

Planning, Design & Access Statement

**In support of a planning application to alter and
extend the building in the form of a two-storey front
and first floor side extension**



**Site at
Unit 6 The Runway,
Ruislip, HA4 6SE**

August 2020

1.0 Introduction

- 1.1 This Planning Statement has been prepared by Allen Planning Ltd in support of a planning application to undertake alterations to the existing building in the form of a two-storey front and a first-floor side extension to extend consented apartments.
- 1.2 A previous application for such a development and also the creation of a new second floor level (for 2 additional units) was refused under application reference 74214/APP/2020/1548.
- 1.3 The reasons for refusal of that application are set out below:

“1.The proposal would provide an indoor living area of an unsatisfactory size and quality for the future occupiers of all the proposed units and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policy DMHB 16 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

2.The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said units would result in an over-development of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to Policies DMHB 11 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

3.The proposed development, fails to provide a mix of housing units which take into account the Borough's housing needs or provide any information why a mix of units cannot be provided. The proposal is therefore contrary to Policy DMH 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).”
- 1.4 This revised application is therefore identical in terms of the works proposed to the existing building and simply removes the proposal for the additional floor of development from the last application.
- 1.5 The site has recently received prior approval consent, under Part O of the GPDO, for the conversion of this entire building from B1(a) office use to form 5 residential apartments under LPA reference 74214/APP/2020/496.
- 1.6 The provisions of the GPDO, relating to the change of use of office buildings to residential, does not permit any external alterations to the building.
- 1.7 This existing prior notification approval is fundamental as a material consideration to this revised application on the basis of the provision of “fall back”.
- 1.8 At the outset of this Statement we identify the fundamental elements of the fall-back consideration in the determination of this revised application.

Fall Back Position

- 1.9 The issues raised in terms of the last application can be distilled into concerns relating to unit sizes, mix and amenity space.
- 1.10 On this basis the building already possesses a lawful permission for 5 studio apartments, all of which fall below the size standards set out in guidance and none of which have any external amenity space.
- 1.11 This application would therefore provide for five studio apartments all of which would be provided with external amenity space in the form of balconies.
- 1.12 Whilst the apartments proposed in this application would still constitute five studio apartments, and therefore not a mix of units, and whilst also they would fall below the size standards set out in guidance, they would nonetheless be an improvement upon the existing permission on site.
- 1.13 This existing permission is therefore a fallback position to which the merits of this application must be judged against.
- 1.14 In terms of law to support that proposition we advise of a 2017 Court of Appeal Judgement (Mansell v. Tonbridge & Malling Borough Council [2017] EWCA Civ 1314) which clarified when a fall-back development may be a material planning consideration for an alternative development.
- 1.15 This case concerned an appeal concerning a decision of Garnham J in dismissing a claim for judicial review of a planning permission granted by Tonbridge & Malling Borough Council. The demolition being the demolition of a barn and bungalows and the construction of 4 detached dwellings.
- 1.16 In the Court of Appeal Judgement, Lindblom LJ confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement were as follows:
- the basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.
 - there is no rule of law that in every case the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases, that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgement in the particular circumstances of the case in hand.
- 1.17 Clearly the site owner's willingness to convert this building into 5 flats is a genuine and real prospect, firstly because they have made a prior notification consent to do so and secondly a planning application to improve upon those already consented flats.
- 1.18 We submit that the conversion of this building to 5 flats is therefore more than a possibility and is a genuine "real prospect."

- 1.19 In this case it is clear that the landowner/developer will be making use of the permitted development rights granted to him under the GPDO and via the extent prior notification consent for 5 flats.
- 1.20 **It is concluded therefore that the fall-back development resulting from the prior notification approval should be given significant weight in the planning balance exercise.**
- 1.21 **Given that this application could only be identified as “improving” this existing permission then we submit that it should lead to a straightforward approval of this application subject to the imposition of any necessary conditions.**

2.0 Site Description

- 2.1 The application site is located on the north west side of The Runway and currently comprises a 2-storey building which was occupied by an office (Use Class B1a) but has permission to be converted to 5 residential units.
- 2.2 The application site is sited on the west side of The Runway, Ruislip, towards its northern end and lies immediately to the east of the Odyssey Business Park, which is accessible via a footpath to the north of the building.
- 2.3 The site lies within the South Ruislip Local Centre as designated in the adopted Hillingdon Local Plan: Part Two.
- 2.4 The building is located at the end of a commercially dominant cul-de-sac off Station Approach (designated as a classified road in the Council's hierarchy of roads) in South Ruislip.
- 2.5 The site is within easy reach of South Ruislip LU station and has a PTAL rating of 3 which is considered as moderate but actually such is not in reality reflective of the 'real world' exemplary public transport provision which is exemplified by the proximity of the adjacent LU station located within 5 minutes walking distance.
- 2.6 In terms of townscape context the application site is now almost totally enclosed by three-storey development with the new St Martin's House scheme adjacent (61166/APP/2018/2418 permission to demolish the existing building to create 9 new build flats with roof garden and amenity space/onsite parking bays) and the three-storey Eagle Point office development at the end of the cul-de-sac.
- 2.7 Indeed the Eagle Point site was under reference 2342/APP/2018/2294 granted permission for demolition of the existing building and the erection of a four-storey hotel (Class C1), including ancillary restaurant/cafe/bar and associated car parking
- 2.8 This small road therefore now displays quite an eclectic mix of built form and uses and the existing building on the site, at two storeys in height, is now almost the “odd man out” given surrounding development which exists or is under construction.
- 2.9 The site is not within a conservation area and it is not listed and there are no nearby heritage assets.
- 2.10 The site in its context is shown in Figure 1 below:



Figure 1 - The Site

3.0 Planning History

- 3.1 Clearly the most material planning history on the site is the recent granting of prior notification consent, under Part O of the GPDO, which permits the conversion of the entirety of the existing building to form five apartments under reference 74214/APP/2020/496.
- 3.2 A previous application for the alterations/extension proposed in this new application and also the creation of a new second floor level was refused under application reference 74214/APP/2020/1548.

4.0 Planning Policy

- 4.1 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004, the Development Plan is made up of the revised National Planning Policy Framework 2019, the London Plan 2016 and the Local Plan Parts 1 and 2.
- 4.2 The Local Plan Part 2 comprises Development Management Policies, Site Allocations and Designations and Policies Map and were adopted as part of the borough's development plan at Full Council on 16 January 2020.

National Planning Policy Framework

- 4.3 The 2019 **National Planning Policy Framework** (NPPF) sets out the Government's planning policies for England and how they are expected to be applied. Section 38 (6) requires that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

4.4 Paragraph 7 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 advises that there are three overarching objectives to achieving sustainable development: - economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways: -

- An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A social objective - supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective - contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.5 Paragraph 9 requires that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. It also states that *"planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."*

4.6 Paragraph 10 advises that *"so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development**."*

4.7 Paragraph 11 identifies the fundamental thrust of the guidance and states that:

"Plans and decisions should apply a presumption in favour of sustainable development."

*For **decision-taking** this means:*

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

⁶ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

4.8 Paragraph 12 confirms that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

4.9 Paragraph 20 identifies that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for amongst other matters: -

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

Delivering a sufficient supply of homes

4.10 Paragraph 59 confirms that “to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

4.11 Paragraph 63 states that the “provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount²⁸”. For housing, major development means where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

4.12 Paragraph 68 adds that “small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

e) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and”

Promoting sustainable transport

- 4.13 In matters of sustainable development, transport and car parking, paragraph 105 advises that: -

“If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;*
- b) the type, mix and use of development;*
- c) the availability of and opportunities for public transport;*
- d) local car ownership levels; and*
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”*

- 4.14 In terms of the use of parking standards, paragraph 106 of the revised NPPF confirms that:

“Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centre, local authorities should seek to improve the quality of parking so that it is convenient safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

- 4.15 Importantly, paragraph 109 of the Framework 2019 states that: -

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”

Making effective use of land

- 4.16 Paragraph 117 advises that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- 4.17 To this end, paragraph 118 states that *“planning policies and decisions should:*

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated and unstable land;*
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example*

*converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)*⁴⁵;

Achieving appropriate densities

4.18 Paragraph 122 states that *“planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.”*

Achieving well-designed places

4.19 The revised NPPF advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 124 confirms that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

4.20 Also of relevance is paragraph 127, which states that: -

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

- 4.21 Paragraph 128 states that *“design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”*
- 4.22 Paragraph 130 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
- 4.23 In determining applications, paragraph 131 confirms that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

London Plan, 2016

- 4.24 The strategic planning policy framework for the application proposal is provided by the **London Plan, 2016** which has been consolidated with Alterations from the 2011 version. It seeks amongst other matters to increase the City’s supply of housing.
- 4.25 In **Policy 3.3** the Mayor *“recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford.”* The policy states that The Mayor will: -
- “seek to ensure the housing need identified in paragraphs 3.16a and 3.16b is met particularly through provision consistent with at least an annual average of 42,000 net additional homes across London¹ which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners”*
- 4.26 **Policy 3.3 E** states that *“Boroughs should seek to enable development capacity to be brought forward to meet these targets having regard to the other policies in this Plan and in particular the potential to realise brownfield housing capacity through the spatial structure it provides including:*
- a. *intensification (see policies 2.13, 3.4)*

- b. *town centre renewal (see policy 2.15)*
 - c. *opportunity and intensification areas and growth corridors (see policies 2.13 and 2.3)*
 - d. *mixed use redevelopment, especially of surplus commercial capacity and surplus public land (see policies 2.7, 2.11, 4.2-4.4)*
 - e. *sensitive renewal of existing residential areas (see policies 3.4, 3.5, 3.14).*
- 4.27 **Policy 3.4** deals with optimising housing potential taking into account matters such as local context and character, design principles and public transport capacity. The policy adds that development should optimise housing output for different types of location within the relevant density range shown in Table 3.2 and that development proposals which compromise this policy should be resisted.
- 4.28 **Policy 3.5** seeks housing developments to be of the highest quality internally, externally and in relation to their context and to the wider environment. The policy adds that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people.
- 4.29 **Policy 3.8** seeks to achieve a genuine choice of homes that Londoners can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.
- 4.30 **Policy 7.4** concerns local character, and confirms that *“development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area’s visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.”*
- 4.31 Architecture is dealt with by **Policy 7.6**. At a strategic level, it states that (A) *“architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.”*
- 4.32 For planning decisions, it states that: -
- “B Buildings and structures should:*
- a. *be of the highest architectural quality*
 - b. *be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm*
 - c. *comprise details and materials that complement, not necessarily replicate, the local architectural character*
 - d. *not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings*
 - e. *incorporate best practice in resource management and climate change mitigation and adaptation*
 - f. *provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces*
 - g. *be adaptable to different activities and land uses, particularly at ground level*
 - h. *meet the principles of inclusive design*
 - i. *optimise the potential of sites”*
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Hillingdon Policy

- 4.33 Turning to Hillingdon's relevant policies The Local Plan Part 1 - Strategic Policies (adopted 2012) sets out the overall level and broad locations of growth up to 2026 and the saved Policies of the UDP are also relevant.

- 4.34 **Local Plan Part 1 Policy BE1** Built Environment states that "the Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents." The policy sets out a number of criteria that all new development should meet, including

"Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;

Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties."

- 4.35 **The Local Plan Part 2** comprises Development Management Policies, Site Allocations and Designations and Policies Map and is adopted and up to date.

- 4.36 We will make reference to the relevant policies of the Local Part 2 under each assessment in Section 5 below.

5.0 Planning Assessment

Land Use

- 5.1 The application site is located within the urban area, as identified in the development plan, within which additional residential development on previously developed land is not only permitted in principle but is actively encouraged.
- 5.2 The revised NPPF also reinforces the policy presumption in favour of development in sustainable locations alongside the re-use of previously developed brownfield land which includes optimising development subject to site-specific policies and considerations.
- 5.3 In addition to this, a prior approval scheme for the conversion of the building into 5 residential flats is in place, and therefore the principle of a residential land use has already been established on the site.
- 5.4 Given such extant planning history there can be no objection in principle to the loss of "employment" floor space on this site.
- 5.5 **The proposal thereby complies with relevant development plan policy in terms of land use.**

Other Matters

- 5.6 The recent application on the site, even though this included the provision of an additional storey of development and two additional flats, raised no objections from the LPA in terms of the following matters:
- the design approach of the extensions proposed
 - matters of car parking/cycle parking or highway safety
 - matters of impact upon neighbouring properties
- 5.7 In light of the above we do not consider these matters further save for to say that this application is acceptable in terms of its design, its impact upon neighbouring properties and in all matters of highway safety.

Mix, Size of Units and Amenity- The Fall-Back Position

- 5.8 The previous application, which included a proposal for two additional flats, was refused on three principal grounds are set out below:
- inappropriate mix of units
 - overall size of units
 - lack of amenity space
- 5.9 Policy DMHB 16: Housing Standards states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this, it adds that all residential development or conversions should: i) meet or exceed the most up to date internal space standards, as set out in Table 5.1.
- 5.10 In addition Policy 3.5 of The London Plan seeks to ensure that all new housing development is of the highest quality, both internally and externally and in relation to their context and Table 3.3 sets out the minimum internal floor space required for new housing development in order to ensure that there is an adequate level of amenity for existing and future occupants. The London Plan recommends that for a studio flat a minimum of 37sqm should be provided if there is a shower room and 39sqm if there is a bathroom
- 5.11 This application would still provide for five studio apartments which in itself is not a mix of unit sizes, and all of these five studio apartments proposed fall below the usual size standards as set out in the NDSS and also the Mayor's London Plan.
- 5.12 Whilst these are matters to which an application could normally be refused in this case, we submit that there is a significant material "fall-back position" pursuant to these issues, namely the extant prior notification consent for five studio flats which are all below normal size standards.
- 5.13 The third reason for refusal in terms of the previous application related to the lack of provision of amenity space.
- 5.14 This application would provide all five of the "approved" apartments with individual external amenity space, which is not the case in terms of the extant permission on the site, which provides no amenity space whatsoever to any of the approved apartments.

- 5.15 On this basis this application would result in an improvement to already consented housing stock and as a result it must be judged against that extant permission not simply the development plan and associated guidance.
- 5.16 The key principle of such being that the starting point for determining any planning application is set out in Section 38(6) of the Planning and Compulsory Purchase Act which states that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*
- 5.17 The material consideration in this case is clearly the extant consent and the “fall back” position created by it.
- 5.18 We have set out above the key aspect of the law in terms of the application of the “fall back” position in terms of the determination of an individual planning application.
- 5.19 It is clear in this case that the site owner will convert this building into 5 flats and that such is a genuine and real prospect, firstly because they have made a prior notification consent to do so and secondly a planning application to improve upon those already consented flats.
- 5.20 We submit that the conversion of this building into 5 flats is therefore more than a mere possibility, it is a genuine and a “real prospect.”
- 5.21 The LPA agree with such given the officer report for the previous application which adds:
- “Whilst it is noted that there is an extant Prior Approval for the conversion of the existing building from B1 use to C3 to provide 5 residential units which, under planning policy, would all fall below the minimum internal floor space standards and it is acknowledged that this could be developed as such...”*
- 5.22 Indeed it is noted the a similar approach was adopted by the LPA under application reference 40050/APP/2019/3523 for Removal of the existing facade and installation of new windows, doors and balconies at the ground and 1st to 5th floor level at Bridge House Uxbridge.
- 5.23 In this case it is clear that they landowner/developer will be making use of the permitted development rights granted to him under the GPDO and via the extent prior notification consent to convert the building to 5 flats.
- 5.24 Given the weight of the fallback position in this case, it is submitted that when this application is compared to the lawful fall-back position then the quality of accommodation would be improved. As a result, there would be no material harm to the intended occupiers of these already approved five apartments.
- 5.25 Any conflict with the development plan or housing standards is therefore significantly outweighed by this lawful fallback position.**
- 6.0 Conclusion**
- 6.1 This scheme proposal forms a development which improves already permitted housing stock through the creation of amenity space and avoids harm in terms of matters of visual amenity, residential amenity or matters of highway safety.
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- 6.2 It is on this basis that the applicant submits that these proposals accord with the objectives of the revised NPPF, and also the Development Plan, by improving residential accommodation on a consented residential site in the urban area by optimising the use of previously developed land without unnecessary encroachment onto Greenfield land
- 6.3 The proposal will provide a logical and coherent extension to the building which is appropriate to the location, and offers a visually appealing design that complements the building having a positive impact on the character of the area.
- 6.4 **Support for this proposal can be demonstrated on sustainability grounds, in that it will improve consented housing stock on a highly sustainable site which offers excellent accessibility to transport and other infrastructure of benefit to the community.**
- 6.5 In the absence of any adverse harm arising, the development proposal should be granted planning permission in accordance with the revised NPPF which states that *“proposed development that accords with an up-to-date Local Plan should be approved”*.