

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
- Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL Select Option

1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received
2. Application complies with all relevant planning policies and is acceptable on planning grounds
3. There is no Committee resolution for the enforcement action
4. There is no effect on listed buildings or their settings
5. The site is not in the Green Belt (but see 11 below)

REFUSAL RECOMMENDED: GENERAL

6. Application is contrary to relevant planning policies/standards
7. No petition of 20 or more signatures has been received
8. Application has not been supported independently by a person/s
9. The site is not in Green Belt (but see 11 below)

RESIDENTIAL DEVELOPMENT

10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha
11. Householder application in the Green Belt

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses
13. Refusal of change of use from retail class A1 to any other use
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.

CERTIFICATE OF LAWFULNESS

15. Certificate of Lawfulness (for proposed use or Development)
16. Certificate of Lawfulness (for existing use or Development)
17. Certificate of Appropriate Alternative Development

CERTIFICATE OF LAWFULNESS

18. ADVERTISEMENT CONSENT (excluding Hoardings)
19. PRIOR APPROVAL APPLICATION
20. OUT-OF-BOROUGH OBSERVATIONS
21. CIRCULAR 18/84 APPLICATION
22. CORPSEWOOD COVENANT APPLICATION
23. APPROVAL OF DETAILS
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval
25. WORKS TO TREES
26. OTHER (please specify)

The delegation powers schedule has been checked. Interim Director of Planning, Regeneration & Public Realm can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatics are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. Report of the Interim Director of Planning, Regeneration & Public Realm**Address** 60 HIGH STREET RUISLIP**Development:** Change of use of the upper floors of existing retail unit as 2 flats (Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**LBH Ref Nos:** 4131/APP/2022/3240**Drawing Nos:** HSR.60.EX.01 (received on 24.11.2022)
HSR.60.EX.02 (received on 24.11.2022)
HS.60.EL.01
HSR.60.PR.02
Site Location plan
HSR.60.PR.01**Date Plans received :** 21/10/2022**Date(s) of Amendment(s):****Date Application Valid:** 21/10/2022**1. SUMMARY**

Prior approval is sought for the change of use of the upper floors of an existing retail unit to 2 flats (Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This application is a re-submission since the refusal of prior approval application 4131/APP/2022/2468 (refer to section 3.3 for further details).

CLASS G, PART 3 OF THE GPDO:**G. Development consisting of a change of use of a building-**

- (a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;
- (c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats
- (e) from a use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order to a mixed use falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats

Conditions**G.1 Development permitted by Class G is subject to the following conditions-**

- (a) some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

YES- Drawing no. HSR.60.PR.01 indicates this.

- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

YES- Drawing no. HSR.60.PR.01 indicates this.

- (c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main

residence)-

- (i) by a single person or by people living together as a family, or
- (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents)

YES- Drawing no. HSR.60.PR.01 and HSR.60.PR.02 indicates this.

(d) before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-

- (i) contamination risks in relation to the building;

The Council's Land Contamination has raised no objection to the proposal as the scheme relates to upper floor flats.

- (ii) flooding risks in relation to the building;

The site falls within Flood Zone 1 and the proposed development is not proposing an enlargement to the existing building. It is therefore considered that the development would not result in any markedly unacceptable flood risk impacts.

- (iii) impacts of noise from commercial premises on the intended occupiers of the development;

The proposed flat would be sited above a commercial premises and forms part a parade of buildings which contain various commercial uses at ground floor level. In the event of an approval, the condition recommended by the Council's Noise Officer would have been secured. Subject this condition, it is considered that the impacts of noise from commercial on the intended occupiers of the development would be acceptable.

- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

A daylight and sunlight assessment has not be submitted with the application. For guidance purposes, Annex 3 Glossary of the London Plan defines a habitable room as "any room used or intended to be used for sleeping, cooking, living or eating purposes." Based on this definition, the kitchens serving Flats 1 and 2 would constitute as a habitable room. The kitchen serving flat 1 would have no windows. The side windows serving a double bedroom and kitchen within Flat 2 would face directly towards the adjoining building at No. 58. Furthermore, the front bedroom at second floor level would only be served by roof lights. It has therefore not been demonstrated that the proposal would provide an adequate provision of natural light in all habitable rooms of the proposed flat, contrary to criterion G.1 (d)(iv), Class G of the GPDO.

- (v) arrangements required for the storage and management of domestic waste.

No details have been provided in respect to storage and management of domestic waste. However, this matter could be resolved through the imposition of a condition requiring the submission of a refuse/recycling management plan to be submitted to the Council for consideration.

Paragraph 3.(9A) of the GPDO states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse-

- (a) where the gross internal floor area is less than 37 square metres in size; or
- (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

Paragraph 3.(9B) of the GPDO states that the reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

The nationally described space standard requires a one storey dwelling containing a 1 bedroom, 2 person unit to have a GIA of at least 50 square metres. Flat 1 would comply with this requirement.

The nationally described space standard requires 3 bedroom, 6 person two storey dwelling to have a GIA of at least 102 square metres. Flat 2 (a duplex) would comply with this requirement.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 PAR Prior Approval - Refusal

The proposal fails to demonstrate an adequate provision of natural light in all the habitable rooms of the proposed flats. The proposal would therefore be contrary to the requirement of provision G.1 (iv) of Class G, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

INFORMATIVES

3. CONSIDERATIONS

3.1 Site and Locality

Refer to the first section of this report.

3.2 Proposed Scheme

Refer to the first section of this report.

3.3 Relevant Planning History

4131/ADV/2007/26 60 High Street Ruislip

SITING OF AN A-BOARD ON THE PAVEMENT.

Decision: 04-05-2007 Approved

4131/APP/2013/164 60 High Street Ruislip

Single storey rear extension

Decision: 28-02-2013 Approved

4131/APP/2021/1636 60 High Street Ruislip

Use of the upper floors of existing retail unit as 2 flats (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 21-06-2021 Approved

4131/APP/2021/2250 60 High Street Ruislip

Insertion of roof windows and rear elevation first floor windows

Decision: 25-08-2021 Refused

4131/APP/2021/3837 60 High Street Ruislip

Insertion of rear rooflights and rear elevation first floor windows

Decision: 08-12-2021 Approved

4131/APP/2022/1654 60 High Street Ruislip

Details pursuant to the discharge of Condition 3 (product details) of planning permission ref. 4131/APP/2021/3837, dated 08-12-2021 (Insertion of rear rooflights and rear elevation first floor windows)

Decision: 15-07-2022 Approved

4131/APP/2022/2468 60 High Street Ruislip

Change of the 2 upper floors to 2 separate flats (Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Decision: 14-09-2022 Refused

4131/C/86/1304 60 High Street Ruislip

Alterations to elevation (P)

Decision: 15-09-1986 Approved

Comment on Planning History

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

Prior approval application 4131/APP/2022/2468 proposed the change of the 2 upper floors to separate flats (Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It was refused on 14th September 2022 on the following ground:

1. The proposal fails to demonstrate an adequate provision of natural light in all the habitable rooms of the proposed flats. The proposal would therefore be contrary to the requirement of provision G.1 (iv) of Class G, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

Four neighbouring properties were consulted by letter on 7th November 2022. A site notice was displayed on 8th November 2022. The consultation period expired on 29th November 2022. No representations had been received by the end of the consultation period.

Ruislip Residents Association: No comments received.

Council's Land Contamination Officer: No objection.

Council's Noise Officer: Whilst no supporting noise assessment has been provided it is considered likely that the proposed development will be exposed to traffic noise, and noise from adjacent commercial activity. However, it is recommended that no objection is made on noise grounds subject to the inclusion of a suitable condition which should be achievable based on the information provided and considering the context of the proposed development. Hence: 'For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0700 and 2300 and 30 dB LAeq 8hrs between 2300 and 0700, measured inside any room of any permitted dwelling having regard to the guidance set out in British Standard 8233: 2014 whilst achieving acceptable internal living conditions with respect to ventilation and temperature.'

Council's Highways Officer:

Site Characteristics & Background:

The application site currently accommodates a commercial unit at ground and first floor level located within a district shopping centre. The High Street is extensively covered by 'pay & display' parking facilities operating for the working day - Monday to Saturday and the public transport accessibility level (PTAL) is at a moderate level of 3 however in practice, the 'real world' PTAL is somewhat higher than numerically depicted due the relative proximity of Ruislip LU Station and a plethora of local bus routes serving the locality.

It is proposed to convert the two upper floors from a retail use to two residential flats (1x1 & 1x3 bedrooms) devoid of on-plot parking provision. The address benefits from an earlier 2021 'Certificate of Lawful Development' (4131/APP/2021/1636) for a comparable scheme to convert the upper floor retail area to 2 flats (1x1 & 1x3 bedrooms). More recently, Prior Approval (4131/APP/2022/2468) for two flats (1x2 & 1x4 bedrooms) was refused in September this year but not on transport/highway related grounds.

Parking Provision:

Hillingdon Local Plan: Part 2 Policy - DMT 6 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.

London Plan (2021): Policy T6.1 (Residential Parking) requires that new residential development should not exceed the maximum parking standards as set out in table 10.3.

The proposal is for the conversion of retail to 2 flats which would be devoid of on-plot parking provision. The proposal would require an on-plot provision of up to 3 - 4 parking spaces in order to fully comply with Hillingdon's adopted parking standard whilst the London Plan (2021) standard requires a lesser 1 - 2 spaces. It is noted that these standards are considered as a maxima.

There is some anecdotal evidence of local on-street parking stress during the working day and evening time which the development may have the potential to exacerbate. Paradoxically higher on-street parking stress levels can, in some circumstances, be self-regulating with a car-free scenario in that a lower or non-existent 'free of charge' on-street parking availability can act as a deterrent to multiple car ownership for a prospective occupier of a new property. This is especially true when potential occupiers view a property prior to rental or purchase and observe that the surrounding roads are unable to provide readily available/convenient parking in proximity of the address. This is one factor

that is very likely to be high on the list of considerations prior to occupation which allows for an informed decision to be made on whether the address suits the life demands of the potential occupier.

Therefore, in summary, given the relatively moderate scale of proposal and the existence of relatively extensive parking controls in the area together with a 'real-world' PTAL score that is considered higher than suggested, it is not anticipated that any measurable undue parking displacement would result due to the absence of provision hence no objection is raised.

The Planning Inspectorate would be expected to take a similar stance if the application were to be refused on this basis and appealed thereafter. On that basis, there is no objection raised.

Cycle Parking:

There should be a provision of 1/2 secure and accessible spaces for the smaller/larger flat respectively (totalling 3 spaces) to conform to the adopted borough cycle parking standard which has not been acknowledged. From the 'highways' perspective, as it is considered that Prior Approval is not required (see conclusion), this requirement is rendered void.

Vehicular Trip Generation:

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

Given the scale and car-free nature of the proposal and when compared with activities associated with the previous established retail use, there are no immediate concerns raised in regard to any generated vehicular activity which is likely to be imperceptible on the local network.

Operational Refuse Requirements:

Refuse collection would be conducted from a private rear service road leading from nearby King Edward's Road.

In order to conform to the council's 'waste collection' maximum distance collection parameter of 10m i.e. distance from a refuse vehicle to the point of collection, arrangements should ensure that waste is positioned at a collection point within this set distance. No detail has been provided but this aspect can be secured via planning condition.

Conclusion:

In accord with the Town and Country Planning General Permitted Development (GPD) (Amendment) Order 2015 (Class G - Part 3 of Schedule 2) (as amended) there is broadly no objection to the conversion from retail to a C3 residential use in transport and highways impact terms. To expand - the conversion to 2 flats is highly unlikely to discernibly affect overall traffic generation to and from the site as compared to the prior demands of the 'baseline' office use or indeed parking demand given the extensive surrounding on-street parking restraint mechanisms and relatively sustainable nature of the address.

Hence, on balance, in 'highway & transport' terms the proposal does not demand a requirement for Prior Approval.

N.B. If under other matters relevant to the GDPO, the proposal is deemed to require Prior Approval, the recommended planning conditions related to cycle provision / Refuse

Storage (see above) should be exercised.

6. Local Plan Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

In addition: Not applicable.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Not applicable.

7.2 Impact on Street Scene

Not applicable.

7.3 Traffic Impact / Pedestrian Safety

Refer to the first section of this report.

7.4 Carparking & Layout

Refer to the first section of this report.

7.5 Urban Design, Access and Security Considerations

Not applicable.

7.6 Other Issues

Not applicable.

8. Reference Documents

Refer to the first section of this report.

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