

# Agenda Item 8

**Item No.** **Report of the Head of Planning, Transportation and Regeneration**

**Address** 75A BRIDGE ROAD UXBRIDGE

**Development:** Conversion of existing commercial premises into 3 x residential flats as units as Class C3 Use. Removal of existing front exposed fire escape staircase and amending front and side first floor windows and new rooflights to crown roof. New garage door to ground floor car park and side access to main residential units with new amenity areas.

**LBH Ref Nos:** 73647/APP/2021/951

**Drawing Nos:** Block Plan  
Location Plan  
ABC78/2001  
ABC199/2002  
ABC78/2000  
ABC78/2003  
ABC78/2004  
ABC78/2005  
Planning Letter (05/03/2021) plus Design and Access Statement  
Planning Statement  
Covering Letter (05/03/2021)  
Covering Letter (24/02/2021)  
Marketing Agent Diary Entries for 75a Bridge Road  
Flood Map and Report  
Flood Risk Assessment

**Date Plans Received:** 11/03/2021 **Date(s) of Amendment(s):**

**Date Application Valid:** 22/03/2021

## 1. SUMMARY

Due to its internal layout and close proximity to the rear elevations of properties on Bridge Road, the proposed development would result in severe overlooking and a loss of privacy to the occupiers of No.s 74, 75, 76 and 77 Bridge Road, adversely impacting their amenities. Furthermore the development would provide a substandard level of internal accommodation for future occupiers of Flat A and Flat C. It would also fail to provide any private outdoor amenity space for the future occupiers of all flats and would provide an excessive amount of parking. The proposed development is therefore considered to be contrary to Policy DMHB 11, DMHB 16, DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as policies D6 and T6.1 of the London Plan (2021) and paragraph 130 (f) of the NPPF (2021).

The proposed development has therefore been recommended for refusal.

## 2. RECOMMENDATION

**REFUSAL for the following reasons:**

### 1 NON2 Non Standard reason for refusal

The proposed development includes an excessive amount of parking and is therefore contrary to the Borough's and Government's aims of promoting sustainable forms of transportation. The proposal is therefore unsustainable and directly contrary to Policy

T6.1 of the London Plan (2021).

## **2            NON2        Non Standard reason for refusal**

The proposed development fails to provide private external amenity space for future occupiers of the new flats. Future residents would therefore be provided with substandard external accommodation to the detriment of their amenities. The development is therefore considered to be contrary to the requirements of Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

## **3            NON2        Non Standard reason for refusal**

The proposed flats, in particular Flat A and Flat C, fail to provide sufficient internal floorspace, internal headroom and outlook, resulting in a substandard form of accommodation for future occupiers, to the detriment of their amenities, all contrary to the requirements of Policy D6 of the London Plan (2021), Policy DMHB 16 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the Technical Housing Standards - Nationally Described Space Standard (2015).

## **4            NON2        Non Standard reason for refusal**

In the absence of a legal agreement to secure the development as parking permit free and to secure financial contributions towards the maintenance and improvement of open space in the Borough, the development fails to mitigate its adverse parking and amenity space provision impacts. The proposed development is therefore considered to be contrary to the requirements of Policy DMHB 18 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

## **3.        CONSIDERATIONS**

### **3.1      Site and Locality**

The development site is located on the east side of Bridge Road and can be accessed via an undercroft between No.75 and No.76 Bridge Road. The site comprises a two storey building with useable loft space. The building was most recently used as a workshop for light industrial purposes but is now in an uninhabitable state of repair.

The surrounding area is predominantly residential. Located directly to the east of the subject building is the Fray's River. To the north and south of the building are the rear gardens of properties on Bridge Road. To the west of the building are the rear elevations of properties on Bridge Road, as well as the sites access and service yard. Due to its size and backland location, the subject building is not readily visible from Bridge Road or other surrounding streetscenes.

The site is located within the Colne Valley Park Archaeological Priority Zone, the LBH Air Quality Management Area and is on potentially contaminated land. It has a Public Transport Accessibility Level (PTAL) of 2 and it should be noted that a small portion of land to the rear of the site is located within Flood Zones 2 and 3.

### **3.2      Proposed Scheme**

The application seeks planning permission for the conversion of the existing commercial premises into 3 x residential flats (Use Class C3). The proposed works also include removal of the existing front fire escape staircase, new rooflights to crown roof, alterations to front and side first floor windows, new garage door to ground floor car park and a side access to main residential units with new amenity areas.

It should be noted that the proposed development includes no external amenity space for

residents (private or communal). Reference to 'amenity areas' in the description of the development is a reference to the refuse storage at the front of the building as confirmed by the applicant in an email received on 13/01/22.

### **3.3 Relevant Planning History**

73647/APP/2018/908      75a Bridge Road Uxbridge

Roof extension with roof ridge set down by 500 mm and the conversion of roof space to create additional floor space to include 2 x side dormers, 1 x rear dormer, 2 x front, 2 x rear and 3 x side roof lights.

**Decision:** 14-06-2018   Approved

73647/PRC/2019/258      75a Bridge Road Uxbridge

Conversion of existing commercial premises to residential to create 5 flats, alterations to fenestration and replacement of external front staircase with enclosed glazed stairwell

**Decision:** 03-08-2020   OBJ

#### **Comment on Relevant Planning History**

The sites planning history is set out in section 3.3 of this report, however the following points should be noted.

Pre-application advice was sought in 2019 (Ref No.73647/PRC/2019/258) for 'Conversion of existing commercial premises to residential to create 5 flats, alterations to fenestration and replacement of external front staircase with enclosed glazed stairwell'.

The following objections were made against that proposal:

'The site is located in a predominately residential area where few examples of commercial premises exist. The site is within close proximity to the rear gardens of dwellings located on Bridge Road. As such it is considered that going forward an industrial use on this site is not compatible with the residential character of the area and is likely to give rise to noise and disturbance to neighbours. It is noted that the proposed use of the site does not relate to a specific land use allocation or designation identified in the Local Plan.'

The submission contends that the site has been vacant since 2018 and that attempts to market the site for employment use have been unsuccessful. It is considered that this constitutes a significant period of time for the property to be vacant. Furthermore the site is located within a poor PTAL and is a restricted plot where there is little available parking which is likely to be undesirable for potential occupiers. Notwithstanding this view and in accordance with the above policy criteria evidence which demonstrates that the site has been unsuccessfully marketed for employment use should be provided with any future planning application and the Council will consider that the development is not acceptable in principle if such evidence cannot be provided.

Overall the development would constitute an overdevelopment of the site that would result in harm to the character and appearance of the site and it's wider setting as well as the amenity of existing and future residents within and surrounding the site. The development would also have an unacceptable level of parking which would result in conditions that would prejudicial to highway and pedestrian safety. There are also concerns in regard to flood risk without the presence of an appropriate Flood Risk Assessment. As currently presented it is considered that a planning application for these proposals would be refused.

In order to overcome these concerns the number of units within the development would

have to be significantly reduced and a Flood Risk Assessment agreed by the Council's Flood and Water Management Team as well as the Environment Agency would have to be provided'.

This proposal differs from the pre application scheme in that:

- The amount of residential units proposed has been reduced from 5 to 3
- A Flood Risk Assessment has been submitted
- Marketing evidence has been submitted
- Internal parking will be provided for residents as opposed to external parking
- An external stairwell has been removed from the scheme
- New garage door and fenestration alterations are proposed
- An enclosed bin store is proposed
- Juliet balconies have been removed

#### **4. Planning Policies and Standards**

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)  
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.

#### **Local Plan Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

Part 2 Policies:

DME 2 Employment Uses Outside of Designated Sites

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMEI 9 Management of Flood Risk

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP E4 (2021) Land for industry, logistics and services to support London's economic

	function
LPP E7	(2021) Industrial intensification, co-location and substitution
LPP D4	(2021) Delivering good design
LPP D6	(2021) Housing quality and standards
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D7	(2021) Accessible housing
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6.1	(2021) Residential parking
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H1	(2021) Increasing housing supply
LPP H10	(2021) Housing size mix
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF2	NPPF 2021 - Achieving sustainable development
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF6	NPPF 2021 - Building a strong, competitive economy

## 5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

None.

Comments from the local public and details of the petition are included in section 7.19, forming the main part of the report.

### Internal Consultees

#### ACCESS OFFICER:

This proposal has been reviewed against the requirements of the 2021 London Plan policy D7 which should not be applied to the conversion of this existing building.

#### TREES AND LANDSCAPING OFFICER:

This site is occupied by an existing building (formerly a workshop?) to the rear of 74 and 75 Bridge Road. The structure spans the width of both plots and is located on the rear boundary with the culverted River Frays, to the west of Cowley Road. Vehicular access is along the southern / side boundary of number 75. There are no TPO's or Conservation Area designations affecting the site and no soft landscape within the site. RECOMMENDATION No trees will be affected by the proposal to convert the building for residential use. A modest area of planting is proposed within the yard, together with a bike store, however, there is no attractive/usable amenity space proposed (within a residential street). Car parking and bin storage is indicated on the ground-floor of the building. Please note that the vehicle manoeuvring space within the building is annotated at 5.125 metres in width. This is sub-standard and is inadequate. - External car parks require a manoeuvring space of 6 metres (which will be very tight for internal use). RECOMMENDATION: This proposal

fails to satisfy policies DMHB14 and DMHB18 and should be refused. If you are minded to approve the application: 1. Please refer to the highways specialists regarding the sub-standard parking layout. 2. A S.106 financial contribution to Green Spaces will be required to compensate for the lack of private amenity space and the reliance of future residents on access to public open space.

#### HIGHWAYS OFFICER:

Planning permission is sought to convert existing commercial premises into 3no. flats comprising Flat A 1no. 2 bed, Flat B 1no. 1 bed and Flat C 1no. 3 bed units. The development would provide 5no. undercroft car parking spaces. None of these car parking spaces are provided with electric vehicle charging points. The development would provide 6no. cycle parking spaces, it is not clear how these would be allocated. Bin storage would also be in the undercroft. The sites PTAL Rating is 2 indicating poor accessibility.

The Hillingdon Local Plan: Part 2 Development Management Policies Policy DMT 6: Vehicle Parking standard would allow a maximum of 5no.space, this has now been superseded by the published London Plan 2021 which allows a maximum of 2.5 spaces. The 5no. spaces proposed is not in accordance with the published London Plan 2021 Policy T6.1 Residential Parking and therefore there are highway objections to this proposal.

Should the application be recommended for approval the Highway Authority require a planning condition obliging the developer to enter into a s.106 legal agreement with the Council that prohibits the occupiers of the new dwellings from applying for parking management scheme permits in the vicinity of the site.

#### FLOODING AND WATER MANAGEMENT OFFICER:

The property is not shown to be at risk it is just that the outer boundary of the whole site appears to touch the flood risk areas, The FRA indicates that there is no external works proposed and shows the property is outside the area at risk. No objection.

#### Officer Response:

All comments received have been taken into consideration in the determination of this application. Issues relating to the developments impact on character and appearance of the area have been addressed in section 7.07 of the report. Highways network and parking provision issues have been addressed in section 7.10 of the report and issues relating to the developments flooding impact have been addressed in section 7.17 of the report. Legal matters have been addressed in section 7.22 of this report. It should be noted that the highways officer, flooding officer and access officer were re-consulted on the scheme in December 2021, as a significant period of time had passed since their original comments. The comments outlined above are therefore up to date responses.

### 7. MAIN PLANNING ISSUES

#### 7.01 The principle of the development

The applicant asserts that the existing use is *sui generis*. A site visit, a search of the planning history and relevant business registration checks nevertheless suggest that the site was most recently occupied by "Craftsman Springs Limited", a business which manufactured and fabricated metal products and was dissolved in December 2021. Taking into consideration the nature of the business and its residential location, the sites' use is considered to fall into Use Class B1(c) i.e. "any industrial process that can be carried out in a residential area without causing detriment to the amenity of the area".

In 2020 amendments to the Use Classes Order resulted in Use Class B1 (c) becoming a Class E Use (Commercial, business and services use). Taking into consideration the nature of business, the use of the site and updates in the Use Classes Order - the most

recent use of the site is considered to be a Class E (c)(iii) - any other services which it is appropriate to provide in a commercial, business or service locality (to visiting members of the public).

The proposed development therefore includes the loss of a bespoke workshop in Use Class E(c)(iii). The workshop would be replaced with 3no. residential flats, to be used under Use Class C3.

Policy DME2 of the Local Plan Part 2-Development Management Policies states that proposals which involve the loss of employment floorspace or land outside designated employment areas will normally be permitted if:

1. The existing use negatively impacts upon local amenity through disturbance to neighbours, visual intrusion or has an adverse impact upon the character of the area.
2. The site is unsuitable for employment reuse or development.
3. Sufficient evidence has been provided to demonstrate there is no realistic prospect of land being used or re-used for employment purposes.
4. The new use will not adversely affect the functioning of any adjoining employment land.
5. The proposed use relates to a specific land use allocation or designation identified elsewhere in the plan.

Policy E7(C) of the London Plan (2021) states 'Mixed-use or residential development proposals on Non-Designated Industrial Sites should only be supported where:

- 1) there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4 Land for industry, logistics and services to support London's economic function; or
- 2) it has been allocated in an adopted local Development Plan Document for residential or mixed-use development; or
- 3) industrial, storage or distribution floorspace is provided as part of mixed-use intensification (see also Part C of Policy E2 Providing suitable business space). Mixed-use development proposals on Non-Designated Industrial Sites which co-locate industrial, storage or distribution floorspace with residential and/or other uses should also meet the criteria set out in Part D...'

The proposed residential use would not impact on the viability of other employment land, as the site is isolated and within a residential location. The proposed use does not relate to any specific land use allocation or designation in the Local Plan. The site is currently vacant, however as noted in the pre application advice (detailed in section 3.3) the sites' most recent use (workshop) had the potential to cause an adverse impact on the amenities of neighbours. For the reasons outlined below it is considered that sufficient evidence has been submitted to demonstrate that there is no realistic prospect of the land being reused or developed for employment purposes.

A letter from Reel Estates (letting agency) has been submitted in support of the application stating that as of February 2021, the property will no longer be advertised. The letter also states that 'The property has been advertised for a number of years and there has been little or no interest for this type of commercial property, in this location within this economic climate, which we do not envisage any positive change in the foreseeable future'. A Reel Estates marketing summary sheet has also been submitted. The summary advises that the subject property has been marketed from May 2018 to February 2021 as a '3000sqft industrial unit and yard' and has had little to no interest over the years for various reasons. Whilst the marketing evidence is not considered to be robust, when taken into consideration with the fact that the site has been vacant since 2018/2019, it is in an unfavourable residential location where continuation of industrial business could

harm the amenities of residents, pre application advice was relatively positive regarding the loss of the commercial use and there is no conflicting evidence to suggest that there is a realistic prospect of the building being used for commercial purposes.

Given the above, on balance, the change of use would be acceptable in principle. The use of previously developed land for the creation of new residential accommodation is supported by the Local Plan, London Plan and NPPF, as such residential accommodation on this site would be acceptable in principle, subject to compliance with other relevant Local, London and National Planning Policies. The proposals compliance with those policies has been discussed below. The design approach as well as the number of units on the site raises other concerns.

#### **7.02 Density of the proposed development**

Not applicable to the proposed development.

#### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The proposed development site is located within the Colne Valley Park Archaeological Priority Zone.

Policy DMHB 7 states 'The Council, as advised by the Greater London Archaeological Advisory Service, will ensure that sites of archaeological interest within or, where appropriate, outside, designated areas are not disturbed. If that cannot be avoided, satisfactory measures must be taken to mitigate the impacts of the proposals through archaeological fieldwork to investigate and record remains in advance of development works. This should include proposals for the recording, archiving and reporting of any archaeological finds.'

The proposed development involves the change of use of an existing building along with minor external alterations. No enlargement of the building is proposed and therefore there is unlikely to be any deep excavation works which would unearth archaeological remains. It is therefore considered that the proposal would have an acceptable archaeological impact and it would be unreasonable to request archaeological investigations and surveys of the site.

#### **7.04 Airport safeguarding**

Not applicable to the proposed development.

#### **7.05 Impact on the green belt**

Not applicable to the proposed development.

#### **7.06 Environmental Impact**

Not applicable to the proposed development.

#### **7.07 Impact on the character & appearance of the area**

Local Plan Policy BE1 states 'The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place'.

Policy DMHB 11 states '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, 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'.

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.'

Overall, residential development would be in keeping with the areas character. Externally, the proposed building would look almost identical to the existing building. The minor fenestration alterations proposed and additional openings would have no adverse impact on the appearance of the building. Furthermore due to the size of the building and its isolated backland location, none of the proposed works would be visible from the street scene. It is therefore considered that the proposed development would have an acceptable impact on the character and appearance of the host building, streetscene and wider area in visual terms.

#### **7.08 Impact on neighbours**

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'.

Paragraph 130 (f) of the NPPF (2021) states that new 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'.

Taking into consideration that the building subject of this application already exists and that no major changes are proposed to its bulk, scale or height. The proposed development would have no harmful overbearing or enclosing impact on neighbouring dwellings. This relationship is established.

The rear elevation windows of the building (east facing) would look toward the river at the rear of the site. Properties beyond the river are approximately 50m away. It is therefore considered that the rear windows of the building (including dormer) would cause no harmful overlooking or loss of privacy to nearby occupiers.

The first floor side elevation windows and side facing dormer windows would be obscure glazed, ensuring that the most rear section of neighbouring gardens are not overlooked. A condition could be added to ensure those openings were obscure glazed, preventing a loss of privacy to the mentioned areas of nearby gardens.

Notwithstanding the above, the west facing first floor front elevation windows of the building (serving family living rooms) would provide direct and unimpeded views toward the rear elevation windows of 74 and 75 Bridge Road at a distance of 10m. They would also provide views toward the rear elevation windows of No. 76 and No.77 Bridge Road at a distance of approximately 17m. Taking into consideration the minimal separation distance between the proposed living room windows and mentioned neighbours, it is considered that the proposed development would result in severe overlooking and a significant loss of privacy to the detriment of the amenities of the mentioned neighbours. The same windows would also overlook the rear gardens and patio areas of No.74, No.76 and No.77 Bridge Road at even less of a distance. The resulting overlooking would cause a significant loss of privacy to occupiers of those properties, discouraging them from using their external amenity spaces and harming their amenities.

It is also accepted that the relationships shared between the windows on the application building and those on nearby residential buildings already exist and there is a degree of mutual overlooking established as a result. However, the residential occupation would have a markedly different result by the very nature of the use. The industrial building is occupied on a much lesser scale (reduced hours, not 24/7) and would not encourage or promote people to dwell or spend time looking out of the windows in the same way. A residential building would be occupied by people at any time of the day and night and, given the limited points of outlook, they would be encouraged to look out of the windows just 10m away from near neighbours. For a residential scheme to be supported here, the design of the internal layout must be re-considered to safeguard properties on Bridge Road.

Taking into consideration the above, the proposed development is considered to have an adverse impact on the amenities of No.74, 75, 76 and 77 Bridge Road. The proposed development is therefore considered to be contrary to Policy DMHB 11.

#### **7.09 Living conditions for future occupiers**

Local Plan Policy DMHB 16 states 'All housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should meet or exceed the most up to date internal space standards, as set out in Table 5.1. Paragraph 5.60 of the Local Plan (2020) states 'When assessing the size of households the Council will assume that any bedroom over 11.5 sqm is capable of being occupied by two persons'. Paragraph 5.61 states 'Dwellings created by the conversion or subdivision of buildings or by a

change of use will need to meet national internal space standards. Unless the building is a Listed Building, the retention by conversion of a building will not outweigh any proposed reductions in living standards and amenities of occupants'. The most up to date minimum floor space standards are set out in Table 3.1 of the London Plan (2021).

Flat A of the proposed development is a 2 bedroom, 4 person property set over a single floor. Minimum floor space standards in the London Plan (2021) state that such properties should provide 70sqm of internal space. 66sqm would be provided. As such the new dwelling would fail to provide adequate internal living accommodation for its future residents to the detriment of their amenities,

Flat B comprises a 1 bed, 2 person property set over a single floor. The London Plan advises that such properties should provide 50sqm of internal space. 58sqm would be provided, as such an acceptable level of internal living accommodation would be provided for future residents of the flat.

Flat C comprises a 3 bedroom, 5 person property set over a single floor. Such properties are required to provide 86sqm of internal space. 92sqm would be provided for future residents of the flat.

Policy D6(F)(8) states 'The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling'.

Policy D6(F)(5) states 'Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (If the area under the stairs is to be used for storage, assume a general floor area of 1 sq.m. within the Gross Internal Area)'.

All of Flat C would be accommodated within the roof of the building. The flat's living room and bedrooms would be sited beneath a flat roof section of the building which is 2.4m high from external eaves to ridge. The flat's kitchen, utility room and bedroom would be beneath a steep pitched roof limiting useable space (despite its 2.9m height from eaves to roof ridge). Space would also be needed for heat and noise insulation further reducing head height throughout the entirety of the flat. No clear section plans have been submitted to demonstrate that the floor to ceiling height of the flat would meet the required standards. Taking into consideration the above, it is considered that it has not been demonstrated that the floor to ceiling height in Flat C would meet this requirement set out in Policy D6(F)(8) of the London Plan and it is therefore likely that the proposed flat would provide a substandard level of living accommodation, to the detriment of the amenities of its future occupiers.

With regard to natural light and outlook and the overall quality of the new flats, guidance for Policy DMHB 11 states 'outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden.' The policy also states that '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 new dwellings have been designed to maximise the number of units, rather than the quality of the space and the opportunities for outlook have therefore been limited. Flat C is predominantly served by rooflights and obscure glazed windows which provide adequate opportunity for natural light but limited opportunity for good, quality outlook from this space. This is also a concern. Flat A and Flat B are dual aspect with side, obscured windows, so the proposed outlook would be acceptable for these units. Natural light would also be provided on three sides of the building which would also be acceptable.

Policy DMHB 18: Private Outdoor Amenity Space states that applications for residential development should provide adequate levels of private, well designed and located amenity space. A 1 bed flat requires 20sqm of private amenity space, a 2 bed requires 25sqm, and a 3+ bedroom flat should provide 30sqm. No external amenity space would be provided for future occupants of the flats and therefore they would be provided with a substandard level of external accommodation to the detriment of their amenities.

Overall it is therefore considered that the proposed development would provide a substandard level of internal living accommodation for the future occupiers of Flat A and Flat C. Furthermore none of the flats would be provided with external amenity space to the detriment of the amenities of their future occupiers. The proposal is therefore contrary to Policies DMHB 16, DMHB 18 of the Local Plan and London Plan Policy D6 (2021). The density, number and size of the proposed residential units, alongside their layout and window arrangement must be re-considered for the development to be acceptable in principle.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Policy DMT 2 states '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 5 states 'A) Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including: i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes; ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists; iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council. B) Development proposals located next to or along the Blue Ribbon Network will be required to enhance and facilitate inclusive, safe and secure pedestrian and cycle access to the network. Development proposals, by virtue of their design, will be required to complement and enhance local amenity and include passive surveillance to the network.'

Policy DMT 6 states '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 Council may agree to vary these requirements when: i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity.'

The Mayor of London adopted a new and revised London Plan in March 2021, consequently the car parking standards set out in the London Plan take precedence over those in the Local Development Plan, except where the Local Plan specifies lower local maximum standards.

London Plan Policy T6.1 advises that 3 bedroom properties in outer London, PTAL 2, should provide up to 1 parking space per dwelling. 1 and 2 bed properties in the same

location are advised to provide up to 0.75 parking spaces per dwelling. The proposed development is therefore required to provide up to 2.5 parking spaces. In this instance, 3 would be a more accurate requirement due to the sites poor PTAL rating and future provision of 3 residential units.

The proposal would provide 5 parking spaces, exceeding the recommended parking provisions by 2 spaces. It is therefore considered that the proposal would provide an excessive amount of parking and would be contrary to Policy T6.1 of the London Plan the Boroughs and Governments aims of promoting sustainable forms of transportation and reducing carbon emissions.

To manage London's road network and ensure that people and businesses can move about the city as the population grows and housing delivery increases significantly, new parking provision must be carefully controlled. The dominance of vehicles on streets is a significant barrier to walking and cycling, reduces the appeal of streets as public places and has an impact on the reliability and journey times of bus services. Reduced parking provision can facilitate higher-density development and support the creation of mixed and vibrant places that are designed for people rather than vehicles. In addition, as the population grows, a fixed road network cannot absorb the additional cars that would result from a continuation of current levels of car ownership and use. This is why the overprovision would not be acceptable at 75a Bridge Road.

Conversely, concerns have been raised by neighbours regarding parking provision on-street, elsewhere along Bridge Road. This is also a relevant consideration. It is agreed and acknowledged that the proposal could give rise to increased parking pressure nearby and as a result a permit free agreement would be required, regardless of the parking provision offered on site. If the scheme were otherwise acceptable, the developer would have been required to enter into a legal agreement to ensure the new occupiers were not eligible for on-street parking permits on Bridge Road and nearby.

There is no objection to the cycle parking provision. 6no spaces are proposed in the undercroft and subject to further detail, this would be acceptable in principle. Nevertheless, this does not overcome the concerns raised with regard to on-site parking provision.

#### **7.11 Urban design, access and security**

Policy D7 of the London Plan (2021) states 'To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that: 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

As mentioned by the Borough's Access Officer. Policy D7 should not be applied to the conversion of this existing building and therefore the development is acceptable on accessibility grounds.

#### **7.13 Provision of affordable & special needs housing**

Not applicable.

#### **7.14 Trees, landscaping and Ecology**

Not applicable.

#### **7.17 Flooding or Drainage Issues**

Flooding

Policy DMEI 9 states 'Development proposals in Flood Zones 2 and 3a will be required to demonstrate that there are no suitable sites available in areas of lower flood risk. Where no appropriate sites are available, development should be located on the areas of lowest flood risk within the site. Flood defenses should provide protection for the lifetime of the development. Finished floor levels should reflect the Environment Agency's latest guidance on climate change. B) Development proposals in these areas will be required to submit an appropriate level Flood Risk Assessment (FRA) to demonstrate that the development is resilient to all sources of flooding. C) Development in Flood Zone 3b will be refused in principle unless identified as an appropriate development in Flood Risk Planning Policy Guidance. Development for appropriate uses in Flood Zone 3b will only be approved if accompanied by an appropriate FRA that demonstrates the development will be resistant and resilient to flooding and suitable warning and evacuation methods are in place. D) Developments may be required to make contributions (through legal agreements) to previously identified flood improvement works that will benefit the development site. E) Proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.'

The Fray's River is located to the rear of the development site. The Council's GIS mapping system suggests that the rear boundary of the site is within within Flood Zones 2 and 3, a small portion of building.

Notwithstanding the above, the Borough's Flooding Officer has been consulted on the proposed development and has identified that it is only the outer sections of the site which touch the flood zones. As such the building is not at flood risk, nor are its occupants. The proposed development is therefore considered to be acceptable on flooding grounds and the application of the sequential and exceptions test are not considered to be necessary for the proposed development.

Additionally, it should be noted that if it were to flood, safe egress paths exist from the building to Bridge Road, as the front of the site is in Flood Zone 1. Additionally all residential accommodation has been placed at first floor or above, which would give occupiers safe refuge in the event of a flood, as well as time for water to subside or for emergency services to arrive.

#### Drainage

Policy DMEI 10 states 'Applications for all new build developments (not conversions, change of use, or refurbishment) are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated in accordance with the London Plan Hierarchy (Policy 5.13: Sustainable drainage). B) All major new build developments, as well as minor developments in Critical Drainage Areas or an area identified at risk from surface water flooding must be designed to reduce surface water run-off rates to no higher than the pre-development greenfield run-off rate in a 1:100 year storm scenario, plus an appropriate allowance for climate change for the worst storm duration. The assessment is required regardless of the changes in impermeable areas and the fact that a site has an existing high run-off rate will not constitute justification. C) Rain Gardens and non householder development should be designed to reduce surface water run-off rates to Greenfield run-off rates. D) Schemes for the use of SuDS must be accompanied by adequate arrangements for the management and maintenance of the measures used, with appropriate contributions made to the Council where necessary. E) Proposals that would fail to make adequate provision for the control and reduction of surface water run-off rates will be refused. F) Developments should be drained by a SuDS system and must include appropriate methods to avoid

pollution of the water environment. Preference should be given to utilising the drainage options in the SuDS hierarchy which remove the key pollutants that hinder improving water quality in Hillingdon. Major development should adopt a 'treatment train' approach where water flows through different SuDS to ensure resilience in the system. Water Efficiency G) All new development proposals (including refurbishments and conversions) will be required to include water efficiency measures, including the collection and reuse of rain water and grey water. H) All new residential development should demonstrate water usage rates of no more than 105 litres/person/day. I) It is expected that major development proposals will provide an integrated approach to surface water run-off attenuation, water collection, recycling and reuse. Water and Wastewater Infrastructure J) All new development proposals will be required to demonstrate that there is sufficient capacity in the water and wastewater infrastructure network to support the proposed development. Where there is a capacity constraint the local planning authority will require the developer to provide a detailed water and/or drainage strategy to inform what infrastructure is required, where, when and how it will be delivered.'

The proposed development is for a change of use which includes minor external alterations to an existing building, had the application been recommended for approval, a condition would have been added to ensure that adequate drainage is provided for the proposed development, and water use is conserved as far as practicable.

#### **7.19 Comments on Public Consultations**

7 neighbouring properties were directly notified of the proposal on 24/03/21.

8 letters of objection have been received in response to consultation on the application. Those comments have been summarised below.

- 1) The proposed development will cause a significant loss of privacy and overlooking to the properties on Bridge Road
- 2) The proposal is out of character
- 3) The access to the site is too narrow and the proposal will have adverse impact on the highways network and pedestrian safety
- 4) Insufficient parking will be provided in an area with existing parking problems
- 5) The proposal will cause an increase in noise and disturbance adversely impacting on the amenities of nearby occupiers
- 6) The site is in B2 Use not B1 use
- 7) The building is not structurally sound for residential use
- 8) Neighbouring property values will be adversely affected
- 9) Access to my land will be needed for building maintenance
- 10) A gas line runs through the drive, increased activity will have an adverse impact on the line, reducing resident safety
- 11) At present the site would only be in use during business hours, the change to residential will increase activity, adversely impacting on neighbouring amenities
- 12) If the proposal is for affordable housing a social registered landlord should be appointed
- 13) A river is to the rear of the site, drainage needs to be managed properly
- 14) We bought our house on the basis that the site would be in commercial use, residential use is unacceptable
- 15) Construction works have commenced and have caused disruption to local residents
- 16) A contamination report should be submitted as the site is on potentially contaminated land
- 17) The proposal is inappropriate backland development unacceptable under policy DMH 6

A petition with 32 signatories has also been received against the proposed development.

**Officer Response:**

Issues regarding the developments impact on neighbouring amenities, the character and appearance of the area, flooding, drainage, the proposed change of use, parking provision and the developments impact on the local highways network have been addressed above.

It is however, also important to note:

- The impact of development on property values is not a material planning consideration
- The impact of the development on gas lines would be monitored at building control stage
- The structural soundness of the building and its ability to accommodate residential use would be monitored at building control stage
- Access rights over land are legal matters and not material planning considerations
- Visitation to the site and planning history suggests that construction works associated with approved application No.73647/APP/2018/908 have commenced, not works associated with this application
- The proposal is not for affordable housing nor is there any planning policy related requirement for it to be
- The proposed change of use does not result in the loss of any residential garden as the site is in commercial use, despite its backland location
- The subject building already exists as such its scale and bulk cannot be managed, policy DMH 6 is therefore not considered to be entirely relevant to the proposed scheme
- If the application had otherwise been recommended for approval, a condition would have been recommended to secure a contaminated land report and any necessary mitigation measures
- Representations raising concerns about noise and disturbance are noted, however the site has an existing lawful commercial/industrial use which could give rise to noise and disturbance. Furthermore, it is not considered that the introduction of new residential units in a predominantly residential area would warrant a refusal on the grounds of noise and disturbance. In terms of construction impacts, had the application otherwise been recommended for approval, a condition could have been imposed to secure a construction management plan to limit construction noise and disturbance.

**7.20 Planning obligations**

To protect the local highways network The Borough's Highways Officer has suggested that the applicant enters into a legal agreement to restrict future residents from applying for parking permits. This is also discussed in section 7.10 of this report.

Furthermore, as the proposed development includes the provision of 3no. residential dwellings without private outdoor amenity space, future residents are likely to use public parks and amenity spaces, putting additional financial pressures on the council to manage and maintain the spaces. No legal agreements are in place to secure financial contributions for park maintenance or to restrict parking requests. The proposal is therefore considered to be unacceptable as the development fails to mitigate its impact through a legal agreement.

It is noted that the applicant was willing to enter into a legal agreement had the application been recommended for approval, however for the reasons mentioned throughout this report and within the recommended reasons for refusal, the scheme is considered to be unacceptable.

**7.21 Expediency of enforcement action**

Not applicable to the proposed development.

**7.22 Other Issues**

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 proposal involves the change of use of an existing building without extensions and is therefore not considered to be CIL liable.

## **8. Observations of the Borough Solicitor**

### **General**

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

### **Planning Conditions**

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

### **Planning Obligations**

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

### **Equalities and Human Rights**

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

**9. Observations of the Director of Finance**

Not applicable to the proposed development.

**10. CONCLUSION**

By virtue of its layout, number of units and poor design, the proposed development would have an adverse impact on the amenities of No.74, 75, 76 and 77 Bridge Road. Furthermore it would provide a substandard level of internal accommodation for future occupiers of Flat A and Flat C. Additionally it would fail to provide any private outdoor amenity space for the future occupiers of all flats and would provide an excessive amount of parking. The proposed development is therefore considered to be contrary to Policy DMHB 11, DMHB 16, DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as policies D6 and T6.1 of the London Plan (2021) and paragraph 130 (f) of the NPPF (2021).

It should also be noted that no legal agreement has been provided to mitigate the developments amenity space and parking impacts.

The application is recommended for refusal.

**11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

The London Plan (March 2021)

National Planning Policy Framework (NPPF) (July 2021)

National Planning Practice Guidance (NPPG)

Technical Housing Standards - Nationally Described Space Standard (2015)(as amended)

**Contact Officer:** Haydon Richardson

**Telephone No:** 01895 250230



<p><b>Notes:</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2020 Ordnance Survey 100019283</p>	<p>Site Address:</p> <p><b>75A BRIDGE ROAD UXBRIDGE</b></p>	<p><b>LONDON BOROUGH OF HILLINGDON</b> Residents Services Planning Section Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 01895 250111</p>
	<p>Planning Application Ref:</p> <p><b>73647/APP/2021/951</b></p>	<p>Scale:</p> <p><b>1:1,250</b></p>
	<p>Planning Committee:</p> <p><b>Minor Page 51</b></p>	<p>Date:</p> <p><b>March 2022</b></p>

This page is intentionally left blank