

## Report of the Head of Planning & Enforcement Services

**Address** THE GOLDEN CROSS PUBLIC HOUSE BOTWELL LANE HAYES

**Development:** Erection of a 50 bedroom hotel use with an ancillary bar/restaurant with basement parking, alterations to existing access and landscaping (involving demolition of existing public house function hall) (extension of time for implementation of planning permission ref. 4607/APP/2008/1615 dated 22/07/2009)

**LBH Ref Nos:** 4607/APP/2012/826

**Drawing Nos:** AO10605/DP14 (REVISION F)  
AO10605/DP15 (REVISION F)  
AO10605/DP16 (REVISION F)  
AO10605/DP17 (REVISION F)  
AO10605/DP18 (REVISION F)  
AO10605/DP19 (REVISION F)  
Design and Access Statement  
Environmental Noise Survey  
Transport Assessment  
Air Quality Assessment  
Transport Assessment Addendum, dated June 2008  
Access Statement  
Energy Statement

**Date Plans Received:** 05/04/2012                      **Date(s) of Amendment(s):**  
**Date Application Valid:** 21/05/2012

### 1. SUMMARY

This application seeks permission to renew an extant permission to erect a 50 bedroom hotel with an ancillary bar/restaurant with basement parking, alterations to existing access and landscaping (involving the demolition of existing public house function hall) which was initially deferred from the Central and South Committee meeting on the 14/10/08, before being re-presented to the meeting on the 25/11/08, with permission being granted on the 22/07/09 (4607/APP/2008/1615 refers).

As the permission was extant at the time this renewal application was submitted, the only issue that falls to the Local Planning Authority to consider is if there has been a material change in policy or site circumstances that would suggest that it would no longer be appropriate to grant permission.

National planning policy is now contained within the National Planning Policy Framework, which was published in March 2012. The London Plan was also replaced in July 2011. In relation to the proposal, both national and strategic guidance has not materially changed. Where there has been alterations/new policy requirement, this is discussed in the relevant section of the report. Policies of the Unitary Development Plan remain unaltered (September 2007). The Council's guidance on accessibility was revised in January 2010.

### 2. RECOMMENDATION

**That delegated powers be given to the Head of Planning, Sport and Green Spaces to grant planning permission, subject to the following:**

**1. That the Council enter into a legal agreement with the applicants under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) or other appropriate legislation to secure:**

**(i) A financial contribution of £20,000 for bus stop upgrades in Botwell Lane.**

**(ii) The applicant shall agree to the full and complete costs to undertake the necessary works, as identified by the Council, for off site highway works, including street scene and access improvements including new paving, footway enhancement, curbing and a minimum of two semi-mature trees.**

**2. That the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement and any abortive work as a result of the agreement not being completed.**

**3. If the Legal Agreement(s) has not been finalised before 20/08/12, delegated authority be given to the Head of Planning, Sport and Green Spaces to refuse permission for the following reason:**

**The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development, including the provision of off-site highway works and contributions for bus stop improvements. The scheme therefore conflicts with Policies AM2, AM7 and R17 of the Hillingdon Unitary Development Plan Saved Polices (September 2007) and the Hillingdon Planning Obligations Supplementary Document (July 2008).**

**4. That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.**

**5. That on completion of the S106 Agreement, the application be deferred for determination by the Head of Planning, Sport and Green Spaces under delegated powers.**

**6. That if the application is approved, the following conditions be attached:**

**1 COM3 Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

**2 COM4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

AO10605/DP14 (REVISION F)

AO10605/DP15 (REVISION F)

AO10605/DP16 (REVISION F)

AO10605/DP17 (REVISION F)

AO10605/DP18 (REVISION F)

AO10605/DP19 (REVISION F)

Design and Access Statement  
Environmental Noise Survey  
Transport Assessment  
Air Quality Assessment  
Transport Assessment Addendum, dated June 2008  
Access Statement  
Energy Statement

and shall thereafter be retained/maintained for as long as the development remains in existence.

**REASON**

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

**3 COM6 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

**REASON**

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 COM7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**5 NONSC Non Standard Condition**

The floor space hereby permitted shall be used solely for a C1 hotel use comprising a Gross Internal Floor area of 2,765m<sup>2</sup> with an ancillary bar/restaurant comprising a Gross Internal Floor area of 246m<sup>2</sup> unless otherwise approved in writing by the Local Planning Authority.

**REASON**

To ensure that the activities applied for are undertaken in accordance with the uses identified on the approved plans so as to protect the amenity of adjoining landowners in accordance with Policy OE5 of the Unitary Development Plan Saved Policies (September 2007).

M4

**6** The fencing or other means of enclosure erection and prevention shall be erected before the development is occupied and shall be permanently retained thereafter.

#### REASON

To safeguard the privacy of adjoining residents in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **7 NONSC Non Standard Condition**

Prior to development commencing, the applicant shall submit details of measures for the protection of the existing Cherry street tree located on the Botwell Road footway (opposite 62/63 Botwell Lane) for the approval of the Local Planning Authority. The approved details shall be implemented prior to construction commencing, and shall be retained until construction has concluded. The applicant shall, in the case of damage or loss of this tree due to construction works, be responsible for its remediation or replacement to the satisfaction of the Local Planning Authority.

#### REASON

To ensure that street trees are retained and are not damaged during construction work and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **8 COM9 Landscaping (including refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

##### 1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

##### 2. Details of Hard Landscaping

2.a Refuse Storage

2.b Cycle Storage

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)

2.e Hard Surfacing Materials

2.f External Lighting

2.g Other structures (such as play equipment and furniture)

##### 3. Living Walls and Roofs

3.a Details of the inclusion of living walls and roofs

3.b Justification as to why no part of the development can include living walls and roofs

##### 4. Details of Landscape Maintenance

4.a Landscape Maintenance Schedule for a minimum period of 5 years.

4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

##### 5. Schedule for Implementation

6. Other

6.a Existing and proposed functional services above and below ground

6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan.

**9 NONSC Non Standard Condition**

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secured by Design' accreditation award by the Hillingdon Metropolitan Police.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in Circular 5/94 'Planning Out Crime'.

**10 NONSC Non Standard Condition**

Prior to the first occupation of the development hereby approved, covered and secure storage for 10 bicycles shall be provided on site in accordance with submitted plan A010605/DP15 Rev F received 18/11/08 and thereafter permanently retained.

REASON

To ensure the provision of accessible and secure bicycle parking facilities in accordance with Policy AM9 of the Unitary Development Plan Saved Policies (September 2007).

**11 MCD11 Storage in Defined Areas**

No raw materials, finished or unfinished products, parts, crates, packing materials or waste shall be kept on the site except within the buildings or storage areas specified on the approved plans.

REASON

In order to safeguard the amenities of the area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 7.1 of the London Plan (July 2011).

**12 MCD10 Refuse Facilities**

No development shall take place until details of facilities to be provided for the secure and covered storage of refuse and recycling at the premises have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

REASON

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 7.1 of the London Plan (July 2011).

**13 OM11 Floodlighting**

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

REASON

To safeguard the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 7.1 of the London Plan (July 2011).

**14 OM12 External Litter Bins**

Before the development hereby permitted is commenced, a scheme shall be submitted to and approved in writing by the Local Planning Authority, detailing how an external litter bin facility for customers will be provided. This shall include a timescale for the provision of this facility. The approved means, siting and timescale for the provision of the facility shall be implemented in accordance with the agreed scheme and thereafter permanently maintained.

REASON

To protect the visual amenities of the street scene and the surrounding area and to safeguard the interests of the amenities of the occupiers and adjoining residents, in accordance with Policies BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**15 H3 Vehicular access - construction**

The building hereby permitted shall not be occupied until the vehicular means of access has been constructed in accordance with the approved plans. Thereafter, the vehicular means of access shall be retained and kept open for users of the building.

REASON

To ensure the provision of a safe and convenient access for vehicular traffic, prior to occupation of the building in accordance with Policy AM7 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

**16 H4 Pedestrian/cyclist's access - construction**

The building hereby permitted shall not be occupied until the means of access for pedestrians and cyclists has been constructed in accordance with the approved plans. Thereafter, this means of access shall be retained and kept open for pedestrians and cyclists using the building.

REASON

To ensure that safe and convenient access is provided for pedestrians and cyclists prior to the occupation of the building in accordance with Policies AM8 and AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

H10

**17** The roads/turning/loading/Parking/Traffic/Loading Arrangements of Commercial Buses (including the marking out of the 33 parking spaces) shown on the approved plans shall be constructed prior to occupation of the development, and thereafter permanently retained and used for no other purpose.

**REASON**

To ensure that the loading, roads, turning facilities and parking areas are satisfactorily laid out on site in accordance with Policies AM3 and AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

**18 H12 Closure of Existing Access**

The existing vehicular access at the site, shall be closed, the dropped kerb removed and the footway reinstated to match the adjoining footway within one month of the new access hereby approved being completed.

**REASON**

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies AM3 and AM8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**19 NONSC Non Standard Condition**

Prior to the commencement of the development hereby permitted, details demonstrating how the basement level car park will be managed to ensure that it is only available for the sole use of the hotel guests shall be submitted to and approved in writing by the Local Planning Authority. The approved details, including any subsequent changes to the access arrangements to accommodate this car park management scheme shall be implemented prior to first occupation of the development and maintained in perpetuity.

**Reason**

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

**20 N14 Control of amplified music**

The development shall not begin until a scheme for the control of amplified music emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of [physical] [administrative measures] [noise limits] and other measures as may be approved by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 7.15 of the London Plan (July 2011).

**21 NONSC Non Standard Condition**

Prior to the commencement of works on site, and notwithstanding the details submitted on Plan Nos. AO10605DP15 Rev. F, AO10605DP16 Rev. F and AO10605DP17 Rev. F, revised plans showing detailed room dimensions, particularly for the en-suite bathrooms should be submitted and approved by the Local Planning Authority. These should confirm that bath and shower rooms will accord with the design guidance in BS8300:2009. As the

majority of wheelchair users prefer showers, a larger proportion of the 5 accessible rooms should feature shower rooms. The scheme shall be built in accordance with the approved plans.

#### REASON

To ensure that the development meets the needs of disabled and elderly people in accordance with Policies 3.1, 3.8 and 7.2 of the London Plan (July 2011).

#### **22 NONSC Non Standard Condition**

Prior to the commencement of works on site, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

(i) Hearing Enhancement Systems (e.g. induction loops). Consideration should also be given, at this stage, to the type of system(s) that will be suitable for different areas of the hotel.

(ii) Alarm systems, which should be designed to allow deaf people to be aware of its activation. (Such provisions could include visual fire alarm activation devices, and/or a vibrating pager system. A technical audit should be considered at this stage to ensure that mobile phone and emergency paging system signals can transmit throughout the building.)

(iii) Refuge areas. These should be sized and arranged to facilitate manoeuvrability by wheelchair users in accordance with BS 9999: 2008. Refuge areas must be adequately signed and accessible communication points should also be provided in the refuge area.

#### REASON

To ensure that the development meets the needs of disabled and elderly people in accordance with Policies 3.1, 3.8 and 7.2 of the London Plan (July 2011).

#### **23 NONSC Non Standard Condition**

The building shall incorporate double glazed windows and non-acoustic slot vents in accordance with the noise assessment prepared by Sandy Brown Associates, dated 22 May 2008 and received 27 May 2008. The glazing and ventilators shall thereafter be permanently retained in good working order.

#### REASON

To ensure a satisfactory internal amenity in accordance with Policy OE5 of the Unitary Development Plan of the Unitary Development Plan Saved Policies September 2007.

#### **24 NONSC Non Standard Condition**

Prior to the commencement of development, a detailed energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall clearly set out the baseline CO2 emissions and energy demand based on 2010 Building Regulations and how this will be reduced by 25%. The assessment shall include the measures required to meet the 25% target, including clear presentation of how each measure impacts the baseline (in kgCO2 and KwHr). Details of technology to be used must be clearly set out and shown on elevational plans and drawings. Finally, a method for measuring the development's CO2 emissions and reporting to the Local Planning Authority shall be included in the assessment. The development must proceed in accordance with the approved assessment and plans.

Reason



To ensure the development is designed in accordance with the Outline Planning Energy Strategy and Policy 5.2 of the London Plan (July 2011).

**25 NONSC Non Standard Condition**

Deliveries and collections including waste collections shall be restricted to the following hours:

0700 hours - 1900 hours Monday to Friday

0700 hours - 1300 hours on Saturdays

No collections or deliveries shall be allowed on Sundays and Bank Holidays

**REASON**

To safeguard residential amenity in accordance with Policy OE1 of the Unitary Development Plan Saved Policies (September 2007).

**26 NONSC Non Standard Condition**

The rating level of the noise emitted from mechanical plant at the site shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest British Standard 4142, Method for rating industrial noise affecting mixed residential and industrial areas.

**REASON**

To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**27 NONSC Non Standard Condition**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable drainage systems to drain surface water runoff has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that runoff can be attenuated as close to the source as possible and should form part of the landscape strategy in compliance with the London Plan's drainage hierarchy. The development shall proceed in accordance with the approved scheme.

**Reason**

To prevent the increased risk of flooding and aid adaptation to climate change in accordance with Policy 5.13 of the London Plan (July 2011).

**28 NONSC Non Standard Condition**

Prior to the construction of the development details of the crossover with a reduced width not exceeding 5.5 metres and radii not exceeding 6.0 metres shall be submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

**REASON**

To ensure the provision of a safe and convenient access for vehicular traffic, prior to occupation in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies September 2007.

**29 NONSC Non Standard Condition**

An unobstructed sight line above a height of 1 metre shall be maintained on the left hand side of the access/egress way for vehicles exiting the basement car park and shall be maintained for a distance of at least 2.4m along the back edge of the footway or verge.

#### REASON

To ensure that pedestrian and vehicular safety is not prejudiced, in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **30 NONSC Non Standard Condition**

Prior to the development of the site, details shall be submitted to and approved in writing by the Local Planning Authority that demonstrate how the provision of fully wheelchair accessible bedrooms within the development can be achieved, and shall be based on the following percentages of the total number of bedrooms:

- (i) 5% without a fixed tracked-hoist system;
- (ii) 5% with a fixed tracked-hoist system or similar system giving the same degree of convenience and safety;
- (iii) 5% capable of being adapted in the future to accessibility standards (i.e. with more space to allow the use of a mobile hoist, wider doors, provision for services and with enclosing walls capable of supporting adaptations, e.g. handrails.

The bedrooms shall be built in accordance with 'Lifetime Homes' Standards as they apply to hotel accommodation. Furthermore, the development shall ensure that all rooms should also be visitable by a wheelchair user.

#### REASON

To ensure that a sufficient number of hotel bedrooms meet the needs of disabled and elderly people in accordance with Policies 3.1, 3.8 and 7.2 of the London Plan (July 2011).

#### **31 NONSC Non Standard Condition**

That prior to the development of the site details of an acoustically sensitive surface to be applied to the basement access ramp herein approved shall be submitted to, and approved in writing by the Local Planning Authority. The approved surface should be provided prior to the occupation of the development and shall be permanently retained thereafter.

#### REASON

To safeguard residential amenity in accordance with Policy OE1 of the Unitary Development Plan Saved Policies September 2007.

#### **32 NONSC Non Standard Condition**

Prior to the commencement of development a scheme for the reduction in potable water use including the harvesting and reuse of rainwater as well as the recycling and reuse of grey shall be submitted to and approved in writing by Local Planning Authority. The scheme shall clearly set out how collected water will be reused in areas where potable water is not required, i.e. toilet flushing and irrigation of landscaped areas. The development must proceed in accordance with the approved scheme.

#### Reason

To ensure the development reduces the pressure on potable water in accordance with Policy 5.15 of the London Plan (July 2011).

#### **33 NONSC Non Standard Condition**

In accordance with the details submitted on the amended plans referenced Floor Level Drawing A010605/DP16 rev F, Second Floor Level Drawing A010605/DP17 Rev F

submitted with the application, all secondary windows located on the south eastern elevation and located within rooms 206 and 207 shall be obscure glazed and non-opening below 1.8m above internal floor level.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**34 NONSC Non Standard Condition**

Notwithstanding the submitted plans all hallway windows on the east elevation facing No 71 Botwell Lane shall all be fitted with obscure glazing and maintained as such thereafter.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**35 NONSC Green Travel Plan**

Prior to the commencement of the development hereby permitted, an Enterprise Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan, as submitted shall follow the current Travel Plan Development Control Guidance issued by Transport for London and will include:

- (1) targets for sustainable travel arrangements;
- (2) effective measures for the ongoing monitoring of the Travel Plan;
- (3) a commitment to delivering the Travel Plan objectives; and
- (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan and shall be implemented for a minimum period of 10 years, unless otherwise approved in writing by the Local Planning Authority.

**Reason**

To minimise the reliance on private transport to and from work by employees and facilitate and increase use of public transport and alternative forms of transport apart from the private car in accordance with Policies 6.1 and 6.3 of the London Plan (July 2011).

**36 NONSC Use of external areas**

That the use of the external seating areas located outside of the bar facility and identified on the plans hereby approved shall be restricted beyond 10.00pm seven days a week.

**Reason**

To safeguard residential amenity in accordance with Policy OE1 of the Unitary Development Plan Saved Policies September 2007.

**37 NONSC Non Standard Condition**

Prior to the commencement of development a plan showing provision for electric charging points to serve 5% of all car parking spaces should be submitted to and approved in writing by the Local Planning Authority. The plan shall set out the location of the charging points, the chosen technology and clear presentation of how the bays will be marked. The development shall proceed in accordance with the approved plan.

## Reason

To provide car parking for electric vehicles to help tackle air quality impacts and meet the climate change challenges in accordance with Policy 6.13 of the London Plan (July 2011).

## INFORMATIVES

### 1 I52 **Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

### 2 I53 **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

NPPF	National Planning Policy Framework (March 2012)
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.16	(2011) Protection and enhancement of social infrastructure
LPP 4.5	(2011) London's Visitor Infrastructure
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.6	(2011) Decentralised Energy in Development Proposals
LPP 5.7	(2011) Renewable energy
LPP 5.9	(2011) Overheating and cooling
LPP 5.10	(2011) Urban Greening
LPP 5.11	(2011) Green roofs and development site environs
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.14	(2011) Water quality and wastewater infrastructure
LPP 5.15	(2011) Water use and supplies
LPP 5.21	(2011) Contaminated land
LPP 6.9	(2011) Cycling
LPP 6.10	(2011) Walking
LPP 6.12	(2011) Road Network Capacity
LPP 6.13	(2011) Parking
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.5	(2011) Public realm
LPP 7.6	(2011) Architecture
LPP 7.14	(2011) Improving air quality
LPP 7.15	(2011) Reducing noise and enhancing soundscapes
LPP 7.21	(2011) Trees and woodland
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.
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
OE5	Siting of noise-sensitive developments
LE7	Provision of planning benefits from industry, warehousing and business development
T2	Location of tourist accommodation and conference facilities
T4	Hotels, guest houses and other tourist accommodation - location, amenity and parking requirements
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
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
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

### **3            I51            Notification of Commencement of Works**

Written notification of the intended start of works shall be sent to Planning & Community Services, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW at least seven days before the works hereby approved are commenced.

### **4            I1            Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

### **5            I2            Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will

have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

**6            I3                            Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

**7            I6                            Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

**8            I11                            The Construction (Design and Management) Regulations 1994**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

**9            I12                            Notification to Building Contractors**

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

**10           I13                            Asbestos Removal**

Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (Tel. 020 7556 2100).

**11           I14                            Installation of Plant and Machinery**

The Council's Commercial Premises Section and Building Control Services should be consulted regarding any of the following:-

The installation of a boiler with a rating of 55,000 - 1¼ million Btu/hr and/or the construction of a chimney serving a furnace with a minimum rating of 1¼ million Btu/hr;

The siting of any external machinery (eg air conditioning);  
The installation of additional plant/machinery or replacement of existing machinery.  
Contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190). Building Control Services, 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

## **12            I15                    Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **13            I16                    Directional Signage**

You are advised that any directional signage on the highway is unlawful. Prior consent from the Council's Street Management Section is required if the developer wishes to erect directional signage on any highway under the control of the Council.

## **14            I18                    Storage and Collection of Refuse**

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

## **15            I19                    Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.

Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

## **16            I23                    Works affecting the Public Highway - Vehicle Crossover**

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

**17**        I24                    **Works affecting the Public Highway - General**

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

**18**        I34                    **Building Regulations 'Access to and use of buildings'**

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from [www.opsi.gov.uk](http://www.opsi.gov.uk)
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from [www.drc-gb.org](http://www.drc-gb.org).
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from [www.drc-gb.org](http://www.drc-gb.org).



This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

**19**      I43                      **Keeping Highways and Pavements free from mud etc**

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

**20**      I45                      **Discharge of Conditions**

Your attention is drawn to conditions 3, 4, 7, 8, 9, 12, 14, 19, 20, 21, 22, 24, 27, 28, 30, 31, 32, 35 and 37 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

**21**      I46                      **Renewable Resources**

To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO2) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.

**22**      I47                      **Damage to Verge**

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

**23**      I48                      **Refuse/Storage Areas**

The proposed refuse and recycling storage areas meet the requirements of the Council's amenity and accessibility standards only. The proposed storage area must also comply with Part H of the Building Regulations. Should design amendments be required to comply with Building Regulations, these should be submitted to the Local Planning Authority for approval. For further information and advice contact - Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250400).

**24**

Specific security needs identified for the application site include the following:

1. Digitally recorded CCTV to cover basement car park, including vehicular entrance, stairwells and cycle storage area. (Operational Requirements of CCTV system to be submitted for approval).
2. Rumble strip across vehicular entrance at front perimeter line to emphasize private nature of ramp and subsequent cobble strips further down vehicular ramp to deter skateboarding etc.
3. Front entrance door to be of high standard and have lighting and CCTV coverage.

You are advised to submit details to expedite the specified security need(s) in order to comply with Condition 9 of this planning permission.

## **25**

The applicant is advised that there is some merit in retaining the existing Golden Cross pub sign on site and that measures should be employed as part of this development to either retain the sign as a stand alone free standing sign or that it be placed on the exterior of the hotel to reflect the historical use of this site as a public house.

## **26**

The applicant is advised that any changes to the scheme resulting from the fire risk assessment being undertaken, or necessary to comply with other relevant legislation, should be submitted to the Local Planning Authority for approval.

## **27**

The applicant is encouraged to discuss with Council officers in conjunction with the Metropolitan Police Crime Prevention Officer whether on site CCTV cameras can be linked to the Council's central CCTV system.

## **28**

The Council will seek to ensure that those works implemented by way of the section 278 agreement to ensure that the highways and footways are reinstated to a high standard.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The site is located to the northeast of the Hayes Town Centre, with frontages onto Botwell Lane, Golden Crescent and Printinghouse Lane. The western half of the site is occupied by a part one, part two storey flat roofed building, the former Golden Cross Public House which is now in use as an Indian restaurant. The remainder of the site is in hard standing, accommodating a 24 space car park for the restaurant. A total of 3 vehicle crossings currently serve the site.

The site is located within the 'developed area' and is within the Hayes/West Drayton Corridor as identified in the Saved Policies UDP. It has a Public Transport Accessibility Level (PTAL) of between 2 and 3, on a scale of 1 to 6 where 1 denotes the lowest level of accessibility and 6 the highest.

The surrounding area is characterised by a wide range of uses. Land immediately adjoining the site to the east, and on the opposite sides of Botwell Lane and Golden Crescent is occupied by residential development, typically comprising 2 storey terraced and semi-detached houses. Land on the opposite side of Printinghouse Lane is located within the Metropolitan Green Belt, while land 55m south of the site is designated as an Industrial and Business Area (IBA), and is occupied by a range of commercial and industrial activities including a service station and plumbing centre. The Hayes Town Centre is located approximately 170m to the east along Botwell Lane. Botwell Lane is a Classified Road.

#### **3.2 Proposed Scheme**

This application is for the renewal of an extant planning permission granted on 22/7/09 (4607/APP/2008/1615) for the erection of a 50 bedroom hotel with an ancillary bar/restaurant with basement parking, alterations to existing access and landscaping (involving the demolition of existing public house function hall).

### 3.3 Relevant Planning History

#### Comment on Relevant Planning History

The application (5607/APP/2008/1615) for a 50 bedroom hotel with an ancillary bar/restaurant with basement parking, alterations to existing access and landscaping (involving the demolition of existing public house function hall) which this application seeks to renew was approved on 22/7/09.

## 4. Planning Policies and Standards

### UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.26 To encourage economic and urban regeneration in the Hayes/West Drayton Corridor, designated Industrial and Business Areas (IBA's) and other appropriate locations.
- PT1.28 To encourage the provision of a range of hotel and conference facilities provided development does not harm the environment.
- PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- NPPF National Planning Policy Framework (March 2012)
- LPP 3.1 (2011) Ensuring equal life chances for all
- LPP 3.16 (2011) Protection and enhancement of social infrastructure
- LPP 4.5 (2011) London's Visitor Infrastructure
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.6 (2011) Decentralised Energy in Development Proposals
- LPP 5.7 (2011) Renewable energy
- LPP 5.9 (2011) Overheating and cooling
- LPP 5.10 (2011) Urban Greening
- LPP 5.11 (2011) Green roofs and development site environs
- LPP 5.12 (2011) Flood risk management
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.14 (2011) Water quality and wastewater infrastructure
- LPP 5.15 (2011) Water use and supplies
- LPP 5.21 (2011) Contaminated land

LPP 6.9	(2011) Cycling
LPP 6.10	(2011) Walking
LPP 6.12	(2011) Road Network Capacity
LPP 6.13	(2011) Parking
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.5	(2011) Public realm
LPP 7.6	(2011) Architecture
LPP 7.14	(2011) Improving air quality
LPP 7.15	(2011) Reducing noise and enhancing soundscapes
LPP 7.21	(2011) Trees and woodland
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.
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
OE5	Siting of noise-sensitive developments
LE7	Provision of planning benefits from industry, warehousing and business development
T2	Location of tourist accommodation and conference facilities
T4	Hotels, guest houses and other tourist accommodation - location, amenity and parking requirements
AM1	Developments which serve or draw upon more than a walking distance based catchment area - public transport accessibility and capacity considerations
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
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
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning

	Document, adopted January 2010
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **19th June 2012**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

38 neighbouring properties have been consulted and a site notice has been displayed on site. 4 responses have been received (2 from the same property) raising the following issues:

- (i) The paperwork provided for this application is ambiguous and not complete. When application originally approved, it was for as 50 bedroom hotel with ancillary bar and restaurant (Class C1). Use has now changed to a public house with a 50 bedroom hotel (Class A4). If Class A4 is now being sought, need to re-apply from the beginning,
- (ii) Proposal right in the middle of a residential area surrounded on all sides by houses or flats,
- (iii) Proposal will block natural light from resident's homes, particularly those on Golden Crescent which is a single width road, with shadows being cast straight onto front living rooms,
- (iv) Loss of privacy to adjoining houses due to close proximity of building,
- (v) Car headlights on entering and leaving proposed underground car park will shine straight into living rooms of properties on Botwell Lane, particularly Nos. 60 and 62,
- (vi) Proposal will increase noise, light and air pollution for surrounding residents,
- (vi) Site is at least a 12 minute walk from Hayes train station with no pedestrian crossing on Botwell Lane,
- (vii) This is major development and there is no provision for construction vehicles, plant, cranes and onsite staff vehicles,
- (viii) Botwell Lane is heavily trafficked and currently has 2 bus routes and buses can not pass freely due to parked cars, causing congestion. Since the closure of Hayes town to through traffic, it has become the main route for HGVs and similar vehicles to enter and leave the numerous commercial and trading sites in the surrounding industrial areas. Whenever there is a problem, Hayes Town traffic is diverted down Printing House Lane and Botwell Lane. There are no crossings on Botwell Lane or Printing House Lane and people take their life in their hands trying to get across these busy roads,
- (ix) Too much has changed in the local area to not warrant all environmental impacts and other studies to be undertaken again. Its been 3 years and traffic and parking has tripled in this area with the 3 religious centres almost next to each other in this area.
- (x) The proposed 29 car parking spaces is totally inadequate for a 50 bed hotel, bar and restaurant. Parking is already a nightmare for residents in overcrowded streets. Many residents have had to give up their green spaces to build off road parking spaces in order to park near their homes.
- (xi) The 3 bays that are located at the back of the hotel at street level in Golden Crescent are a severe Health and Safety and Road Traffic Act issue. No matter how a car is parked in these bays they are still required to break the law by reversing in or out of onto a one way street. This is an accident waiting to happen as cars take no notice of the fact that Golden Crescent is a one way street and constantly break the law by going the wrong way up it
- (xii) If the application is for a Public House with a hotel and restaurant then it is legally required to

provide car parking for it's patrons. There is no parking supplied for this whatsoever,  
(xiii) Over the last 3 years the traffic has more than tripled since the last reports were completed. The local road cannot accommodate these increases. The sheer logistics of this development is not viable given the changes to the area over the last 3 years, including various religious centres built in local area and the large increase in traffic. There is also another huge development going up some few hundred yards from this site with the new school on the Botwell Lane end of Lake Farm which will mean even higher increases in traffic. This too will involve heavy duty equipment being transferred to the site, cranes, diggers, lorries and vans.  
(xiv) Hotel building is not required.

Hayes Conservation Area Advisory Panel:

We believe that the existing permission should not be renewed as it is a quite inappropriate development for this site. Since the permission was granted there have been many other applications in the area to build or convert existing buildings to hotels. The locations of these other hotels are generally far more sympathetic to their environments. The number of new hotel beds in the southern part of the borough is enormous, outpacing the requirements of the local development plan etc which is a good reason for now rejecting this application.

We cannot understand why permission was ever granted as the proposed building is completely out of scale with its surroundings and the design is quite inappropriate in this residential neighbourhood of mainly two-storey terraced and semi-detached houses. The proposed building is described as three storeys, but the bold facade facing west is effectively an extra storey high, while the generous ceiling heights within the building mean that it is even taller than a domestic-scale building with the same number of floors. The site is a prominent one, a 'gateway' site for Hayes town centre, clearly visible to the traffic driving down Botwell Lane, and what is proposed would overpower its surroundings, demeaning and diminishing both its immediate neighbours and the whole of the surrounding area.

### **Internal Consultees**

Highway Engineer:

The site had been granted conditional planning permission for demolition of existing public house and erection of 50 bedroom hotel on 22 July 2009, under planning application reference number 4607/APP/2008/1615 dated 22 July 2009, subject to its implementation within three years from the date of permission.

This is an extant application seeking to extend time allowed for implementation within the previously granted permission with no other changes proposed.

The most noticeable planning permissions granted to nearby developments since July 2009 are:

- 1) An extension to Quba Islamic and education centre, located in Golden Crescent, permitted to serve the religious/educational needs of the local Islamic community. Trips generated by Quba Islamic centre is considered to be negligible and therefore have minimum adverse effect on surrounding highways.
- 2) Redevelopment of Hayes football club to construct 183 dwelling, planning reference number 4327/APP/2009/2737. Traffic assessment carried out by WSP on behalf of Barratt, concludes that traffic impact associated with the proposed development will have slight increase in maximum queues on the roundabout entries, and considers that minor kerb alignment at the junction of Botwell Lane and Church Road will effectively resolve capacity increase at the roundabout.
- 3) A new school building is under consideration at Lake Farm off Botwell Common Road.

Considering that above two applications have had minimal impact on the surrounding area which is located in the vicinity of the application site, no objection is raised on the highways and transportation aspect of the development subject to conditions attached to the previous planning permission number 4607/APP/2008/1615 dated 22 July 2009 being applied.

Access Officer:

1. Since the grant of the above planning permission in 2009, the London Plan 2011 has been introduced. Of particular note, Policy 4.5 (London's visitor infrastructure) seeks to achieve 40,000 net additional hotel bedrooms by 2031, of which at least 10 per cent should be wheelchair accessible. To this end, the Council seeks to increase the quality and quantity of fully wheelchair accessible hotel accommodation, and, therefore, in accordance with the Supplementary Planning Document Accessible Hillingdon (adopted 2010) and BS8300:2009, requires the minimum provision of accessible bedrooms as a percentage of the total number of bedrooms to be:

- i. 5% without a fixed tracked-hoist system (see example in Figure 59);
- ii. 5% with a fixed tracked-hoist system or similar system giving the same degree of convenience and safety;
- iii. 5% capable of being adapted in the future to accessibility standards (i.e. with more space to allow the use of a mobile hoist, wider doors, provision for services and with enclosing walls capable of supporting adaptations, e.g. handrails).

2. Plans should detail room dimensions, particularly for the en-suite bathrooms and confirm within the Design and Access Statement, that bath and shower rooms will accord with the design guidance in BS8300:2009. As the majority of wheelchair users prefer showers, a larger proportion of the 5 accessible rooms should feature shower rooms. The Design and Access Statement should confirm the proportion of accessible shower and bath rooms with the detailed specification shown on plan.

3. Details of where Hearing Enhancement Systems (e.g. induction loops) will be provided should form part of the scheme. Consideration should also be given, at this stage, to the type of system(s) that will be suitable for different areas of the hotel.

4. Alarm system should be designed to allow deaf people to be aware of its activation. (Such provisions could include visual fire alarm activation devices, and/or a vibrating pager system. A technical audit should be considered at this stage to ensure that mobile phone and emergency paging system signals can transmit throughout the building.)

5. Advice from an appropriate fire safety officer or agency should be sought at an early stage to ensure that adequate and appropriate refuge areas are incorporated into the scheme as a whole. Refuge areas provided should be sized and arranged to facilitate manoeuvrability by wheelchair users (Refer to BS 9999: 2008). Refuge areas must be adequately signed and accessible communication points should also be provided in the refuge area. Such detail should be fully documented in the Design & Access Statement.

Conclusion: These details can be controlled by appropriate conditions.

Sustainability Officer:

Energy

The updated energy assessment is fairly vague and the conclusions are not supported by clear evidence. However, I accept that the general principles are appropriate and that the development will be able to meet the 25% reduction target.

The following condition is therefore necessary:

#### Condition

Prior to the commencement of development, a detailed energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall clearly set out the baseline CO2 emissions and energy demand based on 2010 Building Regulations and how this will be reduced by 25%. The assessment shall include the measures required to meet the 25% target, including clear presentation of how each measure impacts the baseline (in kgCO2 and KwHr). Details of technology to be used must be clearly set out and shown on elevational plans and drawings. Finally, a method for measuring the development's CO2 emissions and reporting to the Local Planning Authority shall be included in the assessment. The development must proceed in accordance with the approved assessment and plans.

#### Reason

To ensure the development is designed in accordance with the Outline Planning Energy Strategy and Policy 5.2 of the London Plan.

#### SUDS

The use of Sustainable Drainage Systems needs to be updated to consider the new London Plan. The following condition is therefore necessary.

#### Condition

No development approved by this permission shall be commenced until a scheme for the provision of sustainable drainage systems to drain surface water runoff has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that runoff can be attenuated as close to the source as possible and should form part of the landscape strategy in compliance with the London Plan's drainage hierarchy. The development shall proceed in accordance with the approved scheme.

#### Reason

To prevent the increased risk of flooding and aid adaptation to climate change in accordance London Plan Policy 5.13.

#### Electric Charging

A new policy on electric charging has also emerged since the original submission and therefore the following condition needs to be appended to any updated decision notice.

#### Condition

Prior to the commencement of development a plan showing provision for electric charging points to serve 5% of all car parking spaces should be submitted to and approved in writing by the Local Planning Authority. The plan shall set out the location of the charging points, the chosen technology and clear presentation of how the bays will be marked. The development shall proceed in accordance with the approved plan.

#### Reason

To provide car parking for electric vehicles to help tackle air quality impacts and meet the climate change challenges in accordance with Policy 6.13 of the London Plan.

#### Sustainable Water Consumption

The London Borough of Hillingdon is in a severely water stressed area along with much of the South East of England. As a consequence, planning policies have been developed to ensure greater consideration of minimising potable water use is given to new development. Hotels have particularly high water demand and therefore the following condition should also be attached to any subsequent decision notice.



#### Condition

Prior to the commencement of development a scheme for the reduction in potable water use including the harvesting and reuse of rainwater as well as the recycling and reuse of grey shall be submitted to and approved in writing by Local Planning Authority. The scheme shall clearly set out how collected water will be reused in areas where potable water is not required, i.e. toilet flushing and irrigation of landscaped areas. The development must proceed in accordance with the approved scheme.

#### Reason

To ensure the development reduces the pressure on potable water in accordance with Policy 5.15 of the London Plan.

#### Environmental Protection Officer:

I refer to the above application to replace extant planning permission 4607/APP/2008/1615. I have considered the Planning Committee report dated 25 November 2008 relating to 4607/APP/2008/1615. That report contained comments on noise and air quality from the Environmental Protection Unit. I can see no reason to change those comments. The report recommended that the application be approved subject to a number of conditions. I suggest that those conditions relevant to EPU work should be updated in line with the Council's new standard conditions as follows.

1. The development shall not begin until a scheme for the control of amplified music emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of physical, administrative measures and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

2. We take the view that external sound insulation of a hotel is the developer's concern. This is consistent with the advice contained in the Council's Supplementary Planning Document on noise. We would not normally apply a condition relating to sound insulation, but may use an informative advising that adequate sound insulation and ventilation is required. A suggested informative is given below.

Informative: The building envelope of the development hereby approved should have adequate insulation against external noise to ensure satisfactory noise levels in the guest bedrooms and any staff accommodation. Adequate ventilation should be provided. The Council's Supplementary Planning Document on Noise contains advice on residential noise criteria which may be appropriate.

3. Condition relating to deliveries and collections

4. The rating level of the noise emitted from mechanical plant at the site shall be at least 5dB below the existing background noise level. The noise levels shall be determined at the boundary of the nearest noise sensitive premises. The measurements and assessment shall be made in accordance to the latest British Standard 4142, Method for rating industrial noise affecting mixed residential and industrial areas.

REASON - To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

S106 Officer:

A deed of variation to the original s106 dated 30th June 2009, is required to address this new planning reference over the land.

This should secure a financial contribution of £20,000 for bus stop upgrades in Botwell Lane and a s278 agreement to address all highways works and the landscaping at the front of the development.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The acceptability of the principle of providing a hotel on this site was previously established at the Central and South Planning committee on the 25/11/08.

Since that meeting, PPS4: Planning for Sustainable Economic Growth was published on 29/12/09 which has since been superseded by the National Planning Policy Framework (March 2012). At paragraph 24, this introduces a new sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Main town centre uses are defined in the document's glossary which includes tourism development. Paragraph 24 requires 'main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered.' There are no known town centre sites that are appropriate and readily available to accommodate the proposal. This site, being some 170m from the Hayes Town Centre boundary is considered an edge of centre location. Given the proximity of the town centre and with a PTAL score of between 2 and 3 and located within a reasonable walking distance (700m) of the Hayes and Harlington Station and a number of bus stops being within 20m of the site, it is also considered to be reasonably accessible. The site therefore satisfies the sequential test.

Paragraph 26 of the NPPF also goes on to advise that applications for retail, leisure and office development outside of town centres should require an impact assessment if over the default threshold of 2,500 sq m, but it is not considered that this would be applicable to this proposal as the glossary specifically identifies leisure and tourism development as being separate.

It is therefore considered that there has been no change in policy or site circumstances to suggest that the principle of the proposed 50 bedroom hotel and associated bar and restaurant is no longer acceptable on this site.

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

Not applicable to this application.

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

Not applicable to this application.

### **7.04 Airport safeguarding**

Not applicable to this application.

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

This issue was considered previously in relation to the adjoining Green Belt land on Printing House Lane and any impacts were found to be acceptable. There has been no change in policy or site circumstances to suggest that such an assessment is no longer appropriate.

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

The impact of the proposed development on the visual amenity of the area was previously considered with the committee report presented to the committee meeting on the 25/11/08. There has been no material change in policy or site circumstances to suggest that this assessment is no longer appropriate.

## **7.08 Impact on neighbours**

The impact of the proposed development on the residential amenities of surrounding residential occupiers, including overshadowing and overlooking issues were previously considered in the officer's report presented to the committee meeting on the 25/11/08. This concluded that with appropriate conditions, the impact of the development was acceptable.

There has been no material change in policy or conditions on site that now suggest that such an assessment is flawed. Subject to the the same conditions which are being recommended on this renewal application, the scheme is considered acceptable.

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

Not applicable to this proposal.

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

Highway impacts were considered in the officer's report on the original application to committee and these impacts were considered acceptable. The Highways Officer has considered this renewal application and the more significant development that has occurred since in the local vicinity and concludes that subject to the same conditions being attached, the scheme is acceptable.

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

Relevant planning issues were discussed within the previous committee report.

## **7.12 Disabled access**

The Council's Access Officer advises that since the original permission, the replacement London Plan has been introduced in July 2011. Of particular note, Policy 4.5 (London's visitor infrastructure) seeks to achieve 40,000 net additional hotel bedrooms by 2031, of which at least 10 per cent should be wheelchair accessible. To this end, specific advice is offered as to how this scheme could make an appropriate contribution to this overall figure. This has been controlled by conditions.

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

Not applicable to this development.

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

These issues were previously considered in the officer's report and the assessment and recommended conditions are still relevant.

## **7.15 Sustainable waste management**

This issue was previously considered in the officer's report on the previous application and appropriate conditions are recommended.

## **7.16 Renewable energy / Sustainability**

The recommended conditions have been amended to take account of the Sustainability Officer's comments.

## **7.17 Flooding or Drainage Issues**

The recommended conditions have been amended to take account of the Sustainability Officer's comments.

## **7.18 Noise or Air Quality Issues**

Noise and air quality issues were previously considered at the Central and South Committee meeting on the 25/11/08 and the impacts were found to be acceptable, subject to conditions. The Council's Environmental Health Officer has re-considered the scheme and considers that the previous assessment is still valid. Recommendations to revise the conditions are made which have been incorporated into this report. The only exception to this is hotel sound insulation, which has been retained as a condition (condition 23) as it is considered that this would make the use of double glazing and non-acoustic slot vents

easier to enforce.

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

As regards the individual comments raised, this application seeking to renew a previous permission is complete as the original plans and documents do not have to be re-submitted and is not ambiguous as it seeks an extension of time of the original permission (Point (i). Points (ii) to (viii) and (x) to (xii) have previously been considered as part of the original application and there has been no change in policy or site circumstances to suggest that the previous assessment is no longer valid. As regards points (ix) and (xiii), any changes that have occurred in the area are not considered to be significant to warrant a re-evaluation of the scheme. In particular, the Council's Highway Engineer and Environmental Health Officer have assessed this application and advise that the previous assessments remain valid and in the case of the EPU Officer, advise of the need to update the wording of conditions. Point (xv) regarding the need for the hotel is noted, but need would be decided by the market and there is no policy requirement to demonstrate need.

As regards the comments made by the Hayes Conservation Area Advisory Panel, this site is not located within a conservation area. As regards the two points raised, the first regarding need and over-supply of hotels is largely dealt with in point (xiv) above. The appropriateness of the hotel scheme on this site was considered as part of the original application. The officer's report to committee on the original scheme also dealt with the scale, bulk and design issues raised by the advisory panel in their second issue raised. Again, there has been no change in policy or site circumstances to suggest this assessment is no longer appropriate.

#### **7.20 Planning obligations**

A deed of variation to the original s106 dated 30th June 2009, is required to address this new planning application.

This will secure a financial contribution of £20,000 for bus stop upgrades in Botwell Lane and a s278 agreement to address all highways works and the landscaping at the front of the development.

#### **7.21 Expediency of enforcement action**

There are no enforcement issues on this site.

#### **7.22 Other Issues**

There are no other relevant planning issues raised by this application.

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

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

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

Not applicable to this application.

#### **10. CONCLUSION**

There has been no change in policy or site circumstances to suggest that the previous assessment of this scheme as detailed in the officer's report to the Central and South Committee on the 25/11/08 is no longer valid so as to justify a different conclusion being reached. It is therefore recommended for approval.

#### **11. Reference Documents**

National Planning Policy framework (March 2012)  
London Plan (July 2011)  
Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)  
HDAS Accessible Hillingdon, January 2010  
Consultation responses

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