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Waltham Road  
Woodlands Park  
Maidenhead SL6 3NH

Application Ref: 4404/APP/2015/4472

## **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

### **REFUSAL OF PLANNING PERMISSION**

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

#### **Description of development:**

Section 73 application to vary planning permission ref: 4404/APP/2014/2506, dated 19/06/15: Change of use of B1(c) floorspace to provide 12 additional residential units and associated ancillary works (Amendment to planning permission ref: 4404/APP/2011/2079, dated 30/03/12 (Application to replace extant planning permission ref: 4404/APP/2008/3558, dated 23/03/09); Redevelopment of site to provide replacement Class B1(c) light industrial space and 34 two-bedroom and 9 one-bedroom flats with associated car parking, landscaping and amenity space) by deleting Condition 6 (Code for Sustainable Homes).

**Location of development:** 585-591 Uxbridge Road Hayes

**Date of application:** 07 December 2015

**Plan Numbers:** See attached Schedule of plans

**Permission is refused for the reason(s) listed on the attached schedule:-**

**Head of Planning and Enforcement**

**Date: 4 March 2016**

- NOTES:
- (i) Please also see the informatives included in the Schedule of Reasons.
  - (ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

# TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

## REFUSAL OF PLANNING PERMISSION

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### SCHEDULE OF REASONS

- 1 · In the absence of an alternative scheme to satisfy sustainability objectives, the removal of the condition fails to demonstrate that the development would satisfy relevant sustainable design criteria of the London Plan, including energy and water efficiencies. As such, the scheme fails to comply with Policies 5.1 and 5.3 of the London Plan (March 2015) and the National Planning Policy Framework (NPPF) (March 2012).

### INFORMATIVES:

- 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 · 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.

#### Part 1 Policies:

|         |                                                 |
|---------|-------------------------------------------------|
| PT1.E1  | (2012) Managing the Supply of Employment Land   |
| PT1.H2  | (2012) Affordable Housing                       |
| PT1.BE1 | (2012) Built Environment                        |
| PT1.EM1 | (2012) Climate Change Adaptation and Mitigation |
| PT1.EM6 | (2012) Flood Risk Management                    |
| PT1.EM8 | (2012) Land, Water, Air and Noise               |
| PT1.CI1 | (2012) Community Infrastructure Provision       |

#### Part 2 Policies

|          |                                                                                                    |
|----------|----------------------------------------------------------------------------------------------------|
| NPPF1    | NPPF - Delivering sustainable development                                                          |
| NPPF6    | NPPF - Delivering a wide choice of high quality homes                                              |
| NPPF10   | NPPF - Meeting challenge of climate change flooding costal                                         |
| LPP 3.4  | (2015) Optimising housing potential                                                                |
| LPP 3.8  | (2015) Housing Choice                                                                              |
| LPP 3.10 | (2015) Definition of affordable housing                                                            |
| LPP 3.11 | (2015) Affordable housing targets                                                                  |
| LPP 3.12 | (2015) Negotiating affordable housing (in) on individual private residential and mixed-use schemes |
| LPP 3.13 | (2015) Affordable housing thresholds                                                               |
| LPP 5.1  | (2015) Climate Change Mitigation                                                                   |
| LPP 5.2  | (2015) Minimising Carbon Dioxide Emissions                                                         |

## SCHEDULE OF REASONS

|          |                                                                                                                                     |
|----------|-------------------------------------------------------------------------------------------------------------------------------------|
| LPP 5.3  | (2015) Sustainable design and construction                                                                                          |
| LPP 5.7  | (2015) Renewable energy                                                                                                             |
| LPP 5.12 | (2015) Flood risk management                                                                                                        |
| LPP 5.13 | (2015) Sustainable drainage                                                                                                         |
| LPP 6.3  | (2015) Assessing effects of development on transport capacity                                                                       |
| LPP 6.9  | (2015) Cycling                                                                                                                      |
| LPP 6.10 | (2015) Walking                                                                                                                      |
| LPP 6.13 | (2015) Parking                                                                                                                      |
| LPP 7.1  | (2015) Lifetime Neighbourhoods                                                                                                      |
| LPP 7.2  | (2015) An inclusive environment                                                                                                     |
| LPP 7.3  | (2015) Designing out crime                                                                                                          |
| LPP 7.14 | (2015) Improving air quality                                                                                                        |
| LPP 7.15 | (2015) Reducing noise and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.   |
| BE13     | New development must harmonise with the existing street scene.                                                                      |
| BE15     | Alterations and extensions to existing buildings                                                                                    |
| BE18     | Design considerations - pedestrian security and safety                                                                              |
| 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.                                                        |
| OE1      | Protection of the character and amenities of surrounding properties and the local area                                              |
| OE3      | Buildings or uses likely to cause noise annoyance - mitigation measures                                                             |
| OE5      | Siting of noise-sensitive developments                                                                                              |
| OE8      | Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures |
| H4       | Mix of housing units                                                                                                                |
| LE4      | Loss of existing industrial floorspace or land outside designated Industrial and Business Areas                                     |
| R17      | Use of planning obligations to supplement the provision of recreation, leisure and community facilities                             |
| AM2      | Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity       |
| AM7      | Consideration of traffic generated by proposed developments.                                                                        |

## **SCHEDULE OF REASONS**

|          |                                                                                                                                             |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------|
| AM9      | Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities |
| AM14     | New development and car parking standards.                                                                                                  |
| AM15     | Provision of reserved parking spaces for disabled persons                                                                                   |
| HDAS-LAY | Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006                               |
| LDF-AH   | Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010                                  |
| SPD-NO   | Noise Supplementary Planning Document, adopted April 2006                                                                                   |
| SPD-PO   | Planning Obligations Supplementary Planning Document, adopted July 2008                                                                     |
| SPG-AQ   | Air Quality Supplementary Planning Guidance, adopted May 2002                                                                               |
| SPG-CS   | Community Safety by Design, Supplementary Planning Guidance, adopted July 2004                                                              |

- 3 . 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), the 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.
- 4 . In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council supports pre-application discussions in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by officers during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

### **END OF SCHEDULE**

#### **Address:**

Residents Services  
London Borough of Hillingdon  
3 North Civic Centre, High Street, Uxbridge UB8 1UW  
Tel: 01895 250230  
**[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)**

## **REFUSAL OF PLANNING PERMISSION**

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### **SCHEDULE OF PLANS**

Agent's emails (2) dated 15/2/16 - received 15 Feb 2016

Agent's email dated 24/2/16 - received 24 Feb 2016

Agent's email dated 6/1/16 - received 06 Jan 2016

PL-100 Site Location Plan - received 16 Jul 2014

PL-01(S4) Site Plan - received 16 Jul 2014

PL-201 Proposed Ground Floor Plan and Elevations Block C - received 16 Jul 2014

PL-202 Proposed Ground Floor Plan and Elevations Block D - received 16 Jul 2014

PL-203 Proposed Ground Floor Plan and Elevation Block A2 - received 16 Jul 2014

PL-204 Proposed Ground Floor Plan and Elevations Block B - received 16 Jul 2014

Design and Access Statement - received 16 Jul 2014

Report on the Demand for Commercial Space on the Pronto Trading Estate -  
received 16 Jul 2014

Economic Viability Assessment - received 06 Aug 2014

Email re sound insulation dated 29/8/14 - received 29 Aug 2014

Noise Insulation Scheme - received 29 Aug 2014

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424). Appeal forms can be downloaded from the Planning Inspectorate's website at <http://.Planning-inspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

**Purchase Notices.**

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.