

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 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 Interim Director of Planning, Regeneration & Public Realm**

Address LAND REAR OF 800 UXBRIDGE ROAD HAYES

Development: Replacement of existing car park with new residential building housing a mix of 9 dwellings with car park and associated cycle and bin provision.

LBH Ref Nos: **75956/APP/2022/1527**

Drawing Nos: RYUR-AP2-1001
RYUR-AP2-1002
RYUR-AP2-1003
RYUR-AP2-1004
RYUR-AP2-1005
RYUR-AP2-1006
RYUR-AP2-1007
RYUR-AP2-1008
RYUR-AP2-1009
B2520 - T

Date Plans received : 10/05/2022

Date(s) of Amendment(s):

Date Application Valid: 10/05/2022

1. SUMMARY

This application seeks planning permission for the erection of a residential building comprising of 9 flats. The proposed works also included car parking, cycle parking and waste storage facilities.

Due to its design, size, and siting the proposed development would form a harmful addition to the character and appearance of the street scene, conservation area and setting of the nearby locally listed building. Furthermore the proposal would have a detrimental impact on the the local highways network, as well as the safety and amenities of future occupiers of the building. For these reasons the development is considered to be contrary to planning guidance in the Local Plan, London Plan and NPPF.

A detailed assessment of the applications acceptability has been carried out below.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Street scene

Due to its excessive height, bulk and poor design, the proposed building would form an oversized, uncharacteristic and visually incongruous form of development which would fail to harmonise with the established character of the area and appearance of the street scene. The proposal would therefore be detrimental to the visual amenities of the streetscene and the character and appearance of the surrounding area, all contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1 and D3 of the London Plan (2021) and paragraphs 130 (a) and (c) of the NPPF (2021).

2 NON2 Heritage

Due to its excessive height, bulk, poor design and position within the setting of the locally listed building and Hayes Village Conservation Area, the proposed building would form an oversized and unduly prominent form of development which would fail to harmonise with the established character of the area, whilst also detracting from the setting of the locally listed building and lessening its contribution to the areas appearance. The less than substantial harm caused to the setting of the heritage assets would not be outweighed by public benefits. The proposal is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), paragraph 201, 203, 207 of the NPPF (2021), Policy HE1 and BE1 of the Local Plan Part 1 (2012), Policy DMHB 1, DMHB 3, DMHB 4 and DMHB 11 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020) and Policy HC1 of the London Plan (2021).

3 NON2 Living conditions

No pedestrian footpath/cycle route will be provided for future residents leading from the building to Warley road. As such new residents would have to walk or ride through the busy commercial car park, to the main road. This could put them in danger from vehicles entering and existing the site, especially as the access route from Warley Road is narrow. It is therefore considered that proposed development would create a dangerous, unwelcoming and hazardous environment for future residents of the scheme. The proposal is therefore considered to be contrary to paragraph 130 (f) of the NPPF (2021), D3 and T4 of the London Plan, DMHB 11, DMHB 12 and DMT2 and of the of the Hillingdon Local Plan : Part Two - Development Management Policies (2020)

4 NON2 Non Standard reason for refusal

The applicant has failed to demonstrate the proposal would provide adequate parking for both existing commercial occupiers nearby as well as future occupiers of the proposed development. No legal agreement is in place to resolve this issue by prohibiting future residents of the proposed development from parking in the retained parking spaces, noted as allocated for commercial business users within the area. In the absence of a satisfactory legal agreement, future residents could park in the spaces allocated for commercial use. This would lead to displacement of parking on to surroundings roads and areas, which would not be in the best interests of Highway safety. Consequently, the proposal would be contrary to Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy T4 of the London Plan (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 1 Heritage Assets
- DMHB 3 Locally Listed Buildings
- DMHB 4 Conservation Areas

LPP HC1	(2021) Heritage conservation and growth
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
DMEI 10	Water Management, Efficiency and Quality
DMH 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMH 6	Garden and Backland Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G1	(2021) Green infrastructure
LPP G5	(2021) Urban greening
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes

3 174 Community Infrastructure Levy (CIL) (Refusing Consent)

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012.

For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on to the rear of 800 Uxbridge Road and No.1-7 Warley Road. The site is currently used as a car park and it is surrounded by land which is used for parking. The nearest notable buildings to the development site are the Job Centre located north west of the site and the former Adam and Eve public house another two storey(a locally listed building) which is now the Shiraz Restaurant.

The surrounding area is mixed use comprising 2 to 4 storey buildings finished in brick and other materials. A limited amount of backland development exists in the area.

The application site benefits from a vehicular crossover sited on Uxbridge Road and it has Public Transport Accessibility Level (PTAL) rating 3 (good). Parking on Uxbridge Road is heavily restricted by double yellow lines. The site is located within the setting of the Hayes Village Conservation Area.

3.2 Proposed Scheme

This application seeks planning permission for the erection of a residential building comprising 9 flats, associated car park, cycle and bin provision.

3.3 Relevant Planning History

75956/APP/2020/3400 Land Rear Of 800 Uxbridge Road Hayes

Outline planning consent for the redevelopment of the existing car park, comprising of the construction of a new residential building to provide 19 units, associated access, parking, refuse and cycle provision.

Decision: 20-09-2021 Refused

Appeal: 23-02-2022 Dismissed

Comment on Planning History

The sites planning history is set out in section 3.3 of this report.

Outline planning permission was refused for a similar but larger scheme at the site comprising more residential units (75956/APP/2020/3400). That application was refused for the following reasons:

1. The proposed unit mix fails to provide sufficient family sized units, as required by the latest information on housing need in the Borough. The proposed development fails

to contribute towards mixed and balanced communities and the range of housing types required within the Borough contrary to Policy DMH 2 of the Hillingdon Local Plan: Part 2 (2020), Policy H10 of the London Plan (2021).

2. The proposed 5 storey block by reason of its siting, scale and design is considered to be excessive in height and would be visible from multiple view points within the surrounding streets and would appear at odds properties which immediately about the site appearing over-dominant when viewed from surrounding roads. As such the proposal would result in a detrimental impact upon the street scene and fails to accord with policy Policy BE1 of the Local Plan: Part One (November 2012), Policies DMHB 10, DMHB 11 and DMHB 12 of the Local Plan: Part Two Development Management Policies (2020), Policies D1-D3, D8, of the London Plan (2021) and Paragraphs 130, 134 and 135 of the NPPF (2021).

3. The proposed development by reason of its bulk, scale, design would detract from the townscape and would appear overdominant when viewed from the street scene, within the context of the Locally Listed Adam and Eve Public House and when seen from the Hayes Village Conservation Area. As such the proposal would present less than substantial harm to the setting of the heritage assets and fails to provide significant benefits to outweigh the harm. The proposal is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), paragraph 201, 203, 207 of the NPPF (2021), Policy HE1 and BE1 of the Local Plan Part 1 (2012), Policy DMHB 1, DMHB 3 ,DMHB 4 and DMHB 11 of the Hillingdon Local Plan : Part Two - Development Management Policies (2020) HC1 London Plan (2021).

4. The proposed layout in terms of the lack of reasonable separation distance between the ground floor rear facing habitable rooms windows from the rear boundary treatment, the access to the rear amenity space through the bedrooms and the car parking spaces to the front of the ground floor units which would offer direct views into the ground floor living area, the lack of policy compliant ceiling heights, insufficient information relating to daylight and sunlight levels within the proposed units and the shortfall in policy complaint levels and poor quality of the proposed amenity space, would result in inadequate living conditions for the future occupiers of this development As such the proposed development is contrary to policy DMHB 11 and DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy D6 of the London Plan (2021).

5. The application fails to demonstrate that green infrastructure is integrated into the proposed design. As such, the proposal fails to contribute to urban greening and reduce its affect on climate change, contrary to Policies DMEI 1, DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy G5 of the London Plan (2021).

6. The application fails to demonstrate that appropriate sustainable drainage systems have been incorporated into the design. The application submission is therefore contrary to Policy DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), London Plan Policies SI 5 and SI 12 (2021) and the paragraph 166 and 168 of the National Planning Policy Framework (2021).

7. The application fails to demonstrate how the development proposes to achieve net

zero carbon on or off site and therefore fails to accord with policy SI 2 of the London Plan (2021), policy EM1 of the Hillingdon Local Plan Part 1 (2012) and policy DMEI 2 of the Local Plan Part 2 (2020).

8. The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (air quality mitigation, construction training, child playspace, public open space and the prevention of future occupiers from joining the local parking management scheme). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan Part 2 Development Management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations (2014), Policy DF1 of the London Plan 2021), paragraphs 55-58 of the NPPF (2021).

The scheme was appealed (APP/R5510/W/21/3285053) and dismissed on 23/02/22 for the following concluded reasons:

'28. For the reasons that I have set out above, the proposed development would fail to accord with the policies of the development plan that seek to protect character and appearance, designated and non-designated heritage assets and to provide acceptable living conditions for future occupants. The harm to the CA that would be caused would not be outweighed by public benefits.

29. In addition, it has not been satisfactorily demonstrated whether a proposed development on the appeal site could provide a policy compliant mix of house sizes. Matters relating to urban greening, sustainable drainage and a number of identified planning obligations have also not been resolved.

30. There would be benefits related to the provision of 19 new dwellings on the appeal site and this consideration carries moderate weight in support of the proposal. It does not however outweigh the harm that I have identified and the resultant conflict with the development plan.

31. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including The Framework, that outweigh this conflict. Accordingly, the appeal should be dismissed.'

When comparing this scheme with the previously refused scheme, this scheme is different in that:

- The scale of the development has been reduced down from 19 flats to 9 flats, a significant reduction of massing, height and bulk.
- The development now includes 6 x family size dwellings
- A disabled parking bay has been provided for residents
- Larger balconies for all 9 flats with a larger communal garden and significant frontage landscaping.
- The design is of a traditional brick and tile reflective of the buildings to the front
- No basement is proposed
- All internal flats will be 2.5m floor to ceiling in line with the London Plan design standards
- The building is set further forward from the rear trees from 3.8m on the outline scheme to the current proposal to 7m.
- The layout of the car park has been altered and no cars would be parked in front of new

dwellings

4. Advertisement and Site Notice

- 4.1** Advertisement Expiry Date:- 6th July 2022
- 4.2** Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

96 neighbouring properties were directly notified of the proposed development on 1/06/2022. The consultation period expired on 24/06/22. No letters of objection were received.

Consultee Comments

Highways Officer: No objection subject to . Their full comments have been outlined in section 7.3 of this report.

Access Officer: No objection. Their full comments have been outlined in section 7.5 of this report.

Trees and Landscaping Officer: No response.

Conservation and Urban design: Objection. Their full comments have been outlined in section 7.2 of this report.

Officers response: Issues regarding the developments impact on the character and appearance of the area, parking provision, highway safety, access, neighbouring amenities and other material considerations have been addressed in the main body of the report below.

6. Local Plan Designation and London Plan

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

Part 1 Policies:

PT1.HE1	(2012) Heritage
PT1.BE1	(2012) Built Environment

Part 2 Policies:

DMHB 1	Heritage Assets
DMHB 3	Locally Listed Buildings
DMHB 4	Conservation Areas
LPP HC1	(2021) Heritage conservation and growth
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
DMEI 10	Water Management, Efficiency and Quality
DMH 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMH 6	Garden and Backland Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards

DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D1	(2021) London's form, character and capacity for growth
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G1	(2021) Green infrastructure
LPP G5	(2021) Urban greening
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF4	NPPF 2021 - Decision-Making
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF9	NPPF 2021 - Promoting sustainable transport

In addition: 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)
West London Waste Plan (2015)
The London Plan (2021)

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

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

Local Plan Policy DMHB 11 sets out design guidance for all new development in the borough. Part B of the policy states 'development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space'.

Guidance for Policy DMHB 11 states 'The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary'.

Guidance for Policy DMHB 11 also states ' For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook. Single aspect dwellings should be avoided'.

The separation distance referred to in DMHB 11 relates to the distance between residential habitable rooms. The nearest residential properties are No.1 - 7 Warley Road which are located approximately 26 metres to the east of the proposed building. To the west of the building is the 818-20 Uxbridge Road which is a commercial premises occupied by the Job Centre Plus. The proposed new building would be constructed approximately 15 metres from the edge of this building and would feature balconies to the rear offering views of the front elevation. As 818-820 is not a residential building there is no requirement for a minimum separation distance of 21 m to be achieved.

The application is not supported by a daylight and sunlight assessment which demonstrates the impact the proposed new building would have on the Jobcentre plus building or the neighbouring gardens. Notwithstanding this point there is no policy requirement which requires the outlook, daylight or sunlight of neighbouring commercial buildings to be protected. Additionally whilst the development would have some impact on the neighbouring gardens at Warley Road, any overshadowing/light loss impact would be limited as the sun moves from east to west via the south, casting shadows away from those gardens.

In terms of noise nuisance, the land has been used as a car park, although it would appear to have been gated and vacant for some time therefore the noise generated from vehicles is unlikely to be any greater than that of the existing or most recent use.

Furthermore the site and the area surrounding the site have not changed since the previous refusal (APP/R5510/W/21/328 5053 and 75956/APP/2020/3400). Material considerations have not changed since the previous refusal. The building is located in a similar location to the refused building. It is smaller in scale, bulk, height and site coverage when compared with the previously refused building. The building proposed under this scheme would also have less habitable room windows facing neighbouring properties than the refused building.

The previous refusal was not refused or dismissed at appeal on grounds relating to its impact on the amenities of neighbouring properties. Taking into consideration the above it would be unreasonable to refuse this application (for a smaller, reduced scheme) on such grounds.

Taking the above points into consideration, the proposed development would not result in significant detrimental harm to the neighbouring properties and would therefore comply with Policy BE1 of the Local Plan: Part One (2012) and Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021), Paragraph 130 of the National Planning Policy Framework (2021).

7.2 Impact on Street Scene

IMPACT ON THE STREET SCENE, LOCALLY LISTED BUILDING AND SETTING OF THE CONSERVATION AREA

In considering development affecting a Conservation Area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area. The duties imposed by section 72 of the Act are in addition to the duty imposed by section 3(6) of the Planning and Compulsory Purchase Act 2004, to determine the application in accordance with the development plan unless material considerations indicate otherwise.

Policy HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) seeks to conserve and enhance the distinct and varied environment of the Rockingham Bridge Uxbridge Conservation Area.

Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to protect Conservation Areas from inappropriate developments and to preserve or enhance those features which contribute to their special architectural and visual qualities.

Policy DMHB 3: Locally Listed Buildings seeks to protect the historic nature of Locally Listed Buildings including their setting. Development within the setting of a heritage asset should be carefully designed with the enhancement and preservation of the asset in mind. Policy BE1 of the Hillingdon Local Plan: Part One - Strategic policies states that a high quality design should be achieved in all new buildings, alterations and extensions, and states that schemes should not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas.

Policy DMH 6: Garden and Backland Development There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria: i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided; ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable; iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and iv) features such as trees, shrubs and wildlife habitat must be retained or re-provided.

Local Plan Policy DMHB 11 states:

'A) All development, including extensions, alterations and new buildings 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; · building plot

sizes and widths, plot coverage and established street patterns; · building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities'.

Table 3.2 of the London plan sets out design guidance for new housing development in the City. It states 'The layout of the scheme (including spaces between and around buildings) should form a coherent, legible and navigable pattern of streets and blocks'.

Paragraph 124 of the NPPF (2021) states:

"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."

Paragraph 130 of the NPPF(2021) states:

'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'.

The Borough's Design and Conservation Team were consulted on the proposed application and provided the following comments:

'The planning application seeks permission to erect a new residential building housing a mix of 9 dwellings with car park and associated cycle and bin provision on the existing car park at the rear of 800 Uxbridge Road.

There are concerns with the height of the block. The taller buildings are to the Uxbridge Road and are to a maximum of 4-storeys. Where there is a fourth storey these are typically set back to break up the bulk and mass of the building and are later additions. Development to the rear of Uxbridge Road are of a lower height typically 2-3 storeys reflecting the well-established suburban residential townscape character.

The impact of the development would likely dominate the more modest suburban houses to the north of the Uxbridge Road. There are also some sensitive views towards the development from Belmore Avenue where the development terminates the view to the west where it would be seen rising above and within the gaps between the two-storey semi-detached houses.

The building is considered to be too tall for the location and it would be appropriate for the four-storey portion of the block to be reduced by a storey with the removal of the 'mansard roof'. This would help the development to sit more comfortably with the other residential building heights to the rear of Uxbridge Road.

By reducing the height this would also allow the development to sit more quietly in the backdrop of the locally listed Adam and Eve Public House and reduce its impact on views looking out of the Hayes Village Conservation Area.

Concerns are also raised with the detailed design of the residential block which appears cluttered and poorly conceived that would harm the appearance of the building and this part of the townscape. The development has an uncomfortable arrangement of balconies which appear visually heavy on the elevation and cut through the eaves line creating an uncomfortable juxtaposition that detracts from the building.

The windows and detailed design of the balcony doors are not complementary and have an uncomfortable relationship with differing glazing patterns resulting in an inconsistent and cluttered facade.

It is also unclear why the bin store doors need to be so wide. Could these not be reduced in size and the more interest added to the facade?

The proposed development for the above reasons is not considered acceptable and contrary to local plan policies. It is suggested that the above comments be taken into consideration and the amount of development proposed for the site be reduced in height and the elevation treatment of the balcony and windows and doors be reconsidered so that it sits more appropriately within its context.'

Taking into consideration the above comments and the submitted plans, it is agreed that the proposed building would be oversized in terms of height. It would fail to relate to the more moderately sized buildings located to the rear of the site and would therefore be out of scale and incongruous amongst them harming the established character of the area, where large buildings front Uxbridge Road and smaller 2-3 storey buildings are located to the rear.

Additionally the building is considered to be poorly designed due to its scale and overly complicated front elevation, comprising 6 dormers, 7 protruding balconies and a plethora of windows with various glazing patterns. Due to its positioning the building would be visible from Uxbridge Road and together its height, backland location and poor design would make it appear as a harmful addition to the area.

When dismissing the appeal for the larger scheme at the site the Appeal Inspector stated

the following:

'The Conservation Area is relatively extensive in its geographical coverage and the majority of it is found on the opposite side of Uxbridge Road. However, the Hayes Village Conservation Area Appraisal 2015 (CAA) demonstrates that the CA boundary was consciously extended to incorporate a historic group of buildings, including the PH, which have a relationship with the ancient thoroughfare of Uxbridge Road. These characteristics therefore define the significance of the CA in the locality of the appeal site. There is an important view denoted in the CAA looking towards the PH in which the proposal would be visible through the gap formed by the access to the Job Centre. Due to an absence of built form, the appeal site does not currently compromise this view, nor the character and appearance of the CA in general.

The presence of the appeal proposal in this important view and its substantial scale, which would loom behind the PH, would result in harm to the setting of the CA and to the setting of the locally listed building, which itself is identified as being a building of importance in the CA. Given the nature of the proposed development and that the harm would be localised, I consider that less than substantial harm to the CA would be caused.'

At 4 storeys high, the proposed building would be a storey smaller than the mentioned appeal scheme, however it would continue to be sited in the same prominent gap where it would be visible from multiple public vantage points. Additionally it is still considered to be oversized and of poor design. Due to its excessive height, bulk, poor design, and positioning within a highly visible space, the new building would overbear and dominate the immediate back drop of the locally listed building detracting from its significance, harming its setting and the setting of the Hayes Village Conservation Area. Less than substantial harm would be caused to the conservation area and the harm is not considered to be outweighed by public benefits as mentioned in the conclusion of this report.

For the reasons mentioned above the proposed development is considered to be harmful to the character and appearance of the area, the locally listed building and the setting of the Hayes Village Conservation Area, contrary to Policies DMHB 1, DMHB 3, DMHB 4, DMHB 11 and DMHB 12 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies HC1, D1, D3, D6 and D8 of the London Plan (2021), as well as paragraphs 124, 130 and 202 of the NPPF (2021).

7.3 Traffic Impact/Pedestrian Safety

Paragraph 109 of the NPPF 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."

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the

most direct means to the strategic road network, avoiding local distributor and access roads; and

v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

The Boroughs Highways and Traffic Officer has been consulted on the proposed development and has provided the following comments:

'There are no Highways Objections to this proposal, subject to the requirement of a Travel Plan to be submitted prior to first occupation of the site'.

The proposed residential building would be accessed via an existing access off of Warley Road, in between the commercial parade and No.1 Warley Road. This is a narrow access road but widens at 20 metres where it is gated.

No concerns have been raised regarding trip generation by the Councils Highways Officer however the proposed gates have the potential to give rise to highway safety issues depending on how they are managed - i.e if they are closed and take long to open. Notwithstanding this point, the management and design of the gates could be secured via condition, ensuring that they are open the majority of the time, which would stop traffic backing up from the site on to Warley Road. The proposed access arrangement is therefore considered to be acceptable subject to a condition.

The London Plan adopted March 2021 sets the new maximum car parking standards on the London Boroughs and which came into immediate effect by further reductions in car parking provisions (with exceptions to very low PTAL areas/opportunity areas).

Consequently, the maximum car parking standards in the London Borough of Hillingdon's Policy DMT 6 of 2 spaces per dwelling are now superseded by the maximum parking standards in the London Plan. The London Plan advises that for residential development in Outer London, with a PTAL of 3, comprising 3 bedrooms, a maximum of 1 parking space should be provided per dwelling. For 2 bedroom properties 0.75 spaces should be provided per dwelling.

6 parking spaces are required for the 6x 3 bed units. 2.25 spaces are required for the 3x 2 bed units. A total of 9 spaces are therefore required for the proposed development. Notwithstanding this point Policy T6 of the London Plan states 'Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.'

The car free approach has been taken by the applicant, which is considered to be acceptable in this circumstance. However, no legal agreement has been forthcoming to secure this. A legal agreement is required to stop future residents of the new building from parking in the 23 car parking spaces allocated for nearby commercial businesses and ensure no displacement on street. The absence of such an agreement could lead to

roadside parking, congestion and reduced highway safety, as inadequate parking is provided for both commercial premises and the proposed residential development. The proposal therefore fails to comply with Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy T4 of the London Plan (2021).

1 disabled parking space would be available to residents of the development on a first come first serve basis.

23 parking spaces would be for existing commercial businesses. This arrangement is similar to the previously refused scheme (which was not refused on car parking grounds) and is therefore considered to be acceptable.

Communal Bin stores would be provided within the building. A bin store would also be located outside of the building. Details and dimensions of the bins could be secured via condition to ensure they cause no harm to the appearance of the site/area and are fit for purpose.

London Plan Policy T5 suggests that 17 cycle parking spaces are required for the proposed development. 20 spaces would be provided within the confines of the building. Adequate cycle parking would therefore be provided for users of the sites.

As per the previous application it is considered that adequate EV charging points could be secured via condition. A travel plan could also be secured via condition.

Overall, there is an unacceptable parking impact. The Inspector noted in the previous application:

"There is a draft planning obligation before me which refers to air quality mitigation, construction training, child playspace, public open space, parking restriction and a net carbon zero contribution, but this has not been completed and therefore I can give it no weight".

There remains no obligation in place for parking, even though other issues have fallen away due to the reduction in scale.

7.4 Carparking & Layout

See section 7.3 of this report.

7.5 Urban Design, Access and Security Considerations

ACCESSIBILITY

The Boroughs Access Officer has been consulted on the proposed development and has provided the following comments:

'Proposal for a flatted development comprising nine units does not raise any accessibility concerns that this development control stage. However, any grant of planning permission should include the following conditions: Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building. REASON To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021). All nine dwellings hereby approved shall accord with the requirements of Policy D7 of the London Plan, and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building. REASON To not only allow the Building Control body to require the development

to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with policy D7 of the London Plan. The development hereby approved shall accord with London Plan policy D5(B5) and D12(A) to include a minimum of one fire evacuation lift designed to meet the technical standards set out in BS EN 81-76, BS 9991 and/or BS 9999, with all such provisions remaining in place for the life of the development. REASON: To ensure the development can accommodate robust emergency evacuation procedures including those who require level access, in accordance with London Plan policy D5 and D12.

Had the application been recommended for approval the mentioned conditions would have been added to the decision notice.

EXTERNAL AMENITY SPACE

The Council's Local Plan (2020) Policy DMHB 18 states that new residential developments should provide an adequate level of private amenity space for occupiers that is of good quality and usable. The policy advises that 2 bed flats should provide 20sqm of amenity space and 3 bed flats should provide at least 30sqm of private amenity space.

A 186sqm communal garden along side private balconies would be provided for future residents of the scheme and therefore adequate external and private amenity space would be provided for future residents of the development.

INTERNAL AMENITY SPACE

London Plan Policy D6 (F) states: Housing developments are required to meet the minimum floor space standards below which apply to all tenures and all residential accommodation that is self-contained. 2bed, 3 person flats set over a single floor are required to provide 61sqm, 2 bed 4 person flats are required to provide 70sqm. 3bed 4 person flats are required to provide 74sqm of internal floor space for future residents. The following floor space would be provided for future residents, complying with Policy D6. Furthermore the section plans show that adequate floor to ceiling height would now be provided within each of the flats, overcoming the Inspector's concerns in this regard.

Ground floor

FLAT 1: 3 bedroom (4 person) flats of 74m²

FLAT 2: 3 bedroom (4 person) flats of 74m²

First floor

FLAT 3: 2 bedroom (4 person) flats of 74m²

FLAT 4: 3 bedroom (4 person) flats of 74m²

FLAT 5: 3 bedroom (4 person) flats of 74m²

Second floor

FLAT 6: 3 bedroom (4 person) flats of 74m²

FLAT 7: 3 bedroom (4 person) flats of 74m²

Third floor

FLAT 8 2 bedroom (3 person) flats of 67m²

FLAT 9: 2 bedroom (3 person) flats of 67m²

Notwithstanding the above, paragraph 130 (f) of the NPPF (2021) states that development should seek to '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.'

The proposed development would result in the creation of 3x2 bedroom flats and 6x3 bedroom flats meaning that up to 34 people could occupy the site (as set out above). 34 people (many of which would be families due to the proposed housing mix would have no dedicated, safe or direct means of leaving the site, as no pedestrian footpath or cycle route will be provided to link the main road to the building. As such residents new residents would have to walk or ride through the car park, to the main road. This could put them in danger from vehicles entering and existing the site, especially as the access route from Warley Road is narrow. It is therefore considered that the proposed development would create a dangerous and hazardous environment for future residents of the scheme.

7.6 Other Issues

PRINCIPLE OF DEVELOPMENT:

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Policy GG2 of the London Plan and the National Planning Policy Framework (2021) state a requirement to encourage the effective use of land and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Chapter 5 of the NPPF supports the delivery of homes, confirming that local authorities should, through their Local Plans, demonstrate how housing targets and objectives will be met. Particular emphasis is given to housing delivery over the next five years, but authorities are also required to consider growth beyond this.

Policy GG4 of the London Plan seeks to ensure that London's housing needs are met. Policy H1 of the London Plan (2021) promotes the optimisation of housing output within different types of location. Consideration will also be given to the accessibility of the site to services and amenities.

At local level policy H1 of the Local Plan: Part 1 - Strategic Policies (November 2012) gives general support to housing provision to meet and exceed the Council's minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies.

The proposal involves the construction of a new residential block comprising of 9 units effectively changing the use of the existing car park to C3 residential use. Policy DMCI 1 of the Local Plan Part 2 and Policy CI1 of Hillingdon's Strategic Policies suggests that proposals involving the loss of a community facility such as a car park will be permitted if the specific use is no longer required and this should be demonstrated in the application through evidence.

During the process of the previous application, the applicant provided additional information which demonstrated that the use of the car park had been restricted by the land owner for use of the businesses which bound the site to the south (fronting the Uxbridge Road). As such it is accepted that the car park has not been opened for general public use and therefore is not considered to fall within the description of a community facility. The applicant also provided information to demonstrate that the existing land has been underused for some time and this is clear from ariel imagery.

As per the previous application, the proposal would retain an appropriate quantum of commercial parking.

Therefore, as per the previous application, it is considered that the principle of redeveloping the site for residential purposes is acceptable, subject to compliance with other material planning considerations.

HOUSING MIX:

Policy H10 of the London Plan (2021) states that schemes should generally consist of a range of unit sizes.

Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. Paragraph 4.6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly three bedroom properties. Applicants proposing residential schemes will be required to demonstrate that this need has been taken into account.

The proposal seeks to provide 3 x 2 bedroom flats, 6 x 3 bedroom flats the proposal would assist the Council's housing strategy in providing new family size residential accommodation in compliance with Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy H10 of the London Plan (2021) and paragraph 61 of the National Planning Policy Framework.

CONCLUSION AND PLANNING BALANCE

The provision of 9 additional residential units is not considered to outweigh the developments harm to the character and appearance of the area, conservation area, locally listed building, local highways network and amenities of future residents. The proposal is therefore recommended for refusal.

CIL

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per sq metre. The proposed development is CIL liable.

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)

Contact Officer: Haydon Richardson

Telephone No: 01895 250230