions found in Appendix C, Table 1 'Parking Standards' of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), this was similarly the case for the development granted planning permission under application reference 38324/APP/2019/4066. In light of the above, the proposal does not introduce parking or highway issues and is acceptable in this regard.

The application is recommended for approval, subject to the imposition of conditions as set out in Section 2 of this report.

2. RECOMMENDATION

APPROVAL subject to the following:

1. 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 B.01 Rev. C, EX.01, P.04 Rev. D, P.05 Rev. E, P.06 Rev. C, P.07 Rev. C and the documents titled VOX Solid System Brick Panel product specification and Skylight product specification by Custom Rooflights, and shall thereafter be retained/maintained as such, for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

2. NONSC Obscure glazing

The first floor side window(s) in the western elevation shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to and between the adjoining office properties in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

3. NONSC Parking

The car parking to be provided with the development hereby approved shall be kept available for the parking of vehicles at all times.

REASON

To ensure that the development complies with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon

Local Plan: Part 2 - Development Management Policies (January 2020).

4. NONSC Details of cycle and refuse storage

Within 3 months of the date of this decision notice, details of:

- i) the covered and secure cycle storage as detailed on drawing number P.04 Rev. D; and
- ii) provision for refuse/recycling storage to serve the development;

shall be submitted to and approved in writing by the Local Planning Authority.

Within 4 months of the date of this decision notice, the approved cycle store and refuse/recycling storage facilities shall be provided on site and thereafter they shall be retained/maintained for the lifetime of the development hereby approved.

REASON

To ensure that the development complies with Policies DMHB 11 and DMT 5 of the Hillingdon Local Plan Part 2: Development Management Policies (January 2020) and Policy T5 of the London Plan (2021).

5. NONSC Removal of oven and hob

Within 2 months of the date of this decision notice, the existing hob, oven and fume extractor (including all associated fixtures and fittings) shall be removed in their entirety as detailed on drawing number P.05 Rev. E. Thereafter, no other cooking facilities (except for a microwave) shall be contained within the building, for the lifetime of the development hereby approved.

REASON

To avoid the creation of a separate residential use in the interests of residential amenity, in accordance with Policies DMHB 11 and DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

6. COM12 Use restriction

The building hereby approved shall only be used for office purposes and for no other purposes (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

REASON

In the interests of maintaining the amenities of neighbouring residents in accordance with policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

INFORMATIVES

1. 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.

2. I73 Community Infrastructure Levy (CIL) (Granting Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillingsdon.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

3. 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).

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 (2021) and national guidance.

DME 3	Office Development
DMEI 14	Air Quality
DMEI 9	Management of Flood Risk
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 4	Conservation Areas
DMHB 5	Areas of Special Local Character

DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP E1	(2021) Offices
LPP G7	(2021) Trees and woodlands
LPP HC1	(2021) Heritage conservation and growth
LPP SD7	(2021) Town centres: development principles and Development Plan Documents
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T6	(2021) Car parking
LPP T6.2	(2021) Office parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF14	NPPF 2021 - Meeting the challenge of climate change flooding
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF9	NPPF 2021 - Promoting sustainable transport

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the northern side of Pembroke Road. It comprises a part five storey building (known as Pembroke House) which is a former office building that has been converted into flats. To the rear of the building is a car park and two office buildings. The office building that forms the subject of this Committee Report runs along the rear boundary. It is two storeys in height with a garage and undercroft parking area at ground floor level and office floor space at first floor level. The second office building is located in the north-western corner of the car park, and is the subject of a pending application under reference 38324/APP/2022/2010.

The site falls adjacent to two heritage assets, the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character (ASLC). To the east of the application site is Neyland Court and beyond that are inter and post war properties. To the west of the site, are mixed commercial and residential buildings that form the setting of Ruislip High Street. To the rear of the application site are the gardens to the neighbouring residential properties at numbers 2, 2a, 2b and 4 Brickwall Lane.

The site lies within Ruislip Town Centre, as identified within the Hillingdon Local Plan Part 2- Development Management Policies (2020). According to the Council's GIS, the site is designated within a Critical Drainage Area, Air Quality Focus Area and Northolt RAF 3km Air Safeguarding Buffer Zone. The site has a Public Transport Accessibility Level (PTAL) rating of 4 (Good).

3.2 Proposed Scheme

The application proposes a 'Minor Material Amendment' to vary Condition 2 attached to planning permission 38324/APP/2019/4066, dated 13th March 2020, for the erection of detached building to accommodate office accommodation above existing parking. It should be noted that this is a part retrospective planning application.

The main amendments are as follows:

- The height of the constructed building has increased to 6.2 metres, previously approved height was 5.7 metres.
- The width of the constructed building has increased to 13.7 metres, previously approved width was 12.5 metres.
- Changes have been made to the size and design of the window openings on the front elevation.
- Replacement of the approved first floor side (east) elevation with a Juliet balcony.
- Re-positioning of the ground floor side (east) elevation window and first floor side (west) elevation window and changes to their size and design.
- Removal of the soldier course brickwork above the undercroft area.
- Insertion of a garage door in the front elevation of the building and infilling of the side (east) undercroft.
- Changes to the design of the entrance door in the front elevation of the building.
- Installation of three flat roof lights set within the sunken roof section of the building.
- Re-positioning of the internal staircase.
- Installation of shower room and kitchen.

The above amendments have already been carried out by the applicant. During the course of this application, revised drawings were submitted showing that the installed counter top hob and oven would be removed from the kitchen (refer to Section 7.01 of this Committee Report for further details).

Under the terms of a Section 73 application, it is only the impact of the proposed minor changes that are for consideration. It is worth highlighting that this S.73 application is not seeking any change to the lawful use of the building as an office.

3.3 Relevant Planning History

15615/APP/2006/1221 Pembroke House 5 - 9 Pembroke Road Ruislip

ERECTION OF SINGLE-STOREY REAR EXTENSION TO RETAIL/STORAGE AREA, AND CREATION OF 15 PARKING SPACES INCLUDING RAMPS FOR VEHICULAR ACCESS (PARKING SPACES ON GROUND AND FIRST-FLOOR LEVELS)

Decision: 20-06-2006 Refused **Appeal:** 04-01-2007 Dismissed

15615/APP/2006/25 5-9 Pembroke House Pembroke Road Ruislip

ERECTION OF SINGLE STOREY REAR EXTENSION TO RETAIL AREA AND CREATION OF 28 PARKING SPACES INCLUDING RAMPS FOR VEHICULAR ACCESS (PARKING SPACES ON TWO FLOORS (GROUND AND FIRST FLOOR LEVELS)).

Decision: 28-02-2006 Refused

38324/APP/2013/3629 Pembroke House, 5 - 9 Pembroke Road Ruislip

Removal of condition No. 4 (Development) of planning permission ref:38324/APP/2011/786 dated 22/12/2011 (Part conversion from retail/offices (Use Class A1/B1) to 6 x two-bedroom flats and 3 x threebedroom flats with associated parking, amenity space, cycle store and bin store, alterations to elevations, new fenestration to upper floors, demolition of existing external fire escape and alterations to existing vehicular crossover.)

Decision: 16-03-2021 No Further
Action(P)

38324/APP/2014/2680 Pembroke House Pembroke Road Ruislip

Two storey building to rear for use as office space and storage involving installation of railings and gates

Decision: 11-11-2014 Refused **Appeal:** 02-10-2015 Part Allowed

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

38324/APP/2018/164 Pembroke House 5-9 Pembroke Road Ruislip

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

Decision: 23-05-2018 Approved

38324/APP/2018/2678 Pembroke House 5-9 Pembroke Road Ruislip

Erection of detached building to accommodate office accommodation above existing parking

Decision: 18-10-2018 Refused **Appeal:** 26-04-2019 Allowed

38324/APP/2019/2798 Pembroke House 5-9 Pembroke Road Ruislip

Conversion of 2 no top floor flats (1 nos. one bed flat and 1 nos. two bed flat) to create two flats (1 nos. two bed, 1 nos. one bed) with additional office and maintenance storage area, plus two replacement Juliet balconies in lieu of existing side elevation windows.

Decision: 09-04-2020 Refused

38324/APP/2019/4066 Pembroke House 5-9 Pembroke Road Ruislip

Erection of detached building to accommodate office accommodation above existing parking.

Decision: 13-03-2020 Approved

38324/APP/2019/938 Pembroke House 5-9 Pembroke Road Ruislip

Variation of condition 2 (Approved Plans) of Appeal Decision reference: APP/R5510/W/17/3185312, dated 29/1/2018 (Council Ref: 38324/APP/2017/2287 dated 22/6/2017) (Extension of the 4th floor to provide 1 x 2 bedroom unit (Use Class C3)) to allow for alterations to approved plans

Decision: 11-07-2019 Approved

38324/APP/2020/1428 Pembroke House 5-9 Pembroke Road Ruislip

Variation of Condition 2 (Approved Plans) of planning permission ref: 38324/APP/2019/938, dated 11-07-19 (Variation of condition 2 (Approved Plans) of Appeal Decision reference: APP/R5510/W/17/3185312, dated 29/1/2018 (Council Ref: 38324/APP/2017/2287, dated 22/6/2017) (Extension of the 4th floor to provide 1 x 2 bedroom unit (Use Class C3)) to allow for alterations to approved plans); i) installation of French railings across the front of the building at 4th floor; ii) to install 2 French doors and associated Juliette balconies as replacement for side windows; iii) to install one high level obscure glazed window to the rear elevation of the approved top floor flat; iv) amended internal layout

Decision: 28-08-2020 Approved

38324/APP/2020/2879 Pembroke House 5-9 Pembroke Road Ruislip

Details pursuant to Condition 5 (balcony screen) of planning permission ref: 38324/APP/2020/1428, dated 28-08-2020 (Variation of Condition 2 (Approved Plans) of planning permission ref: 38324/APP/2019/938 dated 11-07-2019 (Variation of condition 2 (Approved Plans) of Appeal Decision reference: APP/R5510/W/17/3185312 dated 29/1/2018 (Council Ref: 38324/APP/2017/2287, dated 22/6/2017) (Extension of the 4th floor to provide 1 x 2 bedroom unit (Use Class C3)) to allow for alterations to approved plans); i) installation of French railings across the front of the building at 4th floor; ii) to install 2 French doors and associated Juliette balconies as replacement for side windows; iii) to install one high level obscure glazed window to the rear elevation of the approved top floor flat; iv) amended internal layout)

Decision: 23-12-2020 Approved

38324/APP/2022/1310 Pembroke House 5-9 Pembroke Road Ruislip

Existing use of 8 parking spaces for Class C3 use for residents of Neyland Court and Pembroke House to have the option of renting (Application for a Certificate of Lawful Development for an Existing Use)

Decision: 16-06-2022 Refused

38324/APP/2022/2010 Pembroke House 5-9 Pembroke Road Ruislip

Variation of Condition 2 (approved plans) of planning permission 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

Comment on Relevant Planning History

The relevant planning history attached to this site is referenced above.

The application building known as Office 1G is subject to a Breach of Condition Notice Ref: HS/BCN/020000(B) dated 30th March 2022. The Notice relates to the failure to comply with Condition 2 (Approved Plans) and Condition 6 (Cycle Store details) attached to planning permission 38324/APP/2019/4066.

The planning application under consideration seeks to regularise the non-compliance with planning permission 38324/APP/2019/4066. As noted previously, the proposal is 'part retrospective', as amended drawings submitted during the course of the application propose the removal of a currently installed hob and oven. Proposed cycle storage provision is also included on the submitted drawings and this is discussed in Section 7.10 (below).

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) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.HE1 (2012) Heritage

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Part 2 Policies:

- DME 3 Office Development
- DMEI 9 Management of Flood Risk
- DMEI 14 Air Quality
- DMHB 11 Design of New Development
- DMHB 12 Streets and Public Realm
- DMHB 14 Trees and Landscaping
- DMHB 5 Areas of Special Local Character
- DMHB 4 Conservation Areas
- DMHB 1 Heritage Assets
- DMT 1 Managing Transport Impacts
- DMT 2 Highways Impacts
- DMT 5 Pedestrians and Cyclists
- DMT 6 Vehicle Parking
- LPP E1 (2021) Offices
- LPP G7 (2021) Trees and woodlands
- LPP HC1 (2021) Heritage conservation and growth
- LPP SD7 (2021) Town centres: development principles and Development Plan Documents
- LPP SI12 (2021) Flood risk management
- LPP SI13 (2021) Sustainable drainage
- LPP T6 (2021) Car parking
- LPP T6.2 (2021) Office parking
- NPPF11 NPPF 2021 - Making effective use of land
- NPPF12 NPPF 2021 - Achieving well-designed places
- NPPF14 NPPF 2021 - Meeting the challenge of climate change flooding
- NPPF16 NPPF 2021 - Conserving & enhancing the historic environment

- NPPF2 NPPF 2021 - Achieving sustainable development
- NPPF4 NPPF 2021 - Decision-Making
- NPPF6 NPPF 2021 - Building a strong, competitive economy
- NPPF9 NPPF 2021 - Promoting sustainable transport

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date: Not Applicable
- 5.2 Site Notice Expiry Date: **17th August 2022**

6. Consultations

External Consultees

148 neighbouring properties were consulted by letters dated 19 July 2022. A site notice was displayed on 26th July 2022. Seven objections were received, and their comments are summarised as follows:

- This application has only been submitted as a result of Enforcement Notice ENF/434/21.
- The building has not been built in accordance with the approved drawings.
- The office floor space is excessive.
- The internal plans includes a bathroom and kitchen - these facilities are more than what is required for an office.
- The building is regularly being used for residential accommodation.
- Separation distance from Pembroke House is below planning policy guidance.
- Juliet balcony and windows not as originally approved.
- Loss of privacy, loss of light and visual intrusion for neighbouring residential occupiers.
- Parking, traffic and access implications.
- Roofline not in-keeping with the character of the area.
- Operating hours of the office has not been stated.
- Concerns about health and safety risk as the building is likely to be used for residential accommodation.
- The building is not a registered address of a business.
- There is ample space for office use in the adjacent building.

Following the receipt of revised drawings, neighbouring properties were re-consulted on 10th May 2023. The consultation period expired on 24th May. Two additional representations were received, and their comments are summarised as follows:

- This is far too small and populated a place for it not to affect quality of life of the current residents.
- The development without doubt would be an eyesore and not nice to look at.
- The development would block neighbouring residents natural light, making it very depressing and affecting mental health.
- Having another crammed building in the back of Pembroke House would ruin the scenery and have a massive impact on the wildlife due to the trees.
- The residents have suffered enough without this foolish development idea stealing our peace and home

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life contentment and safety.

· Rats and mice are already a plague due to closeness of bins and homes.

PLANNING OFFICER RESPONSE: Material planning considerations are discussed in the following sections of this report. Sections 7.07-7.10, 7.14 and 7.18 of the Committee Report discuss matters concerning the proposals impact on the character and appearance of the area, neighbouring residential amenities, parking, highway safety and impact on trees.

WARD COUNCILLOR:

A Ward Councillor objects to this planning application as it is believed that the building seems unsuitable to be turned into residential accommodation, with a complete lack of amenity for new residents and loss of privacy to residents in Neyland Court.

PLANNING OFFICER RESPONSE: As previously mentioned, this S.73 planning application is not seeking any changes to the lawful use of the building for office purposes. The representations received about the alleged use of the building as self-contained residential accommodation are noted, however this is a separate matter, for consideration by the Council's Planning Enforcement Team. It is understood that an inspection (relating to Planning Enforcement Investigation Ref. ENF/434/21) did not establish that the building was in use as a residential dwelling/flat at that time.

RUISLIP RESIDENTS' ASSOCIATION:

The original plans for 38324/APP/2019/4066 were Approved on the basis that the roof would complement the roof of Ref. APP/R5510/W/16/31550756 dated 11/11/2016 (LBH ref: 38324/APP/2016/407, and as outlined in the officer's report on pages 7 & 8 as follows:

"From the evidence provided, it appears that the distance from the proposed building and the existing residential properties at Pembroke House is approximately 16.5m, which is below the 21.0m acceptable separation distance as set out in the Council's Supplementary Planning Document on Residential Extensions (SPD). However, this SPD relates to residential dwellings, whereas the proposal would be for a B1 office use and the overall amount of proposed office space would be very limited. In this case, I do not consider that the SPD guidance is relevant to the appeal proposal. It is necessary that I reach a view on privacy matters using my own planning judgement. In this case, the proposed building would be separated from the flats at Pembroke House by an existing car park. In addition, the building would be used for office purposes and so I consider that it is reasonable to take the view that it would not likely be occupied at all times of the day. In addition, the windows proposed for the elevation facing the flats in Pembroke House would be relatively small and limited in numerical terms. When the above matters are considered as a whole, I do not consider that the appeal proposal would give rise to a significant loss of privacy for the occupiers of Pembroke House. Therefore the proposal would accord with the amenity aims of Policy BE24 of the UDP and the guidance set out in the Framework."

The proposal would provide three tilt and turn windows at first floor level on the front elevation and two smaller top hung casement windows in the two side elevations. No windows are proposed in the rear elevation at first floor level. The side window on the eastern elevation would face onto garages at the rear of Neyland Court and so would not result in overlooking or loss of privacy. The window on the western side elevation would face onto the existing office building. Given the 6m distance between the two buildings, there could be an issue of overlooking of windows of the existing and proposed offices; the proposed side window would therefore need to be obscure glazed so that there would not an issue of overlooking of the two office buildings.'

The documents submitted with these retrospective plans do not provide any details to provide any background to provide justification for the considerable changes that have been made to the original plans approved.

In summary the following additional information should be available to fully review and assess this planning application:

- A statement to summarise aims and objectives of proposed changes to the building.
- Justification for the infill of the undercroft.
- Justification why the roof is not built according to plan.
- Justification to explain why the windows are all much larger than those approved.
- Justification for the provision of WC to a ground floor office.
- Justification for the provision of WC/Shower Room and Kitchen to first floor office.
- No indication of staff numbers in these offices and why they need shower facilities.
- No indication of Openings times at these offices.
- Security arrangements.
- Disabled access arrangements.
- Cycle parking provision for office staff or visitors.
- EVCP provision for office staff or visitors.

Our Conclusions:

Based on the information submitted it should be refused for the following reasons:

1. The design of the building has not been built according to plan. The roof fails to harmonise with the architectural composition of the other office building as originally anticipated and would be detrimental to the character, appearance, and visual amenities of the surrounding area.
2. The size and design of the windows originally approved were intended to be for B1 office use and intended "to be relatively small and limited in numerical terms". By contrast the windows are not according to plan. They are all larger and a Juliet balcony has been introduced on the east side. They cause unreasonable harm and significant loss of privacy for the occupiers of Pembroke House and Neyland Court. Therefore the retrospective proposals fail to accord with the amenity aims of Policy BE24 of the UDP and the guidance set out in the Framework.
3. Given the 6m distance between the two office buildings, there is an issue of overlooking of windows. The proposed west side window should be obscure glazed.

If these retrospective plans are approved then we request that conditions are imposed requiring the building to remain as B1 Office use to ensure that it does not become independent living accommodation.

PLANNING OFFICER RESPONSE:

There is no validation requirement for the applicant to provide a summary or justification of the amendments being proposed as part of this subject S.73 planning application. The applicant has submitted scale drawings which clearly show the proposed amendments for which planning permission is being sought for, and this has been stated within their application form. Planning Officers are therefore fully satisfied that sufficient information has been provided to enable the assessment and determination of the S.73 planning application.

It should be clarified that no conditions were attached to the original planning permission (reference 38324/APP/2019/4066) restricting the hours of use of the office building. It would therefore be unreasonable to introduce such a condition as part of this S.73 application, which is only seeking approval for the proposed amendments that have been made to the previously approved scheme.

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The scheme previously approved under planning permission 38324/APP/2019/4066 comprised an office building with a flat roof with projecting roof lights. The office building that has been constructed at the site, and forms the subject of this application, also contains a flat roof form. However, the parapet wall height of the constructed building has been increased by 50 centimetres, which means that the roof lights are no longer visible. Having regard to the size, scale, massing and design of the scheme approved under planning permission 38324/APP/2019/4066, it is considered that the proposed amendments have not caused harm to the character and appearance of the area. Refer to Section 7.07 of this Committee Report for further details.

It is acknowledged that the constructed office building (Office 1G) has not been built in accordance with the approved plans. Whilst the windows are of a different size, they would be in a similar position to those previously approved. The constructed Juliet balcony in the side (east) elevation has replaced the previously approved first floor window. It is therefore considered that the outlook from these installed windows and Juliet balcony would not be dissimilar to the scheme originally approved under planning permission 38324/APP/2019/4066. The impact on privacy/overlooking is discussed in further detail in Section 7.08 of this report and is considered acceptable.

The approximately 6 metre separation distance between Office 1G (the application property) and Office 1F (the neighbouring office building at the application site) would be similar in relationship to the original scheme approved under planning permission 38324/APP/2019/4066. It is noted that a condition was secured to the previous permission requiring the window in the side (west) elevation to be obscure glazed and non-opening up to 1.8 metres from the finished floor level. This same condition would be re-attached, in the event that planning permission was to be granted (recommended condition no. 2).

In the event of an approval, a condition would be secured to ensure that the building is only used for office purposes and no other uses falling within Use Class E (condition 6).

RUISLIP VILLAGE CONSERVATION PANEL: No comments received.

MOD SAFEGUARDING -RAF NORTHOLT: No comments received.

Internal Consultees

COUNCIL'S HIGHWAYS OFFICER:

Specific reference is made to the proposed 'infill of under-croft' element of this condition variation to the original 2020 consent (38324/APP/2019/4066) which consists of 4 parking spaces in total including the reconfiguration/rotation of 2 under-croft spaces by 90 degrees (originally denoted spaces 21 & 22) thereby creating a generously wide single space within an enclosed garage facility. The prevailing spaces within the rear car park of Pembroke House approved for the previous consent remain unaltered in quantum.

It is noted that it would be beneficial if the presented parking spaces were moderately longer and wider in scale to better accord with Hillingdon's Local Plan: Part 2 - Development Management Policy DMT 6 (Appendix C - Table 1(a) section 8).

However, it is also noted that a comparable length & width of spaces was accepted within the consented 2020 scheme as the deficit in scale was considered marginal. Therefore, in the spirit of consistency and in view of a potentially unsuccessful outcome on appeal if now refused on scale, this retrospective 'in-fill of under-croft' and parking reconfiguration is, on balance, considered acceptable as presented.

All other relevant transport related aspects such as the indicated 'two space' cycle parking provision, were previously secured/conditioned within the 2020 consent (condition 6) and as presented, conform with the

incumbent regional London Plan standard that requires 2 spaces (1 long stay & 1 short stay). There are no further observations.

Conclusion: The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress within and outside of the site envelope, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Plan (2020) Policies DMT 1, DMT 2 & DMT 6 and Policy T4, T5 and T6 of the London Plan (2021).

COUNCIL'S CONSERVATION AND URBAN DESIGN OFFICER: No comments.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of an office in this location has been established by the approved scheme.

It is acknowledged that the plans submitted as part of this application show that a kitchen (that includes an oven and hob) and a separate shower room have been installed at first floor level. These facilities did not form part of the approved plans for the scheme granted under planning permission 38324/APP/2019/4066. Following negotiations, revised drawings were submitted by the applicant showing that the existing oven and hob would be removed from the kitchen, as these facilities are of a residential nature and go beyond what might reasonably be expected in an office unit. In the event of an approval, a compliance condition would be secured requiring the hob and oven to be removed within 2 months of the date of the decision notice (condition no. 5).

It is not uncommon for toilet, sink and shower facilities (especially for those who cycle to work) to be provided for employees in office premises. There is therefore no objection to the retention of the shower room. However, this is notwithstanding the points raised in the preceding paragraph in respect of the removal of the oven and hob.

Under the terms of a S.73 application, it is only the impact of the proposed minor changes that are for consideration. The principle of erecting an office building to the rear of Pembroke House cannot be revisited as this aspect has already been established through the aforementioned planning permission. This current S.73 application does not propose any change to the lawful use of the building as office accommodation and will be assessed on this basis.

7.02 Density of the proposed development

Not applicable.

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

The site falls adjacent to two heritage assets, the Ruislip Village Conservation Area and Midcroft, Ruislip Area of Special Local Character (ASLC). Please refer to section 7.07 of this Committee Report for the proposal's impact on the character and appearance of the area.

7.04 Airport safeguarding

The site is designated within Northolt RAF 3km Air Safeguarding Buffer Zone. However, given the lawful office use of the building, and noting the nature of the amendments being sought under this

current S.73 application, it is considered that the proposal would not give rise to any aircraft issues associated with RAF Northolt.

The Ministry of Defence was consulted on this application and has not raised any objection.

7.05 Impact on the green belt

Not applicable.

7.06 Environmental Impact

Covered in other sections of this report.

7.07 Impact on the character & appearance of the area

Policies D3 and D4 of the London Plan (2021) require development proposals to be of a high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness. Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Policy DMHB 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area.

Policy DMHB 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that within Areas of Special Local Character, new development should reflect the character of the area and its original layout.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established street patterns; building lines and streetscape rhythm and landscaping.

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The Inspector of the allowed Appeal Decision (APP/R5510/W/18/3218019) states the following, in regard to the impact on the character and appearance of the area:

"4. The appeal site is located within the car park at the rear of Pembroke House. It is adjacent to, but not within the CA and ASLC. The CA was first designated in 1969, and the medieval village, based around Manor Farm, St.Martin's Church and the surrounding buildings form the core of the CA. Ruislip has a distinct identity that reflects its historical development.

5. Whilst the appeal site lies within the setting of the CA and ASLC, the car park itself is private, and public use is restricted. The design of the building, brick built with a mansard roof and hanging tiles would be very similar to the existing office building in the car park and would be considerably smaller than many of the existing buildings, including Pembroke House, that surround it.

6. Due to the private nature of its location to the rear of Pembroke House, it would not be conspicuous within the street scene setting of Pembroke Road. Furthermore, and owing to the position and scale of the development, I am satisfied that the development would not interfere with important views into or out of the CA or have a detrimental impact on its setting. Consequently, I do not consider that the development would look out of place in the locality or cause significant harm to the character and appearance of the area.

7. With regard to the ASLC, it is the rear gardens of the Brickwall Lane properties that set the context. These generally incorporate high vegetation screening along the boundary. There is no evidence to suggest that any of that screening would be affected by the proposals. The proposals are a significant distance from those properties, and as there are no windows proposed at the rear, privacy to the amenity spaces of the Brickwall Lane properties would not be compromised by the appeal proposals. In this context, I do not consider that any significant harm would be caused to the ASLC.

For the reasons outlined above, I conclude that the development would not result in any material harm to the setting of the CA or to the ASLC, and as such would not be in conflict with policies BE1 and HE1 of the London Borough of Hillingdon Local Plan Part One Strategic Policies (2012) (the LP) and Policies BE4, BE5, BE13, and BE19 of the London Borough of Hillingdon Local Plan Saved Unitary Development Plan Policies 2012 (the UDP), which, amongst other matters, seek to promote good design that harmonises with its surroundings and protect designated and locally registered heritage assets. Policy BE15 of the UDP is not directly relevant to this main issue in that it is concerned with extensions and alterations to existing buildings."

As previously stated, subsequent to the above appeal decision, planning permission was granted on 13th March 2020 (ref. 38324/APP/2019/4066) at Pembroke House for a revised scheme involving the erection of a detached office building in a similar location to that allowed at Appeal. The current (part retrospective) planning application now seeks to regularise the non-compliance with planning permission 38324/APP/2019/4066.

In this case, the external changes that have been made to the office building since the grant of planning permission 38324/APP/2019/4066 include: increasing the width and height of the building; fenestration changes (including the installation of a Juliet balcony in the side east elevation); the partial infilling of the approved undercroft with a front garage door and a brick wall on the side (east) elevation; elevation changes including the removal of the approved brick soldier course running along the perimeter and the use of a different type of brick.

It is acknowledged that the width and height of the office building are greater than that originally approved under planning permission 38324/APP/2019/4066. However, when comparing the size and scale of the building to that which was originally approved, it is considered that the increased height of approximately 50 centimetres and width of 1.2 metres is not so significant as to warrant refusal on design grounds. The office building remains at two-storeys in scale and would be comparative in height to the adjacent office building in the north-western corner of the site. It is therefore considered that the amended dimensions of the office building are not inherently out of keeping with its immediate rear car park setting.

The amended fenestration changes have resulted in wider first floor window openings. However, the actual height of these windows has been reduced when compared to those approved under planning permission 38324/APP/2019/4066. As such, the amended window openings have not significantly impacted upon the overall appearance of the office building. The Juliet balcony on the side (east) elevation is set-in approximately 3.2 metres from the front wall of the office building and faces onto

the car park of the adjoining site at Neyland Court. It is therefore considered that the Juliet balcony does not appear as a visually prominent feature. The amended scheme has resulted in the partial infilling of the undercroft with a front garage door and brick wall with window on the side (east) elevation. Within the car park of the adjoining site at Neyland Court is a block of garages located along the eastern boundary. It is considered that the new front garage door on the office building is reflective of its rear car park location.

External finishes appropriate to the context have been used

As highlighted by the Inspector in the above Appeal Decision extract, public views of the office building are limited due to its location within the car park to the rear of Pembroke House. With this in mind, and for the reasons set out in the preceding paragraphs, it is considered that the amended scheme has not caused harm to the character and appearance of the adjacent Conservation Area or Area of Special Local Character.

7.08 Impact on neighbours

The difference in scale and mass between the building as approved under planning permission 38324/APP/2019/4066 and as constructed is modest, with the height of the building increased by approximately 50 centimetres and its width by 1.2metres. With this in mind, and noting the separation distances from neighbouring rear windows, it is considered that the dimensions of the amended office building have not significantly impacted upon the neighbouring residential amenities of Nos. 2, 2a, 2b, 4 and 6 Brickwall Lane, in respect of loss of light, outlook and sense of enclosure.

It is noted that the fenestration treatment is different to that approved under planning permission 38324/APP/2019/4066. However, the office building continues to be served by three first floor windows fitted in its front elevation, as per the original planning permission 38324/APP/2019/4066 (albeit the window openings are wider). Given that the depth of the building has not been amended, the separation distance between the office building and Pembroke House remains the same as that deemed acceptable under planning permission 38324/APP/2019/4066. Whilst the windows installed are wider than the approved windows (as noted), on balance, it is considered that the amended scheme has not resulted in harmful loss of privacy or overlooking to neighbouring residential occupiers at Pembroke House. It is considered that a refusal of planning permission on such grounds would be unsustainable in the event of appeal. Moreover, the proposal has not resulted in any undue loss of light/overshadowing or overbearing impact upon Pembroke House.

On the side (east) elevation of the office building, a Juliet balcony has been installed at first floor level in replacement of the approved window. Whilst this is a larger opening than previously approved, the outlook would remain similar. Views towards neighbouring properties to the north would be at an oblique angle and the relationship would be acceptable on this basis. The Juliet balcony would primarily look towards the car park at Neyland Court and thus would not cause harmful overlooking to the Neyland Court flats. At ground floor, a high level window has been installed in the east elevation, however this would not result in any harmful overlooking due to its nature. The distance from the subject building to the flats at Neyland Court is adequate, such that there is no harmful overbearing impact or loss of light.

There would be a separation distance of approximately 28 metres from the side boundary of No.19 Pembroke Road, despite the increased width of the office building by 1.2 metres. Given these circumstances, and noting that the use of the building would remain for office purposes, it is considered that the amended scheme has not resulted in harm to the amenities of the occupiers of No.19 Pembroke Road and beyond.

As previously noted, Condition 2 has been recommended to ensure a satisfactory relationship (in respect of privacy) with the adjacent office building (building 1F).

In light of the above, it is considered that the amendments made to the office building have not unduly impacted upon the living conditions of neighbouring occupiers.

7.09 Living conditions for future occupiers

Not applicable.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway, junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

The Inspector of the allowed Appeal Decision APP/R5510/W/18/3218019 (LPA ref: 38324/APP/2018/2678) states the following, in regard to parking and highway safety:

"13. The existing parking provision is a private car park for residents. Based on the evidence provided, there are 21 existing spaces for 19 residents and the existing office building.

14. The proposed building would include car parking space within the construction footprint. I concur with the Highway Authority in that the proposals would effectively remove two spaces, in that space 18 would be unusable for a normal vehicle, and space 17 would be very close to the entrance to the new building. However, and acknowledging that, I find that space 17 would nonetheless still be usable. Furthermore, space 18 could well be utilised for motorbikes or cycles. I also agree with the Highway Authority that the surrounding area is covered by parking controls, and that there is good access to public transport. I note that the Highway Authority have not raised an objection to the proposals.

15. Notwithstanding the above, the Council have raised concerns regarding the overall amount of car parking that would be provided on the site. I understand from the evidence provided that 15 car parking permits are currently issued, and this is controlled by the owners of the building. This is below the 1:1 car parking standard set out within policy AM14, however it is reasonable to assume that the car park is not currently at capacity, and that it would remain under the control of the owners of the building. In addition, I am not in receipt of any evidence to suggest that there is an ongoing problem with car parking on the site. The car park is not available to be used by the public, and I am satisfied that the revised capacity would be sufficient to be able to control the private parking demand. I consider that the loss of two spaces would not cause significant harm to highway safety or lead to any on-street parking issues or traffic flow issues off site.

16. For the collective reasons outlined above, I conclude that the proposal would accord with policies AM7 and AM14 of the UDP which collectively state that, amongst other matters, that proposals should not cause significant harm to the conditions of highway and pedestrian safety and that the

number of car parking spaces on the site would be sufficient for all land uses."

Following the issuing of the above Appeal Decision, planning permission was granted under application reference 38324/APP/2019/4066 for an office building in a similar location to that allowed at Appeal. However, this latter scheme had a revised layout whereby the original consented spaces originally labelled as Nos. 20 and 21 were re-orientated at 90 degrees. It should be noted that the Committee Report for 38324/APP/2019/4066 states that the Highways Officer raised no objection to this alternative arrangement, in respect to the parking and highway safety. "

In terms of this current S.73 application, the ground floor parking layout of the office building has been altered since the granting of planning permission 38324/APP/2019/4066. The car parking space within the garage area of the building has been re-orientated at ninety degrees (similar to the arrangement originally allowed at Appeal). Importantly, the alterations retain the same number of parking spaces (4no.) as the previously approved scheme (38324/APP/2019/4066).

The Council's Highway Officer acknowledges that the proposed car parking spaces do not meet the prescribed dimensions found in Appendix C, Table 1 'Parking Standards' of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). However, this was similarly the case for the 2018 scheme allowed at Appeal (ref:38324/APP/2018/2678) and also the consented 2020 scheme (ref: 38324/APP/2019/4066). Having regard to the above, the proposal does not introduce parking or highway concerns and it is considered that refusing this current S.73 application on the grounds that the proposal does not meet the recommended parking/garage dimensions in Appendix C, Table 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) would be unjustifiable and unsustainable in the event of an Appeal. Furthermore, it is noted that the Highway Officer does not object to the application.

This current S.73 proposal also retains the same number of car parking spaces within the wider car park of Pembroke House as that approved under planning permission 38324/APP/2019/4066. Bearing this in mind, and noting that the car parking permits are currently issued and controlled by the owners of the building, it is considered that the proposal would not exacerbate the demand for street parking or prejudice highway safety.

The proposal would therefore accord with the objectives of policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy T4 and T6 of the London Plan, and paragraph 111 of the NPPF (2021).

BICYCLE PROVISION:

Policy T5 of the London Plan (2021) states that developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2 and Figure 10.3, which requires 1 long stay employee cycle space per 150 sqm GEA and 1 short stay visitor cycle space for the first 5,00 sqm.

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.

To comply with Policy T5 of the London Plan (2021), the proposal is required to provide 1 long stay and 1 short stay cycle space. The submitted ground floor plan indicates that two cycle spaces would be provided. In the event of an approval, a condition would be secured requiring full details of the

cycle stands to be submitted to the Council for consideration (condition 4). Subject to such a condition, it is considered that the proposal would provide secure and accessible cycle space provision for the users of the office building in compliance with Policy DMT 5 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy T5 of the London Plan (2021).

7.11 Urban design, access and security

This has been covered in other sections of the Committee Report.

7.12 Disabled access

Policy D5 of the London Plan (2021) states that development proposals should achieve the highest standards of accessible and inclusive design. They should, amongst other criteria, be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment.

The office building is accessed via an internal staircase. It does not contain lift provision, which means the access arrangement puts disabled people at a disadvantage, contrary to Policy D5 of the London Plan (2021). However, the constructed staircase access arrangement is no different to the scheme originally approved and consequently, it is considered that a refusal on this ground would be unjustifiable, in the event of an Appeal.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, landscaping and Ecology

TREES AND LANDSCAPING:

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that landscaping and tree planting should enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that:

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

There are trees at and adjacent to the rear boundary of the application site. However, none of them are protected by a Tree Preservation Order (TPO). The increase in the footprint of the office building has not resulted in its rear building line projecting any closer to the rear site boundary above the scheme originally approved under planning permission 38324/APP/2019/4066. It is therefore considered that the proposal has not impacted upon the health of adjacent trees over and above that deemed acceptable under planning permission 38324/APP/2019/4066.

ECOLOGY:

Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that

the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

The office building is located in the rear car park of Pembroke House which is surfaced in hard standing. The site does not contain any ponds, open woodland or dense scrub and shrubbery. There are no protected sites of ecological interest adjacent to the site. It is therefore considered that the likelihood of protected species being present at the site is low, and as such, an ecology assessment is not required. This position would be in accordance with 'Circular 06/05: Biodiversity and Geological Conservation- Statutory Obligations and their Impact within the Planning System' which states that, "...bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."

7.15 Sustainable waste management

Policy DMHB 11 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) states that development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The approved Site Layout Plan (drawing number P.02 Rev. A) attached to planning permission 38324/APP/2019/4066 showed that a dedicated refuse store would be provided for the office building adjacent to the flank eastern wall of Pembroke House. However, during the site visit it was observed that this refuse store has not been provided.

To resolve this matter, a condition has been recommended to secure details and subsequent provision of suitable refuse storage facilities (condition 4).

Subject to the above condition, it is considered that the development would be able to provide a convenient location for refuse and recycling facilities in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 -Development Management Policies (2020).

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

Policy DMEI 9 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused. Policy DMEI 10 states that development within areas identified at risk from surface water flooding which fail to make adequate provision for the control and reduction of surface water runoff rates will be refused.

The site lies within Flood Zone 1 of the Environment Agency's Flood Risk Map. This means the site is classified as being at low risk and defined as having a less than 1 in 1,000 probability of fluvial and tidal flooding. As such, there are no restrictions on development, including office uses (i.e. a less

vulnerable use according to the PPG flood risk vulnerability classification), in this location, in terms of fluvial and tidal flood risk.

According to the Council's GIS, the site lies within a Critical Drainage Area. The proposal has resulted in an increase to the footprint of the office building when compared to the original planning permission 38324/APP/2019/4066. This increase is considered relatively minor however, in comparison to the overall footprint of the office building. It is therefore considered that the development is unlikely to significantly exacerbate the risk of surface water flooding at the site.

In light of the above, it is considered that the proposal does not significantly increase the risk of flooding on the site or elsewhere. This is in accordance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy SI 12 and SI 13 of the London Plan (2021) and the NPPF (2021).

7.18 Noise or Air Quality Issues

NOISE:

Policy D14 of the London Plan (2021) states that in order to reduce, manage and mitigate noise to improve health and quality of life, residential and non-aviation development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

The lawful use of the application building as an office would remain the same as part of the current S.73 application. It is therefore considered that the proposal does not raise any significant noise issues in respect of impact on neighbouring residential occupiers.

AIR QUALITY:

Policy DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

A) Development proposals should demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants.

B) Development proposals should, as a minimum:

i) be at least "air quality neutral";

ii) include sufficient mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors, both existing and new; and

iii) actively contribute towards the improvement of air quality, especially within the Air Quality Management Area.

The site is located within an Air Quality Focus Area, however, having regard to the nature of the changes proposed as part of this S73 application, it is considered that the proposal does not raise any significant air quality issues. The proposal therefore accords with Policy DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.19 Comments on Public Consultations

Covered in Section 6 of this Committee Report.

7.20 Planning obligations

COMMUNITY INFRASTRUCTURE LEVY:

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

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for office developments is £35 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per square metre. The proposal is considered to be CIL liable in the event that planning permission is granted.

7.21 Expediency of enforcement action

The application has been submitted in an attempt to regularise matters relating to a Breach of Condition Notice. If the planning application is refused (contrary to officer recommendation), the matter will be referred back to the Council's Planning Enforcement Team.

7.22 Other Issues

Not applicable.

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

For the reasons set out in this Committee Report, it is considered that the proposal would comply with the objectives of national, regional and local planning policies and guidance. It is therefore recommended that the application be approved, subject to the imposition of the conditions set out in Section 2 of the Committee Report.

11. Reference Documents

National Planning Policy Framework (July 2021)

The London Plan (March 2021)

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document (September 2017)

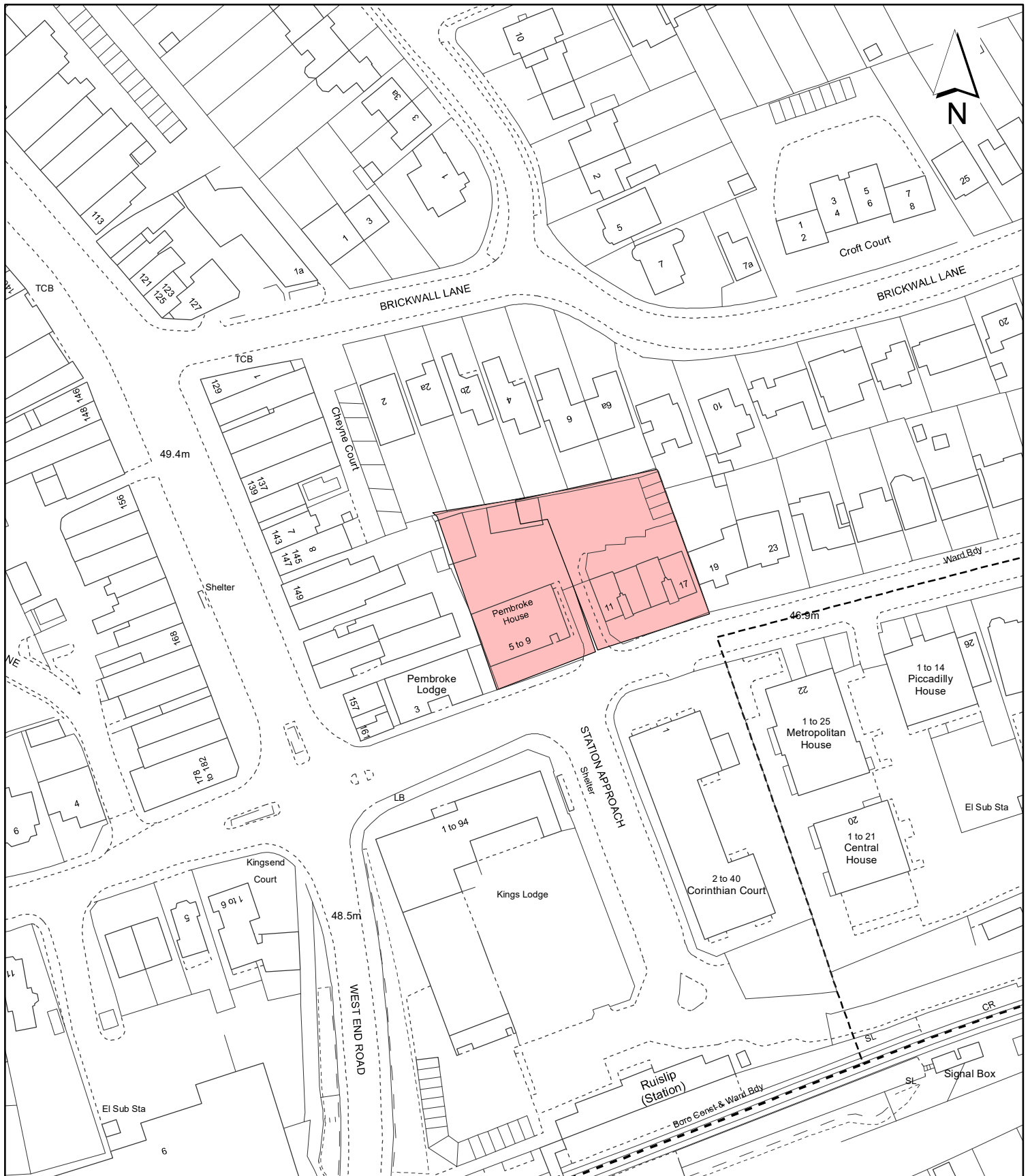
Planning Obligations Supplementary Planning Document (July 2014)

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Notes:

 Site boundary

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Site Address:

Pembroke House

LONDON BOROUGH OF HILLINGDON
Residents Services Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:

38324/APP/2022/2001

Scale:

1:1,250

Planning Committee:

Borough

Date:

June 2023



HILLINGDON
 LONDON