



HILLINGDON
LONDON



Central & South Planning Committee

Date: TUESDAY, 9 AUGUST 2016

Time: 7.00 PM

Venue: COMMITTEE ROOM 5 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE UB8
1UW

**Meeting
Details:** Members of the Public and
Press are welcome to attend
this meeting

To Councillors on the Committee

Councillor Ian Edwards (Chairman)
Councillor David Yarrow (Vice-Chairman)
Councillor Shehryar Ahmad-Wallana
Councillor Roy Chamdal
Councillor Alan Chapman
Councillor Jazz Dhillon (Labour Lead)
Councillor Janet Duncan
Councillor Manjit Khatra
Councillor Brian Stead

Published: Monday, 1 August 2016

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This Agenda is available online at:

<http://modgov.hillingdon.gov.uk/ieListMeetings.aspx?CId=123&Year=0>

Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
3E/05, Civic Centre, High Street, Uxbridge, UB8 1UW
www.hillingdon.gov.uk

Useful information for residents and visitors

Watching & recording this meeting

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Watch a **LIVE** broadcast of this meeting on the Council's YouTube Channel: *Hillingdon London*

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It is recommended to give advance notice of filming to ensure any particular requirements can be met. The Council will provide seating areas for residents/public, high speed WiFi access to all attending and an area for the media to report. The officer shown on the front of this agenda should be contacted for further information and will be available to assist.

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A useful guide for those attending Planning Committee meetings

Security and Safety information

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Mobile telephones - Please switch off any mobile telephones before the meeting.

Petitions and Councillors

Petitions - Those who have organised a petition of 20 or more people who live, work or study in the borough, can speak at a Planning Committee in support of or against an application. Petitions must be submitted in writing to the Council in advance of the meeting. Where there is a petition opposing a planning application there is also the right for the applicant or their agent to address the meeting for up to 5 minutes.

Ward Councillors - There is a right for local councillors to speak at Planning Committees about applications in their Ward.

Committee Members - The planning committee is made up of the experienced Councillors who meet in public every three weeks to make decisions on applications.

How the Committee meeting works

The Planning Committees consider the most complex and controversial proposals for development or enforcement action.

Applications for smaller developments such as householder extensions are generally dealt with by the Council's planning officers under delegated powers.

An agenda is prepared for each meeting, which comprises reports on each application

Reports with petitions will normally be taken at the beginning of the meeting.

The procedure will be as follows:-

1. The Chairman will announce the report;
2. The Planning Officer will introduce it; with a presentation of plans and photographs;
3. If there is a petition(s), the petition organiser will speak, followed by the agent/applicant followed by any Ward Councillors;

4. The Committee may ask questions of the petition organiser or of the agent/applicant;
5. The Committee debate the item and may seek clarification from officers;
6. The Committee will vote on the recommendation in the report, or on an alternative recommendation put forward by a Member of the Committee, which has been seconded.

About the Committee's decision

The Committee must make its decisions by having regard to legislation, policies laid down by National Government, by the Greater London Authority - under 'The London Plan' and Hillingdon's own planning policies as contained in the 'Unitary Development Plan 1998' and supporting guidance. The Committee must also make its decision based on material planning considerations and case law and material presented to it at the meeting in the officer's report and any representations received.

Guidance on how Members of the Committee must conduct themselves when dealing with planning matters and when making their decisions is contained in the 'Planning Code of Conduct', which is part of the Council's Constitution.

When making their decision, the Committee cannot take into account issues which are not planning considerations such as the effect of a development upon the value of surrounding properties, nor the loss of a view (which in itself is not sufficient ground for refusal of permission), nor a subjective opinion relating to the design of the property. When making a decision to refuse an application, the Committee will be asked to provide detailed reasons for refusal based on material planning considerations.

If a decision is made to refuse an application, the applicant has the right of appeal against the decision. A Planning Inspector appointed by the Government will then consider the appeal. There is no third party right of appeal, although a third party can apply to the High Court for Judicial Review, which must be done within 3 months of the date of the decision.

Agenda

Chairman's Announcements

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 Matters that have been notified in advance or urgent
- 4 To confirm that the items of business marked Part I will be considered in Public and that the items marked Part 2 will be considered in private

PART I - Members, Public and the Press

Items are normally marked in the order that they will be considered, though the Chairman may vary this. The name of the local ward area is also given in addition to the address of the premises or land concerned.

Applications with a Petition

	Address	Ward	Description & Recommendation	Page
5	839 Uxbridge Road, Hayes 71927/APP/2016/2009	Botwell	Extension to rear canopy for use as a shisha lounge (Sui Generis) attached to existing restaurant (Use Class A3) (Retrospective) Recommendation: Refusal	1 - 10 54 - 57

Applications without a Petition

	Address	Ward	Description & Recommendation	Page
6	The Royal British Legion Uxbridge Road 172/APP/2016/1766	Hillingdon East	Change of use first floor from office/meeting room to provide 1 x 1-bed flat (Use Class C3) Recommendation: Refusal	11 - 20 58 - 62

PART II - MEMBERS ONLY

The reports listed below are not made public because they contain confidential or exempt information under paragraph 6 of Part 1 of Schedule 12 A to the Local Government (Access to Information) Act 1985 as amended.

7	Enforcement Report	21 - 28
8	Enforcement Report	29 - 40
9	Enforcement Report	41 - 52

PART I - Plans for Central and South Planning Committee	53 - 62
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Agenda Item 5

Report of the Head of Planning, Sport and Green Spaces

Address 839 UXBRIDGE ROAD HAYES

Development: Extension to rear canopy for use as a shisha lounge (Sui Generis) attached to existing restaurant (Use Class A3) (Retrospective)

LBH Ref Nos: 71927/APP/2016/2009

Drawing Nos: P-101
P-100

Date Plans Received: 26/05/2016 **Date(s) of Amendment(s):**

Date Application Valid: 06/06/2016

1. **SUMMARY**

The application is retrospective. The rear of the premises has been extensively developed by the erection of the canopy which covers most of the available open area. It has been furnished as a permanent area/room with tables, chairs and sofas. The overall design, use of materials and extensive scale fails to harmonise with or complement the original building. In addition, the level of activities has led to an overintensive use of the site resulting in harm to the amenity of the nearby residents through increased noise and disturbance.

Accordingly, the application is recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The development by reason of its siting, design, layout, size, site coverage and materials, results in a cramped development of the site, which is visually incongruous and overdominant to the detriment of the character and appearance of the existing property and the visual amenity of the surrounding area. The development is therefore contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

2 NON2 Non Standard reason for refusal

The development results in an over-intensive use of the site resulting in an unacceptable level of noise and general disturbance to the detriment of the amenities of adjoining residential properties and the quality of their living environment. The proposal is therefore contrary to Policies OE1, OE3 and OE5 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8

(right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
LPP 4.7	(2015) Retail and town centre development
LPP 4.8	(2015) Supporting a Successful and Diverse Retail Sector and related facilities and services
LPP 4.9	(2015) Small Shops
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF7	NPPF - Requiring good design

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

The Council has however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to local plan policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site forms part of a three storey retail and residential block located on the southern side of Uxbridge Road, Hayes near its junction with West Drayton Road. It comprises of a ground floor Class A3 commercial unit with residential on the first and second floors. The site forms part of a designated parade as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

To the rear there is an area of land which is covered by the canopy, of approximately 38 square metres, subject to this application. The canopy covers most of the area to the rear, although there is a side passage which leads to a gate and a small retained open area to the rear. Beyond the rear of the site is a private access which leads from Uxbridge Road and runs parallel with the rear of the whole parade and to the front of the parade there are several parking bays.

3.2 Proposed Scheme

The application seeks retrospective planning consent for use as a Shisha lounge (Sui Generis) involving formation of an outdoor seating area and a canopy. The canopy and its sides are felt covered over a frame, forming a flat roofed structure. Beneath the canopy are extensive seating areas and tables.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no relevant planning history relating to the site.

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.BE1 (2012) Built Environment

Part 2 Policies:

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE26 Town centres - design, layout and landscaping of new buildings

LPP 4.7 (2015) Retail and town centre development

LPP 4.8 (2015) Supporting a Successful and Diverse Retail Sector and related facilities and services

LPP 4.9 (2015) Small Shops

NPPF National Planning Policy Framework

NPPF1	NPPF - Delivering sustainable development
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF7	NPPF - Requiring good design

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Neighbours were notified on 08/06/2016 and a site notice was displayed on 13/06/2016.

Two replies objecting to the proposal were received raising the following issues:

1. The application is retrospective.
2. The use is already in operation and results in late night noise, smoke, smells and general disturbance.
3. Parking problems occur due to the use.
4. Anti-social behaviour.

24 copies of a circular letter, individually signed, in support of the application have also been received. This states that there have been no traffic or noise issues, the customers are pleasant and this is a local asset which brings business to the area.

Internal Consultees

EPU:

With reference to this planning application, I carried out a joint visit to this site on 4th July 2016, with my colleague from the Food, Health & Safety Team. We inspected the shisha lounge and my colleague confirmed that it was not compliant with The Smokefree (Premises & Enforcement) regulations 2007. Therefore, EPU objects to this application.

If the applicant were to alter the structure so that the Shisha lounge complies with The Smokefree (Premises & Enforcement) regulations 2007, EPU would still object to the retention of the shisha lounge as it is not considered an appropriate amenity for the area due to the close proximity of residents/occupiers in the adjoining properties.

Highways Officer:

The retrospective application is for an extension to the rear of the property in Uxbridge Road, Hayes for use as a smoking lounge. Uxbridge Road is a classified road with on-street car parking outside the property. There is rear lane pedestrian access to the property but no car or cycle parking is provided on the site. The property has a PTAL value of 2 (poor). There are existing parking restrictions in the surrounding area. Servicing would be appear to be from Uxbridge Road frontage. The retrospective application relates to a 38sq.m extension which is likely to create a small increase in trips to the site. There are no changes to parking, access or servicing to the site as a result of the application. On the basis of the above I have no significant objection to the application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Local shopping parades serve an important role in providing convenience shopping that caters for the needs of local residents. Paragraph 8.22 and policy S7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that all residential areas are within half a mile of at least five essential shop uses, although not necessarily within the same parade.

The application site is an existing cafe use (Class A3) within the parade of 7 units. The change of use relates to the rear part of the site and there is no change proposed to the cafe itself.

As there is no loss of retail use, no issues are raised in terms of Policy S7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features in the area which the Local Planning Authority considers it desirable to retain or enhance.

The rear of the premises has been extensively developed by the erection of the rear canopy which has been furnished as a permanent area/room with tables, chairs and sofas. The development extends over almost the entire rear area of the premises and the overall scale, size, design, use of materials and fails to harmonise with or compliment the original building. The canopy is thus considered to result in a visually intrusive development, which is detrimental to amenity and character of the area and contrary to policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

In terms of assessing the effects of the proposal on residential amenity, the relevant factors are those of noise, odour and general disturbance.

The nearest residential properties are above and adjacent to the application site. It is not proposed to install a ventilation duct to the rear of the property. The main unit is used for the preparation and consumption of only cold food and drinks.

It is estimated that thirty or more people can be accommodated in the canopy structure. With open ends no provision has been made to reduce the noise generated by patrons or the television/sound systems within the canopy area of the premises. It is considered that as a matter of fact and degree the overall size of the developments and the use for smoking shisha pipes represents a change of use from the authorised as a cafe to a mixed use comprising cafe and shisha lounge. In addition there are no controls in place to limit the opening hours of the premises and consequently, noise and disturbance results in the late evening/night which transmits together with the smoke and smell from the shisha

pipes up and across to surrounding residential properties. The applicant states that the use is between midday and midnight. Late night opening in a residential area is likely to result in an unacceptable level of noise and disturbance. No details of any mitigation measures have been provided with the application to demonstrate that any potential noise, disturbance and odour generated from the site could be overcome.

As a result it is considered that the use of the site has a negative impact upon the amenity of nearby residents and occupants through increased noise and disturbance and odour. This is contrary to Local Plan policies OE1, OE3 and OE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) which strongly resist development which would have an adverse impact upon the amenity of residents through increased noise and disturbance and odour.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application is for an extension to the rear of a property in Uxbridge Road, Hayes for use as a smoking lounge. Uxbridge Road is a classified road with on-street car parking outside the property. There is rear lane pedestrian access to the property but no car or cycle parking is provided on the site. The property has a PTAL value of 2 (poor). There are existing parking restrictions in the surrounding area. Servicing would be appear to be from Uxbridge Road frontage. The retrospective application relates to a 38sq.m extension which is likely to create a small increase in trips to the site. There are no changes to parking, access or servicing to the site as a result of the application. On the basis of the minimal increase in traffic/parking requirements no objection is raised to the application on these grounds.

7.11 Urban design, access and security

See elsewhere in this report

7.12 Disabled access

The site has level access. No adverse issues are raised

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

These issues are discussed in Section 7.

7.19 Comments on Public Consultations

The letters in favour are noted. Whilst there is no conflict with these views, these issues do not raise material considerations which would overcome the identified harms associated with the development.

The issues relating to noise, smells and general disturbance are covered in the main body of the report.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

The application is retrospective. In the event of refusal, the development will remain unauthorised and it will be necessary to consider whether enforcement action is expedient and a report to a later committee will be submitted.

7.22 Other Issues

None

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 this application.

10. CONCLUSION

It is considered that the canopy to the rear of the site and use as a Shisha Lounge has led to an over-intensive of the site resulting in harm to the amenity of the nearby residents through increased noise and disturbance and increased odour. It is also considered that the canopy is harmful to the visual amenity of the site and the surrounding area. The development is therefore contrary to policies BE13, BE15, BE19, OE1, OE3 and OE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

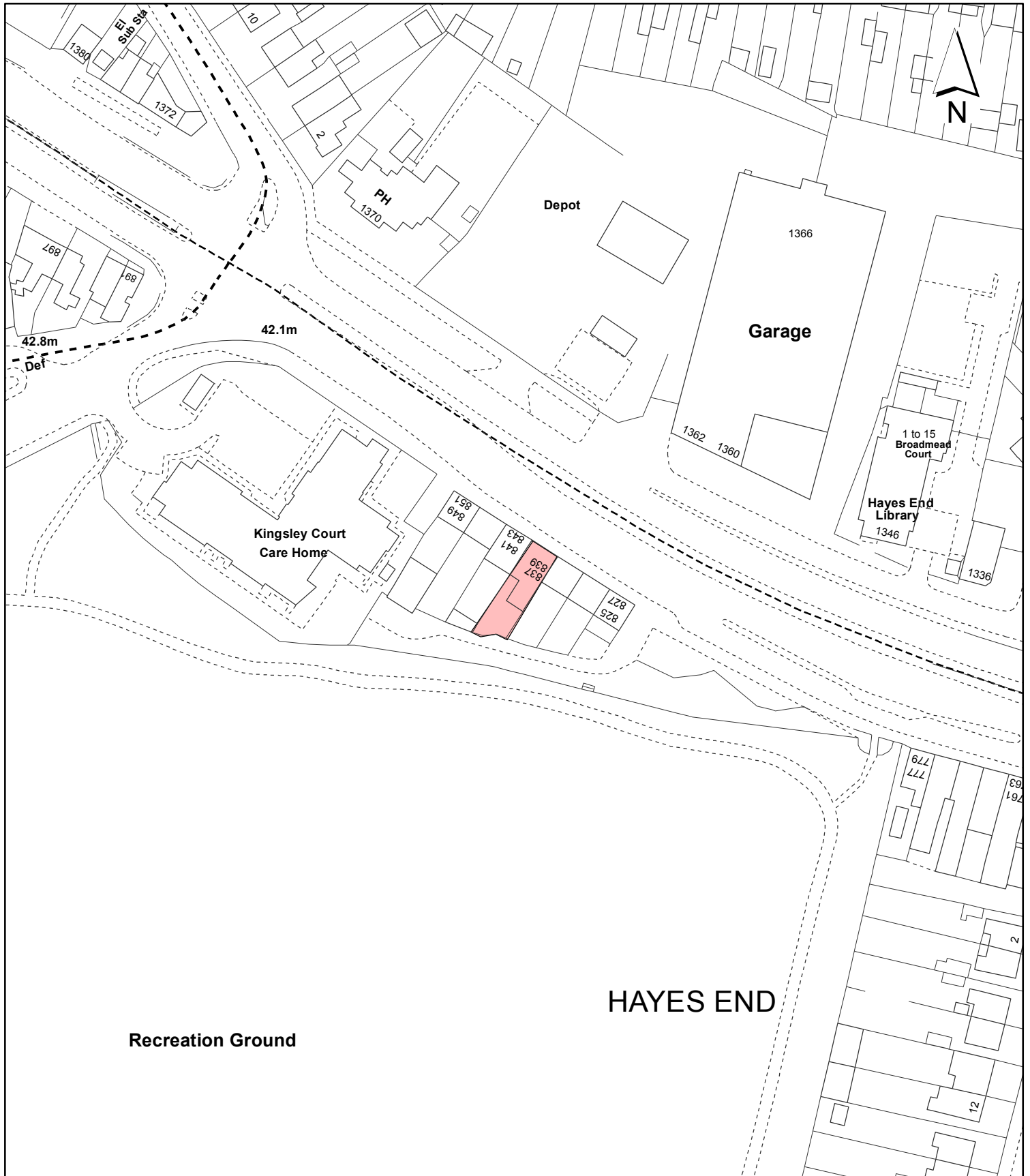
Accordingly, the application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2015)
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Cris Lancaster

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**839 Uxbridge Road
 Hayes**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
71927/APP/2016/2009

Scale:
1:1,250

Planning Committee:
Central & South

Date:
August 2016



HILLINGDON
 LONDON

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Report of the Head of Planning, Sport and Green Spaces

Address THE ROYAL BRITISH LEGION UXBRIDGE ROAD HILLINGDON

Development: Change of use first floor from office/meeting room to provide 1 x 1-bed flat (Use Class C3)

LBH Ref Nos: 172/APP/2016/1766

Drawing Nos: Location Plan and Block Plan
Proposed and Existing Floor Plans and Elevations

Date Plans Received: 10/05/2016 **Date(s) of Amendment(s):**
Date Application Valid: 02/06/2016

1. **SUMMARY**

The application seeks full planning permission for the change of use of the first floor from office/meeting room to provide 1 x 1-bed flat (Use Class C3).

The proposal is not considered to have an adverse visual impact or result in a loss of residential amenity to neighbouring occupiers. However, concerns are raised in terms of the standard of residential amenity for future occupiers of the one bedroom flat by virtue of a substandard floor area and poor outlook to the proposed bedroom. In addition the submitted plans do not include the provision of any external amenity space.

The application is therefore recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposal would provide an indoor living area of an unsatisfactory size and quality for the future occupiers of the one bedroom flat, including a poor outlook to the proposed bedroom and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), the Housing Standards Minor Alterations to The London Plan (March 2016) the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

2 NON2 **Non Standard reason for refusal**

The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said unit would result in an over-development of the site detrimental to the residential amenity of future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

INFORMATIVES

1 I52 **Compulsory Informative (1)**

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

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H8	Change of use from non-residential to residential
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council's supports pre-application discussions.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to the first floor office/meeting room which was formerly used ancillary to the Royal British Legion. This part of the building is two stories in height finished with a flat roof with a car park area to the rear. The street scene is commercial in character and appearance. The application site lies within the Hillingdon Heath Local Centre as identified in the Hillingdon Local Plan (November 2012).

3.2 Proposed Scheme

The application seeks full planning permission for the change of use of the first floor from office/meeting room to provide 1 x 1-bed flat (Use Class C3). The submitted plans show the only external alterations would comprise of the addition of an external staircase to the rear of the building to access the proposed flat. The existing floorspace is 30 square metres.

3.3 Relevant Planning History

172/Q/79/1525 British Legion Club Uxbridge Road Hillingdon
Change in conditions on 91525/172Q (P)

Decision: 13-11-1979 Approved

172/R/85/1543 British Legion Club Uxbridge Road Hillingdon
Extension/Alterations to Leisure premises (P) of 62 sq.m.

Decision: 17-12-1985 Refused

172/S/97/1362 British Legion Club Uxbridge Road Hillingdon
Erection of a single storey extension

Decision: 07-01-1998 Approved

Comment on Relevant Planning History

There is no recent planning history of relevance to this application site.

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.BE1 (2012) Built Environment

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
H8	Change of use from non-residential to residential
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

10 neighbouring properties were consulted by letter dated 3.6.16 and a site notice was displayed to the front of the site which expired on 5.7.16. No responses have been received.

Ward Councillor - Requests that the application is reported to committee for consideration.

Internal Consultees

Highways Officer:

The proposals is for a change of use from offices to a 1 bed flat. The site is located on Uxbridge Road, Hillingdon which is a classified road. The site has a PTAL value of 2 (poor). This value indicates that the area is reliant on private car travel for trip making.

The applicant does not make it clear how car parking is made available specifically for the residents of the proposed property so please ask for clarification. There is no information in the application material how secure covered cycle parking is provided at the site for the residents of the flat but this can be conditioned if permission is likely.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The National Planning Policy Framework states there is a presumption in favour of sustainable development which is described for decision taking as "approving development proposals which accord with the development plan."

Policy H4 of the Hillingdon local plan states that wherever practicable a mix of housing units of different sizes should be provided including in particular, units of one or two bedrooms.

The site is located in a sustainable location with commercial on the ground floor with ancillary office use above. The provision of an additional residential unit would be acceptable in principle, subject to the application demonstrating compliance with all of the relevant Development Plan policies and criteria.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2016) seeks to ensure that new development 'takes into account local context and character, the design principles in Chapter 7 and public transport capacity development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.'

The site has a Public Transport Accessibility Level (PTAL) of 2. The London Plan range for sites with a PTAL of 2-3 in a suburban area is 150-250 habitable rooms per hectare and 35-65 units per hectare. Based on a total site area of 0.12ha the proposal would result in a residential density of approximately 8.3 dwellings per hectare which is below the London Plan Range. However density is only an indicator of whether development is appropriate or not and other considerations such as impact to the character of the area, internal floor areas and external amenity space are more relevant considerations in this case.

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

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties.

The proposed external alterations are restricted to the rear elevation with the addition of an external staircase to a first floor door. It is considered that the proposal would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

The Council's policies BE20 and BE21 seek to protect the residential amenity of adjacent neighbouring properties through spaces between them to allow for adequate sunlight and daylight. Furthermore Policy BE24 seeks to ensure that occupants of neighbouring properties do not suffer any loss of privacy.

New development needs to protect the amenities of surrounding residential occupiers and in the case of residential development, needs to provide accommodation of a suitable standard. The Council's Supplementary Planning Document HDAS: Residential Layouts

provides further clarification in that it advises that buildings of two or more storeys should maintain at least a 15m separation distance from adjoining properties to avoid appearing over-dominant and a minimum 21m distance between windows and private amenity space.

The proposal would not result in any external alterations to the front or sides of the property. The installation of the rear facing external staircase, given the degree of separation from the nearest residential properties, is not considered to result in an unacceptable loss of residential amenity.

7.09 Living conditions for future occupiers

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. A one bedroom (2 person) dwelling is required to provide an internal floor area of 50m². The proposed flat would have an internal floor area of just 30 square metres which falls well below the recommended internal floor area required under the The Housing Standards (Minor Alterations to the London Plan) March 2016.

Furthermore the proposed bedroom would achieve a very poor outlook, with the only window to it being located in the side elevation facing a three storey flank wall of the adjacent building (across a single width driveway) at a distance of less than 4m. The proposal would therefore provide an indoor living area of an unsatisfactory size and quality for the future occupiers of the one bedroom flat and would therefore give rise to a substandard form of living accommodation contrary to Policy 3.5 of the London Plan 2016 and The Housing Standards (Minor Alterations to the London Plan) March 2016.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards. These require a maximum provision of three off-street parking spaces for each dwelling.

This site is fronted on one side by Uxbridge Road, which is part of the Borough's main distributor A road including the Strategic Road network and carries a greater importance in terms of traffic movements. The submitted plans confirm that there are 20 parking spaces available on site. No information has been provided as to whether the occupants of the proposed flat would be allocated a parking space and neither have any details been provided in terms of secure cycle storage.

In its current format the proposal has failed to demonstrate that sufficient off street parking/manoeuvring/access arrangements would be provided, and therefore the development is considered to result in substandard car parking provision to the Council's approved car parking standards, leading to possible on-street parking/queuing to the

detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts. However, given the limited scale of the development proposed and the availability of car parking for the wider site, it is considered that this concern could be adequately dealt with by way of a condition asking for allocated parking to be identified and assigned to the flat if it were acceptable in other regards.

7.11 Urban design, access and security

The Council's adopted Supplementary Planning Document HDAS: Residential Layouts requires each residential unit to achieve an area of usable outdoor amenity space. For a one bedroom flat a minimum of 20 square metres would be required. The submitted plans do not include the provision of any external amenity space and as such, the proposal fails to comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7.12 Disabled access

Technical Housing Standards as prescribed in Approved Document M to the Building Regulations 2010 (2015 edition) as reinforced by the Housing Standards Transition Statement require minimum width of hallways and other circulation spaces inside the home to comply with Part M4(2). The Council's Access Officer has not raised any concerns in respect of this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

No details have been submitted to demonstrate that adequate sound insulation could be provided however these details could be conditioned if all other aspects of the development were considered acceptable.

7.19 Comments on Public Consultations

No responses have been received from external consultees.

7.20 Planning obligations

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 £35 per sq metre.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

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 this application.

10. CONCLUSION

The application seeks full planning permission for the change of use of the first floor from office/meeting room to provide 1 x 1-bed flat (Use Class C3). Whilst the proposal is not considered to have an adverse visual impact or result in a loss of residential amenity to neighbouring occupiers. The proposal has failed to demonstrate that sufficient off street parking/manoeuvring/access arrangements would be provided, however it is felt this issue could be adequately dealt with by way of condition if the application was found to be acceptable in all other regards.

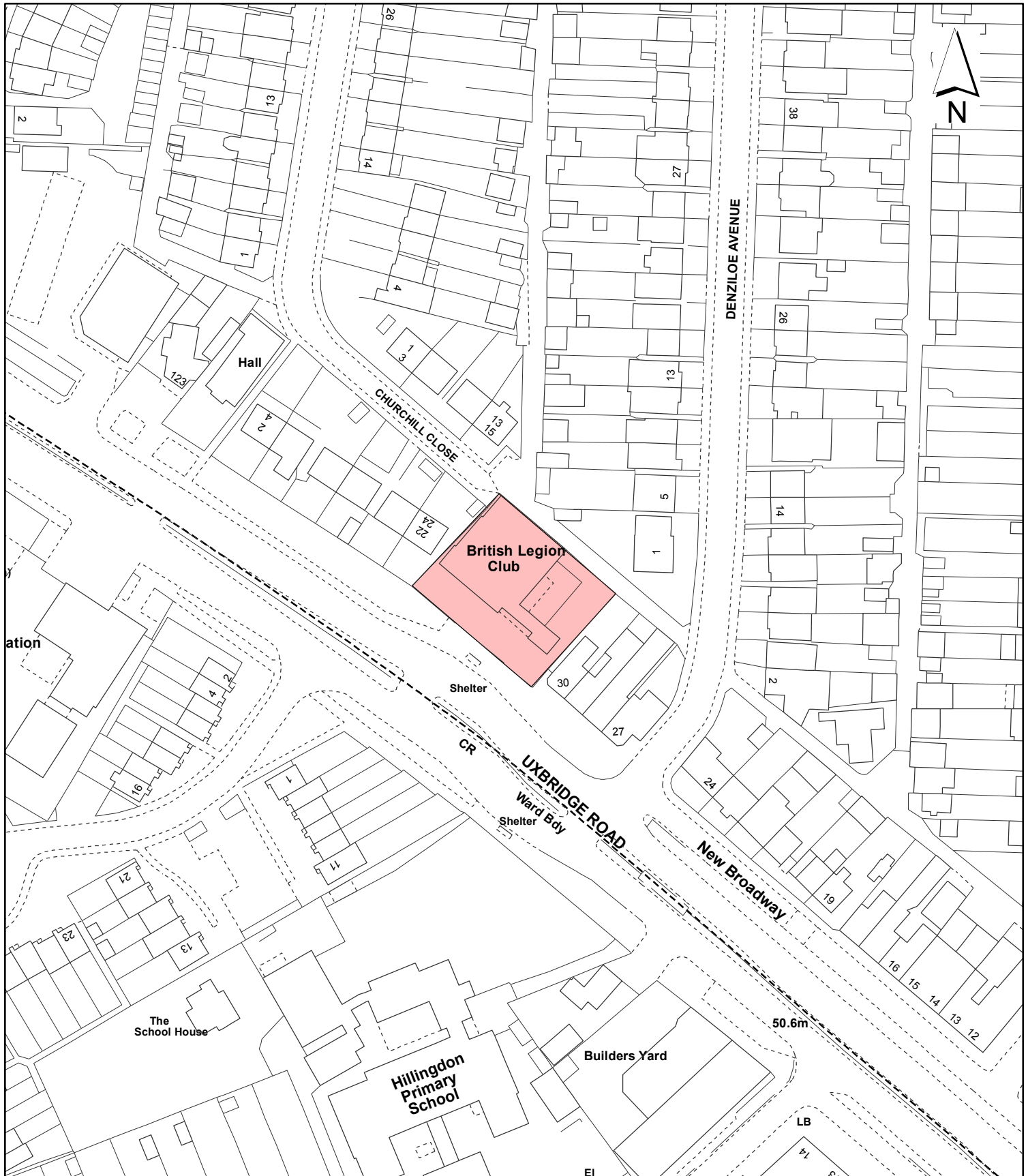
Concerns are raised in terms of the standard of residential amenity for future occupiers of the one bedroom flat by virtue of a substandard floor area and poor outlook to the proposed bedroom. In addition, the submitted plans do not include the provision of any external amenity space. The application is therefore recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



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Site Address:

**The Royal British Legion
 Uxbridge Road**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 250111

Planning Application Ref:
172/APP/2016/1766

Scale:
1:1,250

Planning Committee:
Central & South

Date:
August 2016



HILLINGDON
 LONDON

Agenda Item 7

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government (Access to Information) Act 1985 as amended.

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government (Access to Information) Act 1985 as amended.

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of the Local Government (Access to Information) Act 1985 as amended.

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Plans for Central & South Applications Planning Committee

Tuesday 9th August
2016



HILLINGDON
LONDON



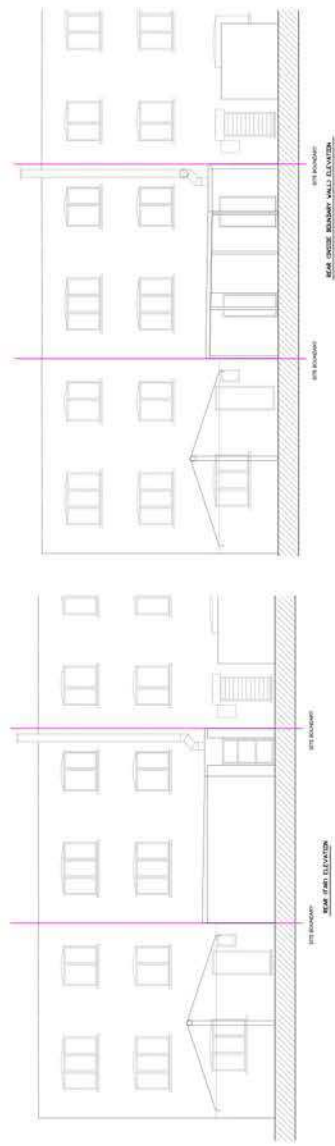
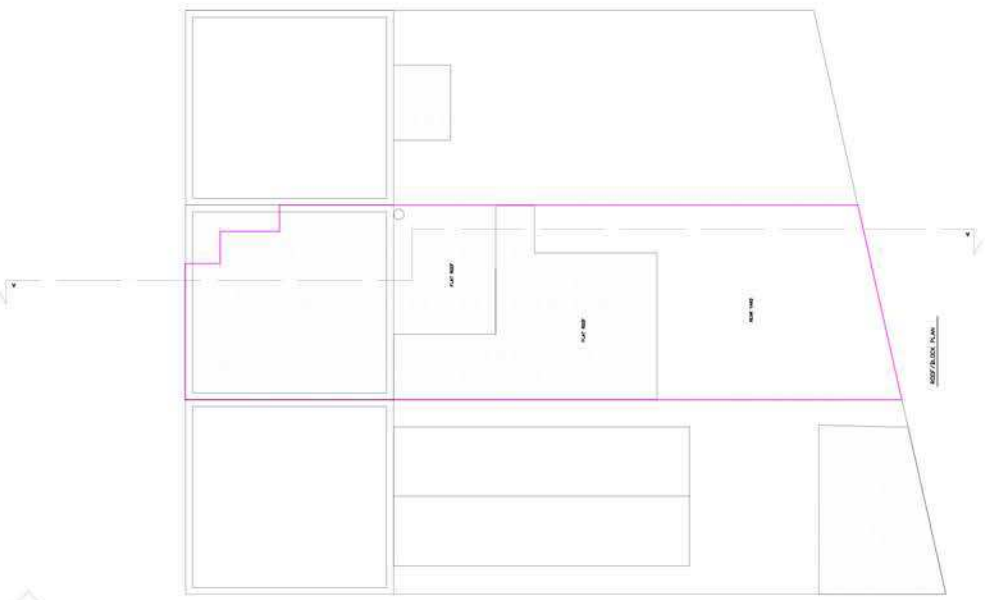
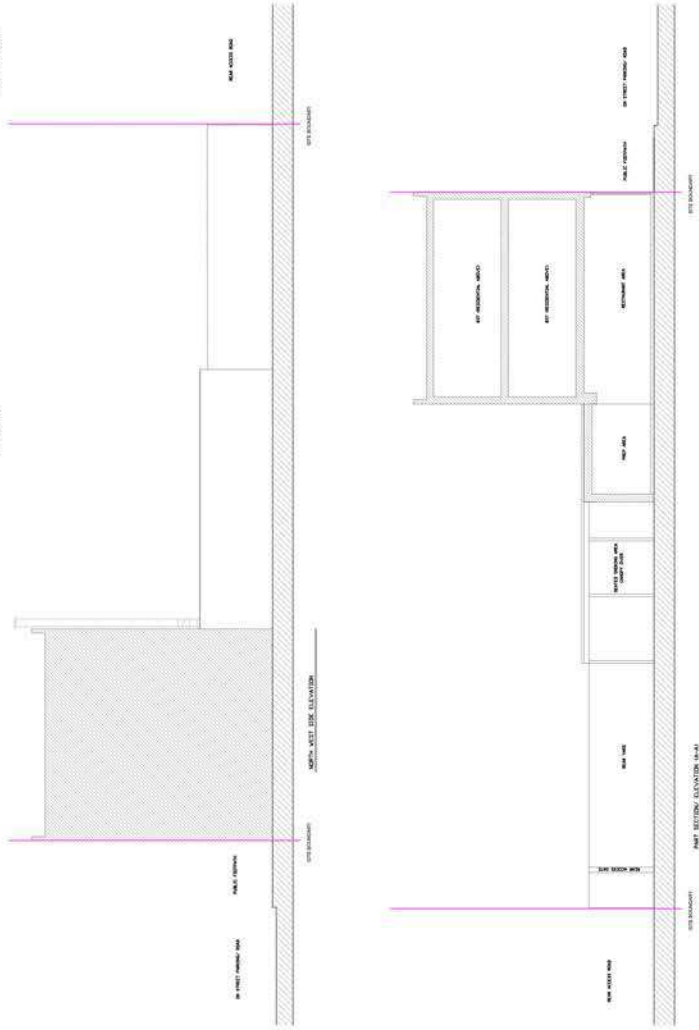
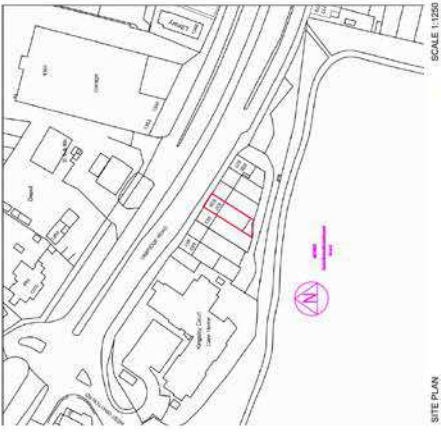
INVESTOR IN PEOPLE

www.hillingdon.gov.uk

Report of the Head of Planning, Sport and Green Spaces

Address 839 UXBRIDGE ROAD HAYES
Development: Extension to rear canopy for use as a Sheesha Lounge (Sui Generis)
attached to existing restaurant (Use Class A3) (Retrospective)
LBH Ref Nos: 71927/APP/2016/2009

Date Plans Received: 26/05/2016 **Date(s) of Amendment(s):**
Date Application Valid: 06/06/2016



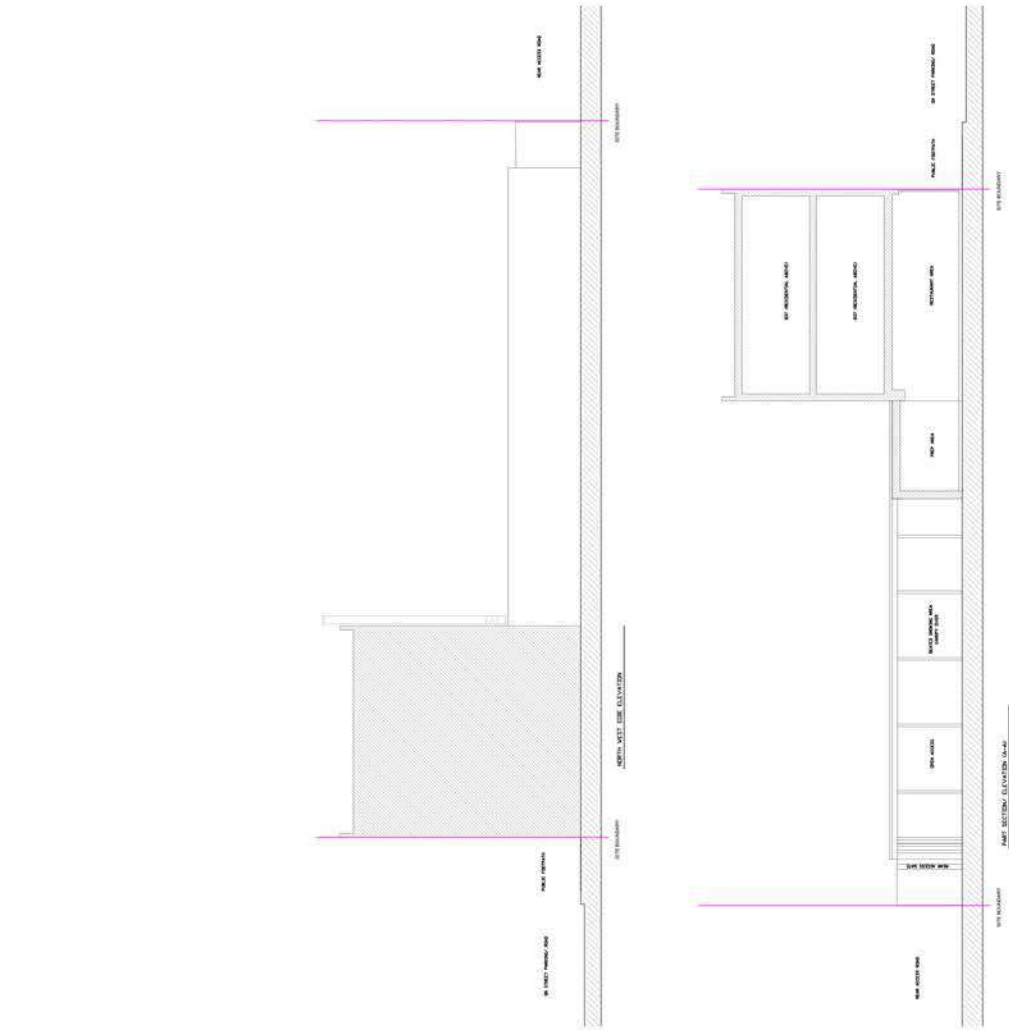
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 PROJECT ADDRESS: [REDACTED]
 CLIENT: [REDACTED]
 PROJECT NO.: [REDACTED]
 DATE: [REDACTED]

DESIGNER INFORMATION

NAME: [REDACTED]
 TITLE: [REDACTED]
 COMPANY: [REDACTED]

PLANNING ISSUE



ARU
Architectural Research Unit

PLANNING ISSUE

PROJECT INFORMATION

CLIENT: [Name]

ADDRESS: [Address]

DATE: [Date]

SCALE: [Scale]

PROJECT NO.: [Number]

REVISIONS:

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APPROVED FOR: [Name]

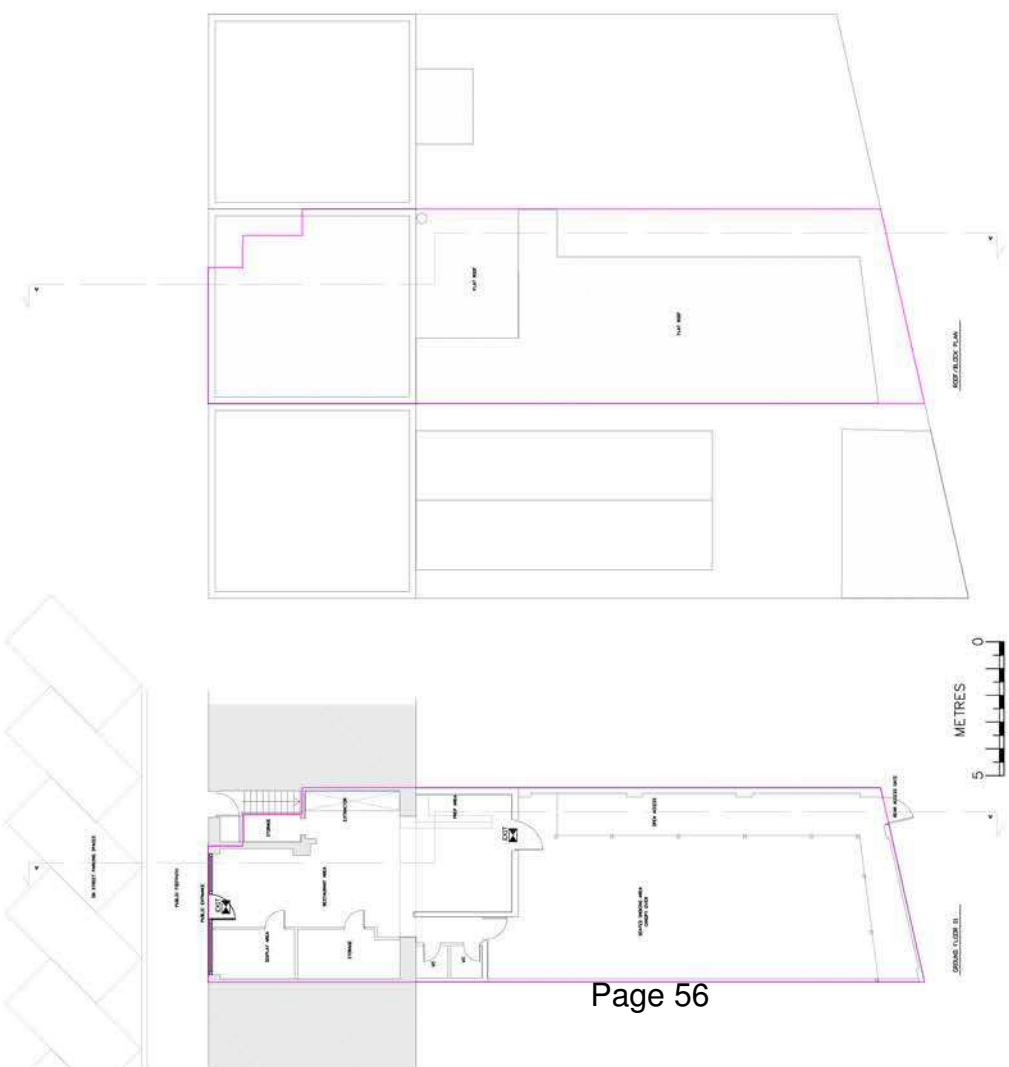
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FOR THE ARCHITECT: [Name]

DATE: [Date]

FOR THE CLIENT: [Name]

DATE: [Date]



ARU
Architectural Research Unit

PLANNING ISSUE

PROJECT INFORMATION

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DATE: [Date]

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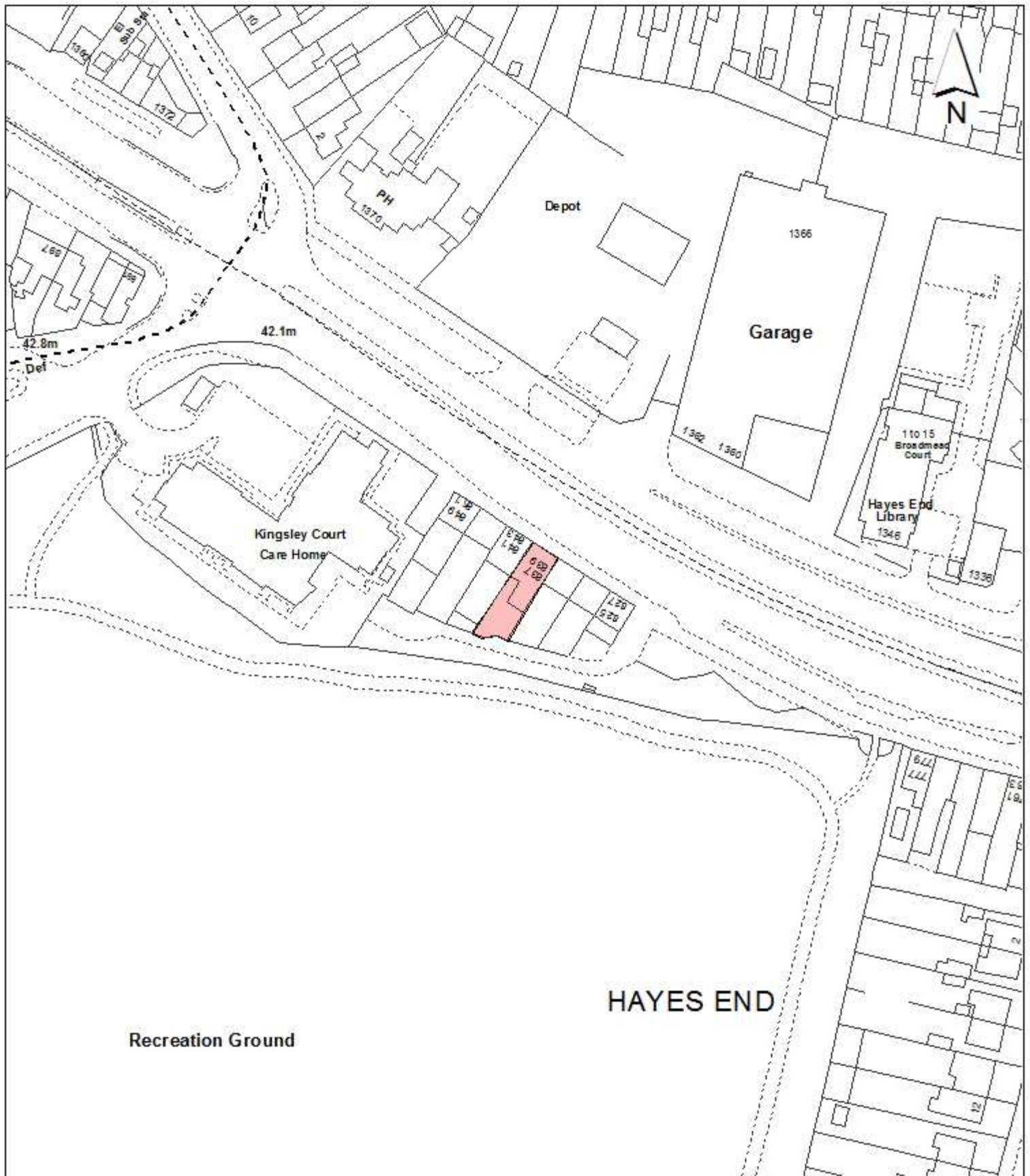
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FOR THE ARCHITECT: [Name]

DATE: [Date]

FOR THE CLIENT: [Name]

DATE: [Date]



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	<p>Planning Application Ref:</p> <p>71927/APP/2016/2009</p>	<p>Scale:</p> <p>1:1,250</p>	
	<p>Planning Committee:</p> <p>Central & South</p>	<p>Date:</p> <p>August 2016</p>	

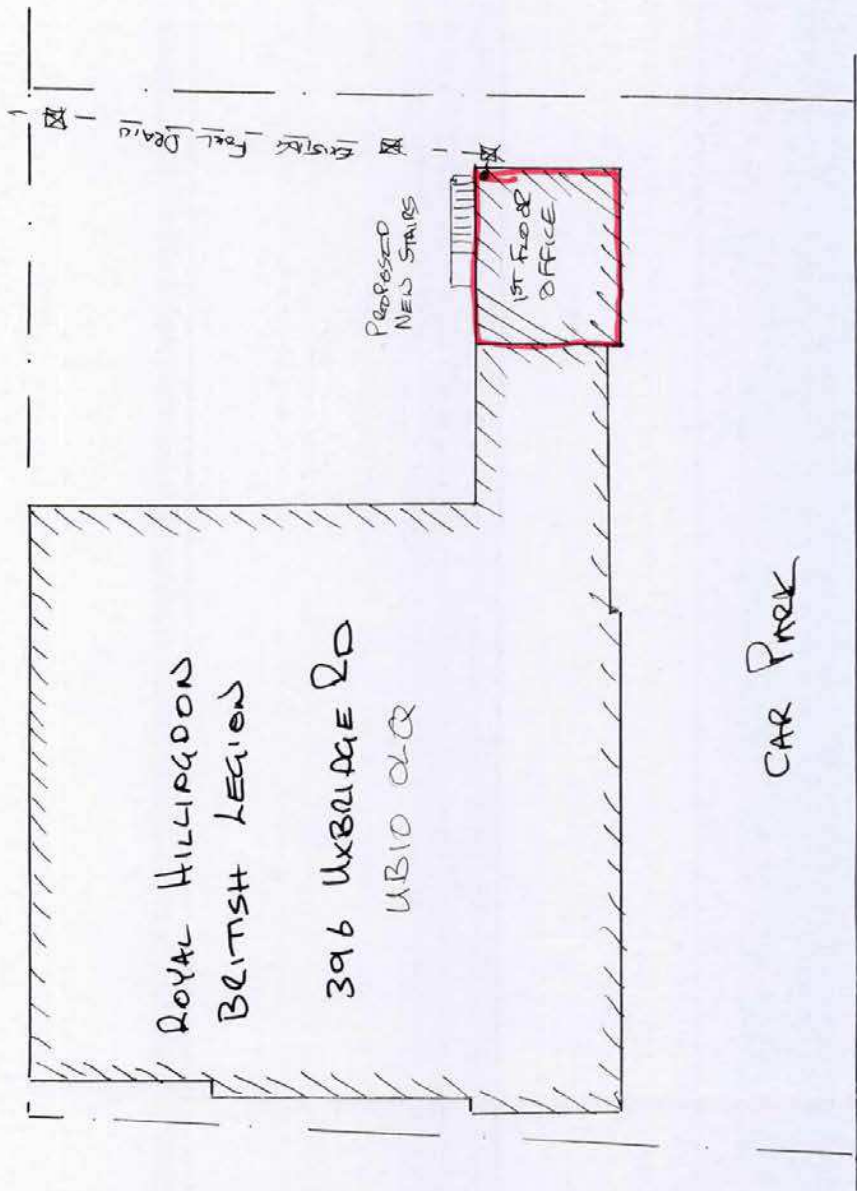
Report of the Head of Planning, Sport and Green Spaces

Address THE ROYAL BRITISH LEGION UXBRIDGE ROAD HILLINGDON
Development: Change of use from offices (Use Class B1) to provide 1 x 1-bed flat (Use Class C3)
LBH Ref Nos: 172/APP/2016/1766

Date Plans Received: 10/05/2016 **Date(s) of Amendment(s):**
Date Application Valid: 02/06/2016

PROPOSED CHANGE USE AT HILLINGDON
 BRITISH LEGIONS
 FIRST FLOOR OFFICE TO FLAT.

1:200

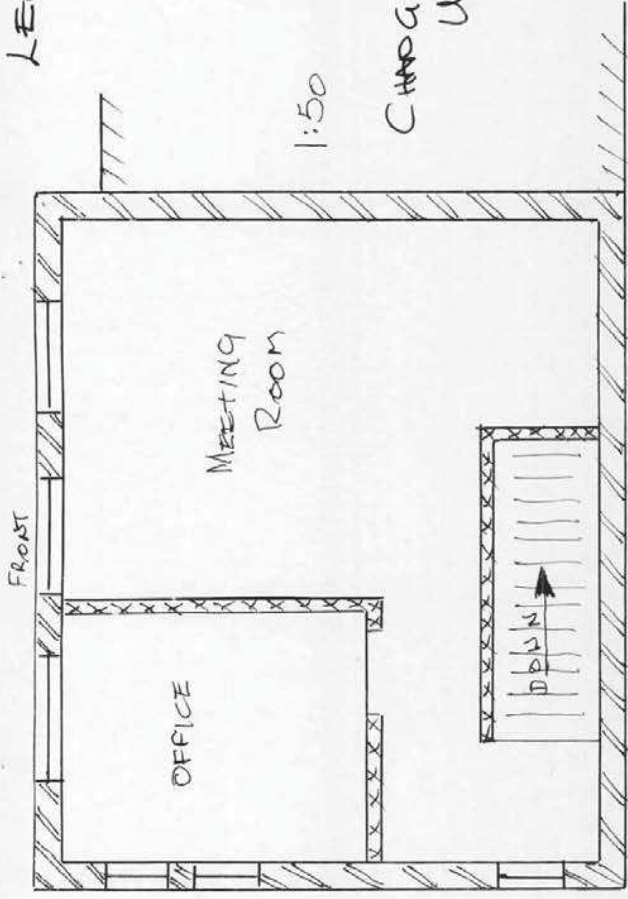


LOCATION 1:1250

London Borough of Hillingdon
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 DRAWING
 Planning Residents Services

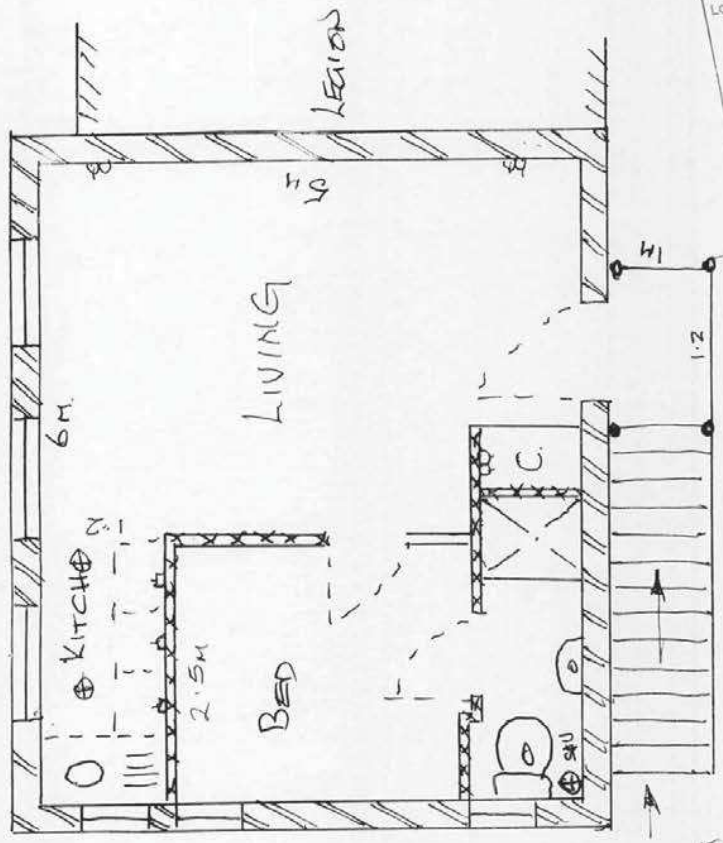
NSG 2 OF 2

PROPOSED 1 BED FLAT HILLINGDON
LEIGTON



EXISTING FIRST FLOOR

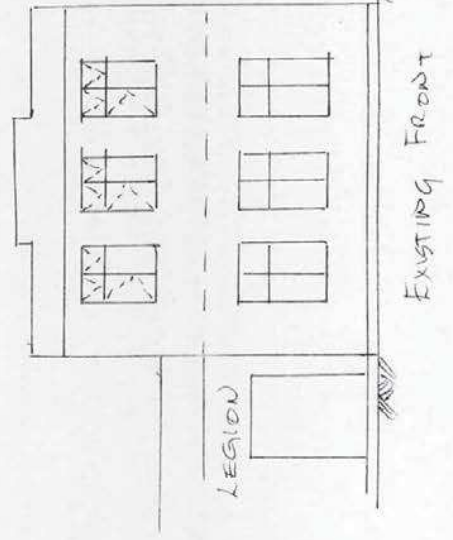
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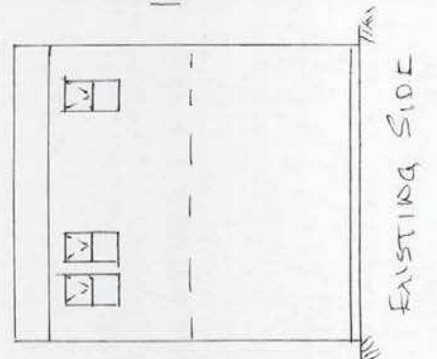
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Total Going 3M

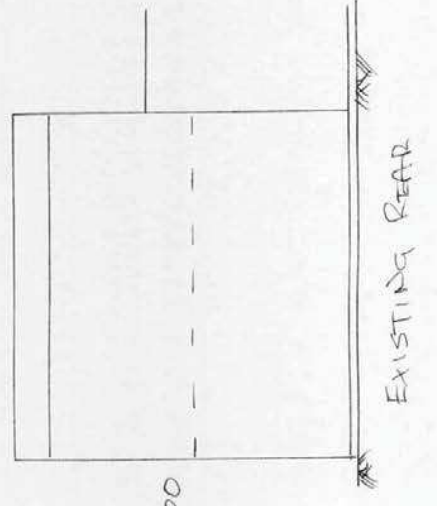
London Borough of Hillingdon
RECEIVED
10 MAY 2015
Planning
Residents Services



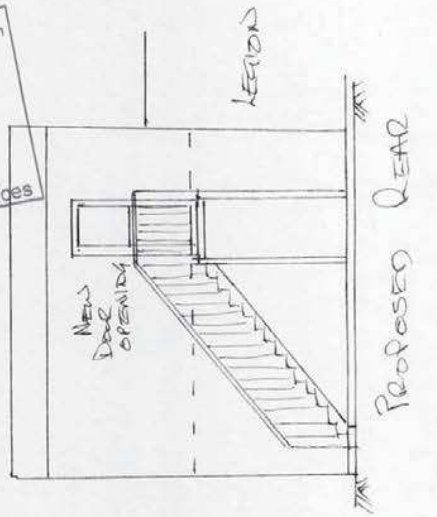
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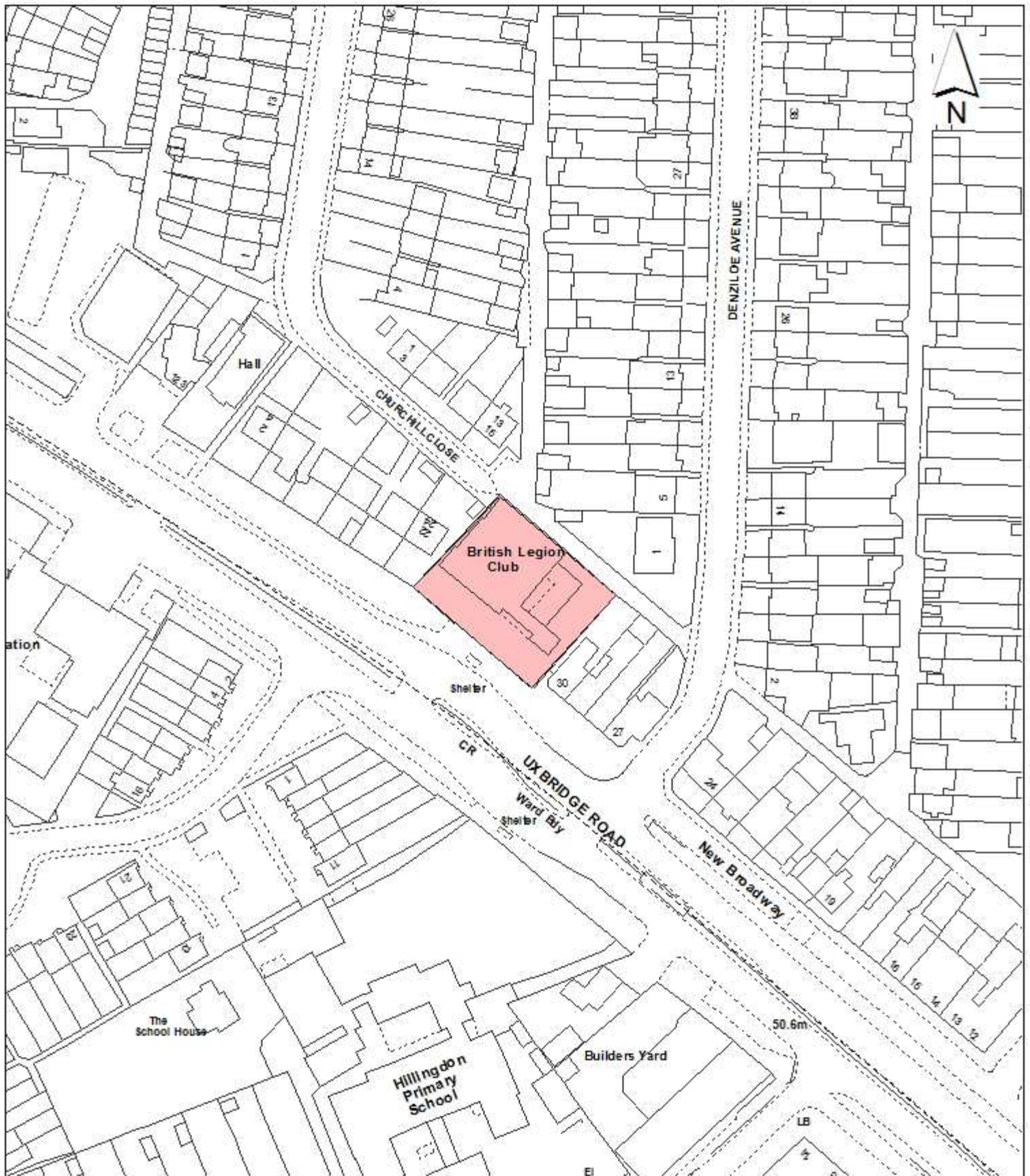
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PROPOSED REAR



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Site Address:

**The Royal British Legion
Uxbridge Road**

Planning Application Ref:

172/APP/2016/1766

Planning Committee:

Central & South

Scale:

1:1,250

Date:

August 2016

**LONDON BOROUGH
OF HILLINGDON**
Residents Services
Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



HILLINGDON
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