

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 14-16 CLAYTON ROAD HAYES

Development: Removal of condition 10 (Code for Sustainable Homes) of Planning Permission reference 68441/APP/2013/3760 dated 11/11/2014 (Creation of second and third floors, first floor rear extension and part change of use of ground floor from C3 (Dwellings) to A2 (Financial Services) to provide 2 x ground floor officer units, 1 x 2-bed and 2 x 1-bed self contained flat and 2 x studio flats with associated parking and installation of cycle storage involving alterations to front elevation and demolition of existing outbuilding to rear)

LBH Ref Nos: **68441/APP/2015/2555**

Drawing Nos:

Date Plans received : 13/07/2015

Date(s) of Amendment(s):

Date Application Valid: 13/07/2015

1. **SUMMARY**

The proposal is for the removal of condition No. 10 (Code for Sustainable Homes) of planning permission ref:68441/APP/2013/3760

The removal of the Code for Sustainable Homes condition would not demonstrate compliance with the requirements of the London Plan. Contact was made with the agent to vary the condition rather than remove the condition by submitting a scheme to demonstrate how sustainability and energy have been incorporated into the design and future operation of the buildings. However, no response was received. Given the above, the application fails to comply with the principles of the design stage certificate and would fail to reduce carbon emissions and promote higher standards of sustainable design.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The removal of the condition fails to ensure that the development would meet the objectives of sustainable development contrary to Policies 5.1 and 5.3 of the London Plan (2015) and the NPPF.

INFORMATIVES

1 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.

2 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).

3 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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE5	New development within areas of special local character
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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
EC2	Nature conservation considerations and ecological assessments
EC5	Retention of ecological features and creation of new habitats
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
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments

LPP 5.3	(2011) Sustainable design and construction
LPP 5.13	(2011) Sustainable drainage
LPP 7.4	(2011) Local character
LPP 7.14	(2011) Improving air quality

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The application site is located on the southern side of Clayton Road in Hayes and comprises 2 x two-storey mid-terrace buildings and their associated rear yards. Both properties are currently in use as retail units (fronting the road) and two flats on the rear ground floor and first floors together with a detached outbuilding/shed.

The properties have the main portion of their built form towards the frontage, occupying the full width of the site, with a two storey outrigger to the rear which is narrower than the main portion. The site comprises the rear yard of No.16, however, the bulk of the rear yard of No.14 appears to have been integrated into the adjacent site to the east. The rear yard of No.16 has a large detached outbuilding, indicated as a garage.

The application site is located in an area which is mixed in character, with the remainder of the terrace having commercial uses at ground floor level, and residential above. Directly adjacent the rear boundary is a private accessway which leads to the rear of the terrace. Beyond the accessway are the rear gardens of properties on the part of Blyth Road that generally runs parallel with Clayton Road.

The site falls within the Hayes Major Town Centre, the Hayes/West Drayton Corridor and an Air Quality Management Area. The Public Transport Accessibility Level (PTAL) of the site is 4 (above average accessibility). The site is located within close proximity to where the Crossrail development is proposed.

3.2 **Proposed Scheme**

The proposal is for the removal of condition No. 10 (Code for Sustainable Homes) of planning permission ref:68441/APP/2013/3760

3.3 **Relevant Planning History**

68441/APP/2013/3760 14-16 Clayton Road Hayes

Creation of second and third floors, first floor rear extension and part change of use of ground floor from C3 (Dwellings) to A2 (Financial Services) to provide 2 x ground floor officer units, 1 x 2-bed and 2 x 1-bed self contained flat and 2 x studio flats with associated parking and installation of cycle storage involving alterations to front elevation and demolition of existing outbuilding to rear

Decision: 11-11-2014 Approved

Comment on Planning History

The permission to which the proposal relates to is 68441/APP/2013/3760 which granted permission for the demolition of the existing buildings on the site and to erect a 4-storey block with 2 office units on the ground floor and 5 residential flats above. There would be car parking and cycle storage provision to the rear.

Condition 10 required: No development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve level 4 of the Code has been submitted to, and approved in writing, by the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

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
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.EM6	(2012) Flood Risk Management
PT1.EM8	(2012) Land, Water, Air and Noise

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE5	New development within areas of special local character
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LPP 7.4	(2011) Local character
LPP 7.14	(2011) Improving air quality

In addition:

7. MAIN PLANNING ISSUES

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

This was assessed in the assessment of the original planning permission ref: 68441/APP/2013/3760 and deemed to be acceptable. The proposed amendments to the scheme are not considered to have an impact in this regard.

7.2 Impact on Street Scene

The proposed site lies within Hayes Town. The impact of the development on the street scene was assessed at the time of the original application and it was found to not adversely impact the character and appearance of the street scene.

7.3 Traffic Impact / Pedestrian Safety

Traffic and pedestrian issues were assessed in the assessment of the original planning permission ref: 68441/APP/2013/3760 and deemed to be acceptable. The proposed amendments to the scheme are considered to not have an impact in this regard.

7.4 Carparking & Layout

Car parking and layout issues were assessed in the assessment of the original planning permission ref: 68441/APP/2013/3760 and deemed to be acceptable. The proposed amendments to the scheme are considered to not have an impact in this regard.

7.5 Urban Design, Access and Security Considerations

The development would have an acceptable impact on the visual amenities of the surrounding area and the residential amenity of neighbouring occupiers.

7.6 Other Issues

CODE FOR SUSTAINABLE HOMES

The original condition was imposed to secure compliance of the scheme with policies 5.1 and 5.3 of the London Plan and therefore these are the test applied for the assessment for the s73.

Notwithstanding the withdrawal of the Code - legacy requirements remain in place for this proposal. The starting point therefore (based on the Ministerial Statement) is not supportive to the removal of the condition.

The London Plan (2015) does not make significant changes to Policies 5.1 or 5.3 and therefore in policy terms there is still a need to address the issues of sustainable design and decentralised or renewable energy.

As such, the removal of the Code for Sustainable Homes condition would not demonstrate compliance with the requirements of the London Plan. Contact was made with the agent to vary the condition rather than remove the condition by submitting a scheme to demonstrate how sustainability and energy have been incorporated into the design and future operation of the buildings. However, no response was received. Given the above, the application fails to comply with the principles of the design stage certificate and would fail to reduce carbon emissions and promote higher standards of sustainable design.

8. Reference Documents

NPPF (March 2012) and NPPG

London Plan (July 2011).

London Plan (2015)

Hillingdon Local Plan (November 2012).

Hillingdon Design and Accessibility Statement: Residential Layouts.

Hillingdon Design and Accessibility Statement: Accessible Hillingdon.

Hillingdon Planning Obligations Supplementary Planning Document July (2008) and updated chapter 4 Education (August 2010).

Council's Adopted Car Parking Standards (Annex 1, Hillingdon Unitary Development Plan, Saved Policies, September 2007).

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