

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, Building Control, Sport & Green Spaces**

Address 734-736 UXBRIDGE ROAD HAYES

Development: Change of use of first and second floors from offices (Use Class B1) to a 10 bedroom House in Multiple Occupancy, involving installation of roof lanterns to first floor roof and installation of metal gates to side (Sui Generis)

LBH Ref Nos: **18920/APP/2015/2042**

Drawing Nos: Design and Access Statement
 sd00738/PL11
 sd00738/PL08
 sd00738/PL07
 sd00738/PL09 Rev. B
 sd00738/PL10 Rev. A
 sd00738/PL05
 sd00738/PL04
 sd00738/PL06
 sd00738/PL02
 sd00738/PL03
 Location Plan (1:1250)
 Travel Plan
 Daylight Assessment

Date Plans received : 19/06/2015

Date(s) of Amendment(s):

Date Application Valid: 19/06/2015

1. SUMMARY

The application site property comprises of a three storey building with Uxbridge Road Town Centre as identified within the Hillingdon Local Plan Part Two - Saved UDP Policies 2012. The application seeks planning permission for the change of use from Use Class B1(offices) to sui generis use as a 10-bed HMO involving the installation of roof lanterns to first floor roof and installation of metal gates to the side.

Whilst the scheme address the issue of daylighting raised by the inspector in the recent appeal decision, the revised proposal fails to provide an acceptable level of amenity for future occupiers of the HMO in view of the limited outlook from the communal kitchen and common room.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal would fail to provide a satisfactory residential environment for future occupiers of the property by way of unacceptable outlook to the communal common room and kitchen contrary to Policies BE19 and BE20 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policies 3.5 and 5.3 of the London Plan (2015).

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 Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H8	Change of use from non-residential to residential
LPP 3.5	(2011) Quality and design of housing developments

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

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The applicant is advised that the second floor room remains unspecified in terms of its use which was raised as a concern by the Inspector in his recent appeal decision under reference APP/R5510/A/14/2228974.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises of a three storey building within Uxbridge Road Town Centre on the northern side of Uxbridge Road. The ground floor of the property is

currently occupied by Tesco Express with the first and second floors converted into 3 x studio flats, 3 x 1 bed flats and 3 x 2 bed flats without consent. The rear storage area and entrance has been enclosed by metal secure entrance gates with post boxes for the flats inserted within it. There is no allocated off street parking within the site.

3.2 Proposed Scheme

The application seeks planning permission for the Change of use from Use Class B1 (Offices) to Sui Generis for use as a 10-bed House of Multiple Occupancy involving installation of roof lanterns to first floor roof and installation of metal gates to side.

3.3 Relevant Planning History

18920/APP/2011/3012 736 Uxbridge Road Hayes

Change of use from retail storage to residential

Decision: 30-01-2012 NFA

18920/APP/2013/2146 736 Uxbridge Road Hayes

Change of use of first and second floors from Use Class B1(Business) to Use Class C3 (Dwelling Houses) for the creation of 3 x 1-bed self contained flats, 3 x 2-bed self contained flats and 3 x 1-bed bedsits involving alterations to rear and installation of external staircase to rear (Retrospective)

Decision: 14-10-2013 Refused

18920/APP/2013/3847 736 Uxbridge Road Hayes

Change of use of first and second floors from business (Use Class B1) to 4 x 1-bed, 1 x 2-bed and 3 x studio self contained flats, involving alterations to rear and installation of external staircase to rear (Part Retrospective)

Decision: 26-02-2014 Refused

18920/APP/2014/1747 734-736 Uxbridge Road Hayes

Change of use from Use Class B1 (Offices) to Sui Generis for use as a 10-bed House of Multiple Occupancy involving installation of roof lanterns to first floor roof and installation of metal gates to side.

Decision: 22-07-2014 Refused

Appeal: 25-03-2015 Dismissed

Comment on Planning History

There is a lengthy planning history at this property. Most notably an appeal was recently dismissed under application reference 18920/APP/2014/1747 for the Change of use from Use Class B1 (Offices) to Sui Generis for use as a 10-bed House of Multiple Occupancy involving installation of roof lanterns to first floor roof and installation of metal gates to side. The comments of the inspector are addressed in the sections below.

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

Highways Officer:

The site has a PTAL value of 2 bordering on to 3, poor to moderate, 3 being moderate and

not above average as stated in the transport statement.

Whilst the adopted car parking standards require the provision of 5 off-street parking spaces for a 10-bed HMO; the comments of the Inspector in the recent appeal decision confirm that the lack of parking is acceptable.

6. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

H8 Change of use from non-residential to residential

LPP 3.5 (2011) Quality and design of housing developments

7. MAIN PLANNING ISSUES

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

There are no privacy or overlooking impacts posed to neighbours pursuant to Hillingdon UDP saved Policies BE21 and BE24. There are no 21m window-to-window relationships proposed between the residential flats and any neighbouring residential property.

7.2 Impact on Street Scene

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The proposal does not include any external alterations to the main building and the installation of the gates, measuring 2m in height are considered to respect the character and appearance of the rear of the site. As a result it is considered that it would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Local Plan policies BE13 and BE15.

7.3 Traffic Impact/Pedestrian Safety

The site has a PTAL value of 2 bordering on to 3. The development does not provide any car parking and has failed to demonstrate that there would be no detrimental impact on the available on street parking. The Council will require the provision of up to 1 off-street parking space for every 2 habitable rooms, excluding those used for communal living

purposes. The adopted car parking standards require the provision of 5 off-street parking space for a 10-bed HMO.

No off street parking is provided on the submitted plans but ten cycle spaces are required to serve the 10-bed HMO. Despite the highway officers objection to the lack of on street parking, the Inspector in the recent appeal decision concluded that:-

"there is currently no on-site parking to serve the retail uses at ground floor level or the previously permitted B1 use of the upper floors. The site is within a sustainable location close to local shops and other facilities. It is also on a main road that is served by three 'bus routes, with good access to railway and underground stations..... therefore, these matters do not provide a sufficient reason to withhold planning permission."

As such it is considered that in view of the Inspectors conclusions in relation to the previous scheme, a refusal reason relating to the lack of on-street parking cannot be justified.

7.4 Carparking & Layout

See above.

7.5 Urban Design, Access and Security Considerations

London Plan Policy 3.5 seeks to ensure that all housing developments are of the highest quality, both internally and externally, and in relation to their context.

The general arrangement and room layouts are consistent with the Council guidance on HMO's, including the provision of a relatively large 47sq.m communal living space. The scheme has been revised since the former refusal to provide a daylighting assessment. The Inspector's comments in relation to the issue of the adequacy of the living condition of the occupants of the HMO is a material consideration which states:-

"Concerns have rightly been raised regarding the standard of accommodation which would be provided by the alterations; in particular, the adequacy of the daylighting arrangements for Units 6/7 and the kitchen and common room.

From observations made in an adjacent flat it could well be that Units 6 and 7 would provide adequate levels of daylighting. Nevertheless, any subsequent application will need to demonstrate, by means of light readings to be agreed with the Council's Environmental Health Officer, that this would be the case or that lanterns would be fitted in the roof to achieve an acceptable standard.

The outlook from the common room would be unsatisfactory having regard to the proximity of a large extractor flue serving nos. 738-740 next door and the rather unsightly flat roofed access to the adjacent residential units. Also, the submitted drawings fail to annotate any use accorded to the second floor accommodation, which is simply designated as "a room."

Based upon the information currently before me, I therefore find on the main issue that development as proposed would fail to provide adequate standards of living accommodation for future occupants of certain of the units. As such, the proposal would be contrary to Policies 3.5 and 5.3 of The London Plan 2011 and to Policies BE19 and BE20 of the Local Plan 2."

With regard to this revised application, the Council's Housing Officer has confirmed that no objection is raised to the level of daylight to the future occupants of the HMO. However, the revised plans fail to address the poor outlook to the common room and

kitchen which was identified as a key concern by the Inspector. Furthermore the use of the second floor room remains unspecified. Whilst the levels of daylight are considered, on balance, to be acceptable, the limited outlook to the communal areas remains unacceptable and as such the proposal would be contrary to Policies 3.5 and 5.3 of The London Plan 2011 and to Policies BE19 and BE20 of the Local Plan 2.

The proposal fails to provide any external amenity space for the occupants of the HMO. Whilst this would be in conflict with the Council's advice, the Inspector concluded that:-

The development also fails to provide amenity space for the occupiers of the units. Here again, however, I noted that the property is within easy reach of Yeading Regional Open Space, Bellmore playing fields, Rosedale Park and other public open spaces.....these matters do not provide a sufficient reason to withhold planning permission. As such it is considered that in view of the Inspectors conclusions in relation to the previous scheme, a refusal reason relating to the lack of outdoor amenity space cannot be justified.

7.6 Other Issues

PRINCIPLE

The principle of residential above the secondary frontage of the Uxbridge Road Town Centre in accordance with Hillingdon Local Plan Policy H4.

There is no unreasonable impact to the retail frontage or town centre in general pursuant to Hillingdon Local Plan Policy BE26 which variously seeks to promote, protect and reinforce the retail uses of the town centres.

8. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).

Hillingdon Local Plan Part 2 - UDP Saved Policies

The London Plan (2015)

Supplementary Planning Document HDAS: Accessible Hillingdon

National Planning Policy Framework.

Hillingdon Supplementary Planning Guidance on Houses in Multiple Occupation and other non-self contained housing (2004).

Houses in Multiple Occupation in the Uxbridge South and Brunel Wards - Interim Planning Policy Document may 2013

Mayor's Housing Supplementary Planning Guidance

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