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5 Bolton Street
London
W1J 8BA

Application Ref:
49505/APP/2013/3842

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:

Sub-division and change of use from industrial/warehouse (Class B8) to create up to 14 industrial units for Use Class B1(c) and Class B8 with associated works.

Location of development: Unit 5, Caxton Trading Estate Printing House Lane
Hayes

Date of application: 24 January 2014

Plan Numbers: See attached Schedule of plans

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

Head of Planning & Enforcement

Date: 22 April 2014

- 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.

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SCHEDULE OF REASONS

- 1 · In the absence of acceptable screening or mitigation measures regarding the control of noise from the site in relation to the nearby residential properties, especially in relation to the rear access to the proposed units, the application has failed to demonstrate that the development will safeguard the amenities of those properties. The proposal is therefore contrary to policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012) and policy 7.15 of the London Plan (2011).

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 (July 2011) and national guidance.

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.E1	(2012) Managing the Supply of Employment Land
PT1.E6	(2012) Small and Medium-Sized Enterprises (SME)
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM6	(2012) Flood Risk Management
PT1.EM11	(2012) Sustainable Waste Management
PT1.T1	(2012) Accessible Local Destinations

Part 2 Policies

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street

SCHEDULE OF REASONS

	furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE18	Design considerations - pedestrian security and safety
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE32	Development proposals adjacent to or affecting the Grand Union Canal
LE1	Proposals for industry, warehousing and business development
LE2	Development in designated Industrial and Business Areas
LE3	Provision of small units in designated Industrial and Business Areas
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
OE7	Development in areas likely to flooding - requirement for flood protection measures
LPP 2.6	(2011) Outer London: vision and strategy
LPP 2.7	(2011) Outer London: economy
LPP 2.8	(2011) Outer London: Transport
LPP 4.1	(2011) Developing London's economy
LPP 4.3	(2011) Mixed use development and offices
LPP 4.4	(2011) Managing Industrial Land & Premises
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.7	(2011) Renewable energy
LPP 5.13	(2011) Sustainable drainage
LPP 6.1	(2011) Strategic Approach
LPP 6.9	(2011) Cycling
LPP 6.10	(2011) Walking
LPP 6.13	(2011) Parking
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment

SCHEDULE OF REASONS

- LPP 7.3 (2011) Designing out crime
LPP 7.4 (2011) Local character
LPP 7.15 (2011) Reducing noise and enhancing soundscapes

- 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), then London Plan Policies. 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 . NPPF:
In this case the Local Planning Authority has worked proactively with the applicants to try and secure sustainable economic development at the site. The Local Authority has liaised with the applicant regarding the issues and provided reasonable opportunity for amendments which might address these. However, amendments which would address the substantive concern relating to residential amenity have not been made. The development is therefore contrary to adopted planning policy and should be refused.

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

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SCHEDULE OF PLANS

Design and Access Statement - 24/01/2014 - received 24 Jan 2014

Bollard Specification - Classique AL1000 - received 24 Jan 2014

Floodlight Specification - Mura AL5320 - received 24 Jan 2014

Isolux Diagram - Bollard Classique - received 24 Jan 2014

Roller Door Specification - Crawford - received 24 Jan 2014

Noise Impact Assessment Report - 24/01/2014 - received 24 Jan 2014

Cover Letter - 23/12/13 - received 24 Jan 2014

13-0244 E05 - received 24 Jan 2014

13-0244 P01 - received 24 Jan 2014

13-0244 P02 - received 24 Jan 2014

13-0244 P03 - received 24 Jan 2014

13-0244 P04 - received 24 Jan 2014

13-0244 P05 - received 24 Jan 2014

Site Location Plan - January 2014 - received 24 Jan 2014

13-0244 S01 - received 24 Jan 2014

13-0244 S02 - received 24 Jan 2014

13-0244 S03 - received 24 Jan 2014

13-0244 G04 - received 24 Jan 2014

13-0244 G05 - received 24 Jan 2014

13-0244 E01 - received 24 Jan 2014

13-0244 E02 - received 24 Jan 2014

13-0244 E03 - received 24 Jan 2014

13-0244 E04 - received 24 Jan 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.