

Report of the Head of Development Management and Building Control

Address: PEMBROKE HOUSE 5-9 PEMBROKE ROAD RUISLIP

Development: 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

LBH Ref Nos: 38324/APP/2022/2010

Drawing Nos: EX.01
EX.02
P.201 Rev. B
P.202 Rev. B
P.208 Rev. B
P.209 Rev. B
P.210
Adjustable wall mounting cycle rack product specification

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

Date Application valid 06-07-2022

1. SUMMARY

The application proposes a 'Minor Material Amendment' to vary Condition 2 (Approved plans) attached to 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) (and as amended under planning permission ref: 38324/APP/2018/164, dated 23-05-18) (Erection of detached building to accommodate office accommodation) to include provision of a ground floor WC and first floor WC/shower and kitchen (part retrospective).

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/16/3155076, with an amended scheme approved under S.73 application 38324/APP/2018/164.

No changes are being proposed to the dimensions or external appearance of the office building approved under planning permission 38324/APP/2018/164. The application is not seeking any change to the lawful use of the building as an office. As such, the proposal would not cause 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. For the same reasons, the proposal would not cause harm to 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 4 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. The proposal therefore 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 P.201 Rev. B, P.202 Rev. B, P.208 Rev. B, P.209 Rev. B and P.210 (received on 27.07.2023) and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

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

2. 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).

3. NONSC Cycle and refuse storage

Within 2 months of the date of this decision notice, the cycle spaces as detailed on drawing number P.209 Rev. B and the product specification sheet titled "Adjustable wall mounting cycle rack" shall be installed and thereafter they shall be retained/maintained for the lifetime of the development hereby approved.

REASON

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

4. 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.210. 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).

5. NONSC Non Standard Condition

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. 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. 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.

3. 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@hillington.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.

153 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) 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 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 (referred to as Office 1F and 1G on the submitted plans).

The office building that forms the subject of this Committee Report is Office 1F, which is located to the north-western corner of the car park. Office 1F was originally allowed at Appeal by the Secretary of State under Appeal Decision APP/R5510/W/16/3155076. This permission was subsequently varied under approved S.73 application 38324/APP/2018/164, with the amendments involving changes to the elevations, re-location of the refuse store and the infilling of the undercroft to create a garage.

There is a second office building (Office 1G) which is located along the rear boundary of the application, which was regularised, subject to conditions, through the granting of permission 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 forms the setting of Ruislip High Street. To the rear of the application site are the gardens to the neighbouring residential properties at numbers 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 (Approved plans) attached to 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) (and as amended under planning permission ref: 38324/APP/2018/164, dated 23-05-18) (Erection of detached building to accommodate office accommodation) to include provision of a ground floor WC and first floor WC/shower and kitchen (part retrospective).

The main amendments are as follows:

- Installation of w/c, 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).

3.3 Relevant Planning History

15615/APP/2001/825 Pembroke House Pembroke Road Ruislip

REMOVAL OF CONDITION 14 (NO PART OF THE OFFICE PREMISES HEREBY PERMITTED SHALL BE OCCUPIED AT ANY TIME BY ANY ONE FIRM TO AN EXTENT EXCEEDING 3,000 SQ FT WITHOUT THE PRIOR WRITTEN CONSENT OF THE LOCAL PLANNING AUTHORITY) OF OUTLINE PLANNING PERMISSION REF.15615/12891 DATED 01/08/73; ERECTION OF OFFICES AND ONE- BEDROOM FLATS

Decision: 02-05-2001 Approved

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/2002/2285 Pembroke House Pembroke Road Ruislip

ERECTION OF ADDITIONAL OFFICE SPACE AT ROOF LEVEL, NEW ROOF AND CHANGE OF USE OF GROUND FLOOR OFFICE TO RETAIL USE

Decision: 25-04-2003 Approved

38324/APP/2004/2856 Pembroke House Pembroke Road Ruislip

CHANGE OF PITCHED ROOF TO FLAT ROOF WITH EXTENSION TO ROOF PLANT ROOM (AMENDMENT TO PLANNING PERMISSION REF 33324/APP/2002/2285 DATED 25/04/2003: ERECTION OF ADDITIONAL OFFICE SPACE AT ROOF LEVEL, NEW ROOF AND CHANGE OF USE OF GROUND FLOOR OFFICE TO RETAIL USE)

Decision: 17-12-2004 Approved

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

Part conversion from retail/offices (Use Class A1/B1) to 6 x two-bedroom flats and 3 x three-bedroom flats with associated parking, amenity space, cycle store and bin store, alterations to

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

Decision: 20-12-2011 Approved

38324/APP/2012/42 Pembroke House, 5 - 9 Pembroke Road Ruislip

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

Decision: 18-07-2012 Withdrawn

38324/APP/2013/2763 Pembroke House, 5 - 9 Pembroke Road Ruislip

Change of use from B1 (office) to residential (C3) (Application for Prior Approval under Schedule 2 Part 3 Class J of the The Town and Country Planning (General Permitted Development) Order 1995 (as amended))

Decision: 13-11-2013 Prior Approval
N/Req

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/2014/968 Pembroke House, 5 - 9 Pembroke Road Ruislip

Details pursuant to condition 12 (Construction and Demolition Management Plan) 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 three bedroom flats with associated parking, amenity space, cycle store and bin store, alterations to elevations, new fenestration to upper floors, demolition of existing external fire escape and alterations to existing vehicular crossover)

Decision: 09-05-2014 Approved

38324/APP/2016/3586 Pembroke House 5-9 Pembroke Road Ruislip

Extension of 4th floor accommodation to provide 2 x 1 bedroom flats

Decision: 23-11-2016 Refused **Appeal:** 23-05-2017 Dismissed

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/2016/4255 Pembroke House 5-9 Pembroke Road Ruislip
Details pursuant to condition 3 (materials) of the Secretary of State's Appeal Decision ref: APP/R5510/W/16/3155076 dated 11/11/2016 (Erection of detached building to accommodate refuse storage at ground floor and office accommodation above)

Decision: 04-09-2019 No Further Action(P)

38324/APP/2017/2287 Pembroke House 5-9 Pembroke Road Ruislip
Extension of the 4th floor to provide 1 x 2 bedroom unit (Use Class C3)

Decision: 23-08-2017 Refused **Appeal:** 26-02-2018 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/2020/1279 Pembroke House 5-9 Pembroke Road Ruislip

Installation of two french windows with Juliette balconies to side elevations in lieu of windows, stainless steel railings to front elevation and high level window to rear elevation of existing top floor flat.

Decision: 06-05-2020 No Further
Action(P)

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/2022/2001 Pembroke House 5-9 Pembroke Road Ruislip

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).

Decision: 14-06-2023 Approved

38324/PRE/2000/151 Pembroke House Pembroke Road Ruislip
PRE CORRES: CHANGE OF USE TO PART RESIDENTIAL

Comment on Relevant Planning History

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

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

Part 2 Policies:

DME 3 Office Development

Borough Planning Committee - 5th September 2023

PART 1 - MEMBERS, PUBLIC & PRESS

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 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

Borough Planning Committee - 5th September 2023

PART 1 - MEMBERS, PUBLIC & PRESS

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: **24th August 2022**

5.2 Site Notice Expiry Date: Not applicable

6. Consultations

External Consultees

31 neighbouring properties were consulted by letters dated 20th July 2022. A site notice was displayed on 26th July 2022 and a press notice was published on 3rd August 2022. Following the receipt of revised drawings and changes to the proposal description wording, neighbouring properties were re-consulted on 28th July 2023.

Five objections were received, and their comments are summarised as follows

- The building has not been built in accordance with the approved drawings
- The office hours of the building have never been published
- There is an enforcement notice ENF/434/21 attached to the building, regarding its alleged use as a self-contained flat
- The bathroom and kitchen facilities goes beyond what is required for an office
- The kitchen and bathroom should be removed
- The separation distance between the office building and Pembroke House is below the Local Plan's recommended 21 metres
- It poses a health and safety risk for neighbouring occupiers
- If approved, it will set a precedent for other buildings to be built not in accordance with approved drawings

PLANNING OFFICER RESPONSE: It should be noted that this application is not seeking to the change the lawful use of the application building as an Office. The point raised about the alleged use of the building as a self-contained flat is being investigated separately by the Council's Enforcement Department. There were no conditions attached to the original scheme allowed at Appeal in respect to the operating hours of the office building (LPA: 38324/APP/2016/407, Appeal ref: APP/R5510/W/16/3155076). Material planning considerations are discussed in the following sections of this report. Sections 7.07-7.08 of the Committee Report discuss matters concerning the proposals impact on the character and appearance of the area and neighbouring residential amenities.

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.

Borough Planning Committee - 5th September 2023

PART 1 - MEMBERS, PUBLIC & PRESS

RUISLIP RESIDENTS' ASSOCIATION: The original plans for 38324/APP/2016/407 were Approved after Ref. APP/R5510/W/16/31550756 was allowed on 11/11/2016 (LBH ref: 38324/APP/2016/407. The Inspector's decision report stated as follows:

1.1. "The appeal is allowed and planning permission is granted for the erection of a detached building to accommodate refuse storage at ground floor and office accommodation above".

1.2. "The development hereby permitted shall be carried out in accordance with the following approved plans: B.01; L.01; P.01; P.02; P.03; P.04; P.05; P.06; P.07".

16. "In terms of insulating the building from noise and providing an air extraction system to control the emission of noise and odour, the proposed use of the site as an office and general refuse storage area would not necessitate such measures".

Hence, the intention and rationale behind the decision to Allow the Appeal was on the basis that the building would be used for general refuse storage and an office above. No approval was given or intended for the changes that have taken place. The retrospective proposals "for minor elevational variations, relocation of refuse store and infilling of undercroft to create garage", and the internal changes on the first floor to provide a shower room and kitchen give the impression the building could be used for residential accommodation.

The documents submitted with these retrospective plans do not provide any details to provide any background to provide justification for the many 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 the proposed changes to the building.
- Justification for the infill of the undercroft to create a garage.
- Who is to use the garage?
- Explanation where the refuse storage is located.
- Justification for the provision of ground floor WC, office reception and storage. What will be stored there?
- Justification for the provision of another WC, Shower facilities and Kitchen to first floor office.
- There is no indication of staff numbers who will access and use these offices and why they need shower and full cooking facilities.
- There is no indication of the openings times at these offices.
- Security arrangements.
- Disabled access arrangements to the offices. Is the Downstairs WC suitable for disabled access?
- Cycle parking provision for office staff or visitors.
- EVCP provision for office staff or visitors.

The building was granted planning permission for an office and general refuse storage. Now it has no refuse storage but includes a garage, two offices, two WCS, a shower and full kitchen provision. The building should not be considered for use as a self-contained residential property with a full suite of facilities that allow such usage. So, the provision of shower facilities and full kitchen facilities should be refused.

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

Borough Planning Committee - 5th September 2023

PART 1 - MEMBERS, PUBLIC & PRESS

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 a S.73 application (38324/APP/2018/164) was approved in 2018 for the 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) for minor elevational variations, relocation of refuse store and infilling of undercroft to create garage. Under this permission, the refuse store was re-located from inside the office building to an external location, adjacent to the flank wall of Pembroke House.

No conditions were attached to the original planning permission (reference 38324/APP/2016/407) restricting the hours of use of the office building or number of staff. 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.

The proposal is not seeking to make any changes to the approved number of on-site car parking spaces. As such, there is no requirement for electric vehicle charging points to be provided. In accordance with the requirements of the London Plan (2021), two cycle stores would be secured by condition, in the event of an approval.

The office building is accessed via existing security gates fronting Pembroke Road. It is therefore not considered reasonable to require details in respect to security measures to be secured by condition, especially given such were not attached to the previous permissions.

Please refer to Section 7.12 for the assessment on disabled access/inclusive design.

MOD SAFEGUARDING- RAF NORTHOLT: The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

The application is a proposal for Variation of Condition 2 (amended changes to internal layout) from planning ref 38324/APP/2018/164 relating to a two storey three office spaced detached building with ridge height not exceeding 5.5m.

The application site occupies the statutory safeguarding zones surrounding RAF Northolt - in particular, the height and birdstrike safeguarding zones surrounding the aerodrome - and it is approximately 2.22km from the centre of the airfield.

After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.

Internal Consultees

COUNCIL'S HIGHWAYS OFFICER: As the proposed variation is linked to internal 'W.C' related changes only, there are no formal observations made.

Borough Planning Committee - 5th September 2023

PART 1 - MEMBERS, PUBLIC & PRESS

COUNCIL'S URBAN DESIGN/CONSERVATION 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 schemes.

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 schemes granted under planning permission 38324/APP/2016/407 & 38324/APP/2018/164. 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.

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 permissions. 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- RAF Northolt (Safeguarding Department) has raised no objection to this proposal (refer to Section 6 for details).

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.

The Inspector for the original scheme which was allowed at Appeal (APP/R5510/W/16/3155076) states the following in respect the impact on the character and appearance of the area.

"3. The appeal site is within the north-west corner of the car park situated to the rear of Pembroke House. It is immediately adjacent to the boundaries of the CA and ASLC to the west and north respectively.

4. It seems to me that the significance of the CA in this location lies in the form and appearance of buildings in relation to High Street and Pembroke Road. Several of the buildings in the immediate locality within the CA, though not Pembroke House which is marginally outside the CA, are characterised by a mansard design of roof accommodating rooms in the roof space.

5. The appeal site lies within the setting of the CA, in that the rear of buildings and associated yard spaces within the CA can be experienced from this location. Notwithstanding this, the car park where the appeal site is located is a private area serving Pembroke House, to which public access is therefore restricted and from which views of the CA are therefore restricted to car park users. The development and its surroundings would, however, also be visible to a degree from the rear of residential dwellings on Brickwall Lane to the north.

6. The backland space associated with the adjacent CA is generally characterised by single storey outbuildings. The proposal would be two storeys in height and therefore at odds with this prevailing pattern of development. However, the design of the proposed building, incorporating brick walls and a

mansard roof with hanging tiles, whilst different in appearance to Pembroke House, would be consistent with the design of buildings in the adjacent CA. Furthermore it would be markedly subordinate in scale compared with the massing of the tall buildings which enclose the site to the north and west, substantially hiding it from the public realm.

7. Therefore whilst the proposal would be a departure from the prevailing pattern of development, its design and scale would have appropriate regard to its surroundings. Having regard to these factors including its private backland location, the building would not result in any significant impact in terms of the experience of the setting of the CA. It would not therefore cause harm to its heritage significance.

8. The character of the ASLC as it relates to the site is formed by the substantial rear gardens of dwellings on Brickwall Lane. These gardens incorporate tall mature tree planting along the boundary adjoining the site. Whilst the proposed building would exceed the height of the boundary planting its orientation, design, limited scale and degree of separation from residential dwellings would respect the setting of the ASLC. Although concern has been expressed regarding the impact of the development on boundary planting, I have not been presented with any evidence to suggest that it would result in harm to nearby trees."

Following the above Appeal, a S.73 application (38324/APP/2018/164) was approved for a revised scheme showing the re-location of the bin store.

In respect to this current proposal, no changes are being proposed to dimensions or external appearance of the office building, compared to the scheme approved under permission 38324/APP/2018/164. It is therefore considered that the proposal would not cause harm to the character and appearance of the area, or the setting of the CA or ALSC.

7.08 Impact on neighbours

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

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

This current S.73 proposal does not involve any changes to the external dimensions of the office building (Office 1F), compared to the scheme approved under permission 38324/APP/2018/164. As such, it is considered that the proposal has not caused undue harm to the amenities of neighbouring residential occupiers or the commercial occupiers of the adjacent office building (Building 1G), in respect to loss of light or outlook.

No changes are being proposed to Office 1F's approved fenestration treatment, and its lawful use as a office would remain the same as part of the current S.73 application. The proposal would therefore not give rise to privacy issues over and above previously approved schemes under 38324/APP/2016/407 and 38324/APP/2018/164.

In light of the above, it is considered that the proposed amendments made to the office building (Office 1F) have not unduly impacted upon the living conditions of neighbouring occupiers. This would be in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), in this regard.

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.

Since Office 1F (the subject office building) was allowed at Appeal, a second office building (Office 1G) was allowed at Appeal (38324/APP/2018/2678). The impact regarding the loss of on-site car parking spaces as a result of Office 1G was considered by the Inspector for 38324/APP/2018/2678 who states the following in allowed Appeal Decision APP/R5510/W/18/3218019:

"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 a S.73 application reference 38324/APP/2016/407 to re-locate the refuse store within Office 1F to the flank wall of Pembroke House. It should be noted that the delegated report for 38324/APP/2016/407 states that the Highways Officer raised no objection, in respect to the parking and highway safety.

In terms of this current S.73 application, the garage parking space within Office 1F meets the prescribed dimensions found in Appendix C, Table 1 'Parking Standards' of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020). A vehicle is therefore able to safely manoeuvre into and out of this space. Additionally, this current S.73 proposal retains the same number of car parking spaces within the wider car park of Pembroke House as that approved under planning permission 38324/APP/2016/407. Bearing these circumstances 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 revised ground floor plan indicates that two cycle spaces would be provided. In the event of an approval, a compliance condition would be secured requiring the cycle provision to be installed in accordance with the submitted specification details. 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 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 allowed Appeal Decision 38324/APP/2016/407 and varied under 38324/APP/2018/164. It is therefore considered that the proposal has not impacted upon the health of adjacent trees over and above that deemed acceptable under the original planning permission.

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 north-western corner of Pembroke House's car park 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 Site Layout Plan (drawing number P.02 Rev. A) attached to approved S.73 application 38324/APP/2018/164 showed that a refuse store for the office building would be re-located adjacent to the flank eastern wall of Pembroke House. The location of the bin store has been confirmed by

Planning Officers during a site visit. In the event of an approval, a compliance condition would be secured to ensure that the refuse store is retained as such. Refuse arrangements and collection in respect to the office building is organised by way of a private contractor.

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 not resulted in an increase to the footprint of the office building, when compared to the scheme approved under planning permission 38324/APP/2018/164. 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 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

None.

8. Observations of the Borough Solicitor

General

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

primary and secondary legislation.

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

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

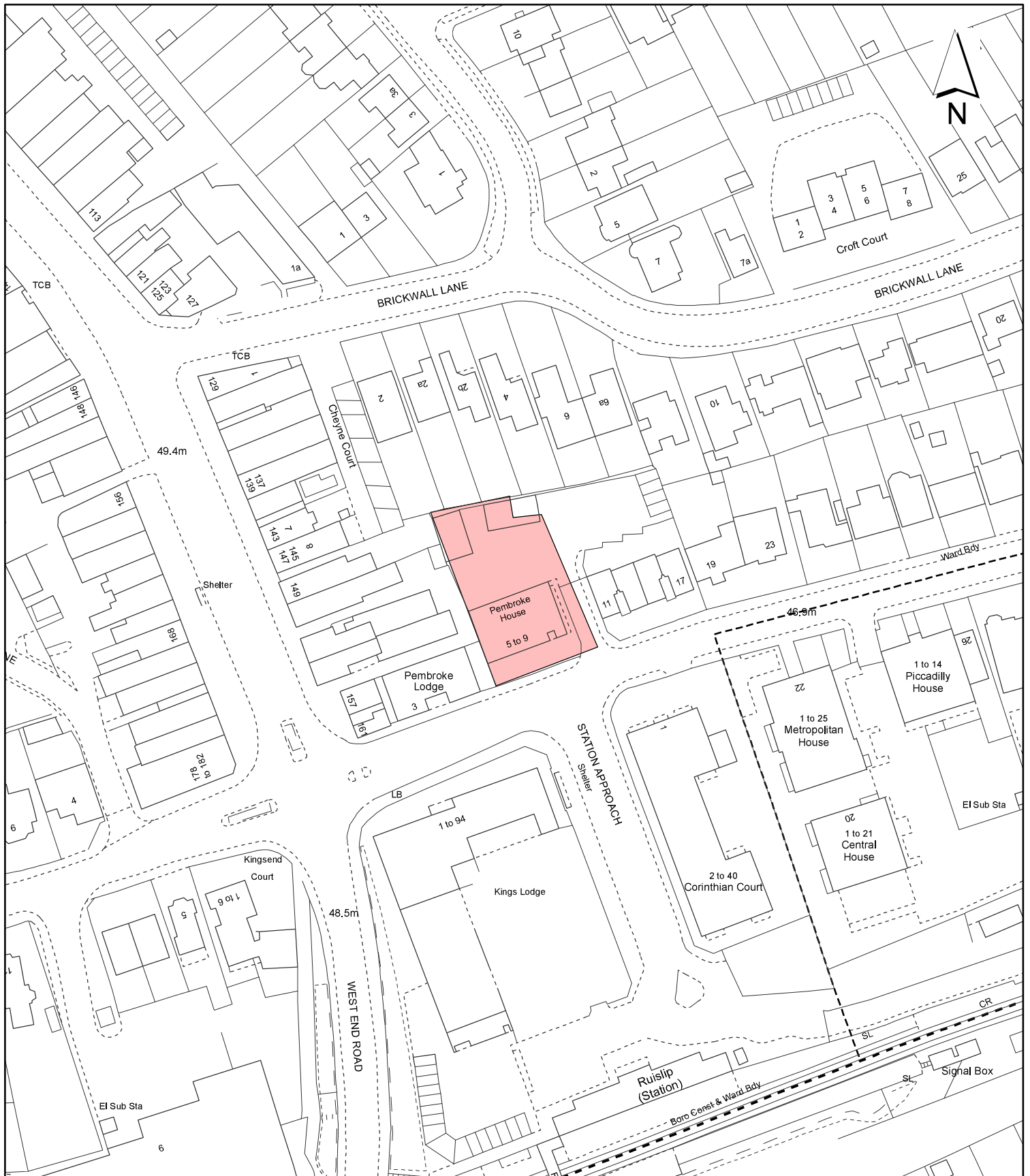
Planning Obligations Supplementary Planning Document (July 2014)

Contact Officer:

Nesha Burnham

Telephone No:

01895 250230



Notes:

 Site boundary

For identification purposes only.
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).
 Unless the Act provides a relevant exception to copyright.
 © Crown copyright and database rights 2020 Ordnance Survey 100019283

Site Address:

**Pembroke House,
 Ruislip**

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

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

Planning Application Ref:
38324/APP/2022/2010

Scale:
1:1,250

Planning Committee:
Borough

Date:
September 2023

