

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. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives 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 Head of Planning, Transportation and Regeneration**

Address LAND FRONTING 6 COLDHARBOUR LANE HAYES

Development: Installation of 1 x open access Communication Hub

LBH Ref Nos: **76782/APP/2021/3631**

Drawing Nos: A01713 - Part 5 Noise Level Report
 Part 7 Suggested Conditions(1)
 Part 8 CHT Letter(1)
 Part 2 Communication Hub Specification
 Part 3 Sustainability Objectives
 Part 4 Pavement Remediation
 Part 6 Management Plan(1)
 Part 7 Suggested Conditions(1)
 Covering Letter.
 Pavement outside 6 Coldharbour Lane Hayes UB3 3EW.

Date Plans received : 27/09/2021

Date(s) of Amendment(s):

Date Application Valid: 27/09/2021

1. SUMMARY

Planning permission has been sought for the erection of a new communication hub.

It is considered the proposed communication hub is unacceptable in terms of its appearance and siting. Its siting, scale and design would reduce the width of the public footpath, disrupting the free flow of pedestrian traffic and causing harm to pedestrian and highway safety. The proposed communication hub would also severely undermine recent Hayes Town Centre improvements to declutter and improve the street scene. Also, the proposed siting, scale and design would pose an increased crime risk and reduction in public safety.

The proposal would therefore be contrary to the relevant policies set out in the Hillingdon Local Plan: Part One Strategic Policies (2012) and Part Two - Development Management Policies (2020) and should be refused accordingly.

Whilst it is recognised that the provision of free public wifi, the facility to make calls, the USB charging point, the defibrillator and the allocation of advertising time for public messaging would be a public benefit of the proposal, it is considered that this does not outweigh the harm caused to the surrounding townscape, highway safety or crime prevention. Therefore it is recommended that the application be refused.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed communication hub, by reason of its design, scale, and siting would result in an obtrusive and cluttered public realm detrimental to the character and appearance of the character of the area and street scene. The proposal is therefore contrary to Policies BE1, BE13, BE26 and BE37 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and DMHB 11, 12, 13A, 15 and 21 of the Hillingdon Local Plan: Part

Two - Development Management Policies (2020), Policies D3, D5, D8 and T2 of The London Plan (2021); and the National Planning Policy Framework (2021)

2 NON2 Non Standard reason for refusal

The proposed communication hub, by reason of its design, scale and siting would result in a reduction of the width of the public footpath, disrupting the inclusive free flow of pedestrian traffic for all users, to the detriment of highway safety, contrary to Policy AM7 of the Hillingdon Local Plan: Part One - Saved UDP Policies (November 2012), Policies DMHB15 and DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies T2, T4, D3, D5 and D8 of the London Plan (2021) and the National Planning Policy Framework (2021).

3 NON2 Non Standard reason for refusal

The proposed communication hub, by reason of its design, scale and siting would result in obstructions to sight lines for public realm users having an adverse impact on perceived safety and increased risk of crime and public safety implications, contrary to policy DMHB 15 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), policies D3 of the London Plan (2021) and the National Planning Policy Framework (2021).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and National Guidance.

DMHB 11	Design of New Development
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP T4	(2021) Assessing and mitigating transport impacts
LPP D5	(2021) Inclusive design
LPP D8	(2021) Public realm
DMHB 12	Streets and Public Realm
AM7	Consideration of traffic generated by proposed developments.
DMHB 21	Telecommunications
DMHB 13A	Advertisements and Shop Signage
DMHB 15	Planning for Safer Places
BE26	Town centres - design, layout and landscaping of new buildings
LPP T2	(2021) Healthy Streets
BE13	New development must harmonise with the existing street scene.
NPPF12	NPPF 2021 - Achieving well-designed places

3. CONSIDERATIONS

3.1 Site and Locality

The application site is on the public footpath outside of 6 Coldharbour Lane within Hayes Town Centre and the primary shopping area. The surrounding locality is a mixed use area comprising of two to three storey buildings finished in brick, which are mainly commercial at ground floor and residential at first floor. The pavement outside of 6 Coldharbour Lane is currently contains street furniture, such as concrete benches. It is noted the proposed location is in an area where recent town centre improvements have been made, including removing street furniture to improve the street scene, opening up space for people to mingle and use the public space.

3.2 Proposed Scheme

The application seeks planning permission for the installation of a free-standing telecommunications structure with 1 no. 86" LED digital display and 1 no. 32" touchscreen on a pavement area of the land fronting The Chimes Shopping Centre.

The proposed unit would measure approximately 1.3 metres in width at the ground level and have a depth of 0.9 metres (approximately) when taking into account the protective canopy and would measured 2.6 metres in height. The 'Communication Hub' unit would contain a touch screen and telephone handset which would allow for free public Wi-Fi, free UK calls, and USB charging. The 'Communication Hub' also has a solar panel and defibrillator.

A separate advertisement consent application has been submitted for the 86" LED digital screen, comprising of commercial and community information in the form of static images (Ref: 76782/ADV/2021/48).

3.3 Relevant Planning History

76782/ADV/2021/48 Land Fronting 6 Coldharbour Lane Hayes

Installation of 1 x open access Communication Hub and advertisement consent, as illustrated in the attached documentation.

Decision:

Comment on Planning History

The sites planning history is set out in section 3.3 of this report. There are no comments to make on the sites history.

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

Forty one neighbours were consulted on 22-10-21 and expired on 12-11-21, no responses were received. Three internal consultees (Access Officer, Highways and the Digital Connectivity) and one external consultee (Metropolitan Police Designing Out Crime Group

(DOCG)) was consulted. Two responses were received, as summarised below.

Access Officer:

London Plan policy D5 has been referenced in assessing this application for a new Communication Hub. The proposed location appears not to align with the existing street furniture in what is a relatively new regenerated town centre. The position should be optimised to ensure: 1. The unit aligns with all existing street furniture; 2. The footway width does not reduce below 2m at any point CONCLUSION: unacceptable. Any grant of planning permission should secure the provisions set out above.

Officers comments:

The proposed footway width would maintain at least 2m at any point, however it is noted that it would not be in line with the existing furniture. Therefore the proposal would result in accessibility issues.

Highways:

The proposed location is in an area where recent town centre improvements have been made, including removing street furniture to open up space for people to mingle and use the public space. The site is quite close to bench provision which may impact people's desire to use this location.

Officers comments: Discussed throughout Section 7

6. 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

Part 2 Policies:

DMHB 11	Design of New Development
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP T4	(2021) Assessing and mitigating transport impacts
LPP D5	(2021) Inclusive design
LPP D8	(2021) Public realm
DMHB 12	Streets and Public Realm
AM7	Consideration of traffic generated by proposed developments.
DMHB 21	Telecommunications
DMHB 13A	Advertisements and Shop Signage
DMHB 15	Planning for Safer Places
BE26	Town centres - design, layout and landscaping of new buildings
LPP T2	(2021) Healthy Streets
BE13	New development must harmonise with the existing street scene.
NPPF12	NPPF 2021 - Achieving well-designed places
BE37	Telecommunications developments - siting and design

In addition:

7. MAIN PLANNING ISSUES

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

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The scale and illumination of the proposed structure and signage is not considered to have an undue impact upon the amenities of any surrounding properties in terms of loss of residential amenity.

7.2 Impact on Street Scene

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development will be required to be designed to the highest standards and incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures.

Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires development proposals to be well integrated with the surrounding area and accessible.

DMHB 13A of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that: A) In order to improve and maintain the quality of the public realm, advertisements, signs and hoardings will be required to demonstrate that: i) they complement the scale, form, materials and architectural composition of the individual buildings of which they form a part; ii) they complement the visual amenity and character of the site and surrounding area; iii) they enhance historic assets and their setting; iv) they do not have an adverse impact on public or highway safety; v) they do not lead to visual clutter; vi) they provide an appropriate type and level of illumination, suitable to the site and its surroundings; and vii) they enhance the visual amenity of vacant sites, building sites and the surrounding area during the construction period.

Policy DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that: Telecommunication development will only be permitted where: i) it is sited and designed to minimise their visual impact; ii) it does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area; iii) it has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings; v) there is no adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings of architectural or historic interest; and vi) it includes a Declaration of Conformity with the International Commission on Non Ionizing Radiation.

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires new development to harmonise with the existing street scene.

Policy BE26 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to protect the role, overall scale and character of town centres as a focus of shopping and employment activity through appropriate design and layouts.

Policy BE37 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that telecommunications developments (which includes public call boxes) will be acceptable in principle provided that any apparatus is sited and designed so as to minimise its effect on the appearance of the surrounding areas.

Policy T2 of The London Plan (2021) states that developments should identify

opportunities to improve the balance of space given to people to dwell, walk, cycle, and travel on public transport and in essential vehicles, so space is used more efficiently, and streets are greener and more pleasant.

Policy D5 of The London Plan (2021) states that Boroughs should support the creation of inclusive neighbourhoods by embedding inclusive design, and collaborating with local communities in the development of planning policies that affect them. Achieving the highest standards of accessible and inclusive design with Design and Access Statements, submitted as part of development proposals, should include an inclusive design statement.

London Plan (2021) Policy D8 'Public Realm' requires development proposals to 'ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well connected [and] related to the local and historic context'. Furthermore, advertisement lighting 'should be carefully considered and well-designed in order to minimise intrusive lighting infrastructure and reduce light pollution.'

The proposed unit would be located on a section of pavement in-between a bench and a building. As previously mentioned, it is noted that the unit is not in line with existing street furniture and introduces an isolated new obstacle, restricting the flow of pedestrians, including sight lines as well as physical restrictions, and failing to harmonise with the existing street scene.

The proposed communication hub and associated advertising would physically clutter the appearance of the street scene affecting the visual amenity and character of the site and surrounding area. Furthermore, the proposal fails to take the opportunity to enhance the character and appearance of the street scene. In terms of design, the proposed 'communication hub' unit is considered to be contemporary in its design, which a contemporary design is acceptable in principle. However, due to its overall size and siting the unit is considered to not visually integrate with its surroundings and would appear visually intrusive within this open public space.

It is also noted that the siting and appearance of the proposed communication hub would severely undermine the Hayes Town Centre improvements. These improvements to the town centre sought to rationalise and declutter the amount of street furniture in order to open up the public realm, and encourage people to use the space by providing a visually open, safer and improved appearance and street scene. The proposed communication hub would reverse these improvements, resulting in an increase in street clutter along this section of the town thereby impacting on the character and appearance of Uxbridge Town Centre.

Having regard to the above, it is considered that the proposed communication hub would be considered an incongruous and detracting addition to the area and cause undue harm to the character and appearance of the street scene. The proposal would therefore be contrary to policies stated in the reasons for refusal.

The impact of the proposed internally illuminated adverts will be covered in the Officer Report for the separate advert consent application (Ref: 76782/ADV/2021/48).

7.3 Traffic Impact/Pedestrian Safety

Policy AM7 of the Hillingdon Local Plan: Part One - Saved UDP Policies (November 2012) states that permission will not be given for developments that prejudice the free flow of traffic or conditions of general highway or pedestrian safety.

Policy T4 of the London Plan specifies that development proposals 'should not increase

road danger.' This is supported by DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks safe and secure access for pedestrians, cyclists and vehicles.

The introduction of a new obstacle in-between a bench and building in this newly revitalised public space would restrict the flow of pedestrians and sightlines, and may cause pedestrians to enter the cycle lane, causing harm to pedestrian, cyclist and public highway safety.

Given the safety concerns highlighted above, it is considered that this proposal would have a detrimental impact on highway and pedestrian safety and is unacceptable contrary to with Policy T4 of the London Plan (2021), Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and with Policy AM7 of the Hillingdon Local Plan: Part One - Saved UDP Policies (November 2012).

7.4 Carparking & Layout

Not applicable to this application.

7.5 Urban Design, Access and Security Considerations

Urban Design:

See Section 7.2 of this report.

Section 8, Paragraph 92 (b) of National Planning Policy Framework (2021) states that planning decisions 'should aim to achieve healthy, inclusive and safe places which [are] safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.

The supporting wording to Policy D3 of the London Plan (2021) specifies that 'measures to design out crime should be integral to development proposals' and opportunities for anti-social behaviour, criminal activities and terrorism should be reduced. The supporting wording of Policy D3 also specifies that 'developments should ensure good natural surveillance [and] clear sight lines'.

Policy DMHB 15 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that development will be required to comprise good design and create inclusive environments whilst improving safety and security.

The design of the Hub would have a solid frame which would result in a reduction in natural surveillance, particularly when seated at the public realm benches. Consequently, obstructed sightlines from the public benches would result in risk from crime or anti-social behaviour. It would further deter the public from using these benches due to the fear of crime, and less people using the public space would further exacerbate these concerns.

The proposed development is therefore considered to pose an increased crime risk and a reduction in public safety, which is unacceptable.

7.6 Other Issues

8. Reference Documents

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

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

The London Plan (2021)

National Planning Policy Framework (2021)

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