



HILLINGDON  
LONDON



# Central & South Planning Committee

**Date:** THURSDAY, 2 MARCH 2017

**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  
Councillor Janet Duncan  
Councillor Manjit Khatra  
Councillor Brian Stead

**Published:** Wednesday, 22 February  
2017

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*Putting our residents first*

Lloyd White  
Head of Democratic Services  
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[www.hillingdon.gov.uk](http://www.hillingdon.gov.uk)

# Useful information for residents and visitors

## *Watching & recording this meeting*

You can watch the public (Part 1) part of this meeting on the Council's YouTube channel, live or archived after the meeting. Residents and the media are also welcome to attend in person, and if they wish, report on the public part of the meeting. Any individual or organisation may record or film proceedings as long as it does not disrupt proceedings.

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

Those attending should be aware that the Council will film and record proceedings for both official record and resident digital engagement in democracy.



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.

When present in the room, silent mode should be enabled for all mobile devices.

## *Travel and parking*

Bus routes 427, U1, U3, U4 and U7 all stop at the Civic Centre. Uxbridge underground station, with the Piccadilly and Metropolitan lines, is a short way away. Limited parking is available at the Civic Centre. For details on availability and how to book parking space, please contact Democratic Service. Please enter from the Council's main reception where you will be directed to the Committee Room.

## *Accessibility*

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## *Emergency procedures*

If there is a FIRE, you will hear a continuous alarm EXIT and assemble on the Civic Centre forecourt. Fire Marshal or Security Officer. In the event of a SECURITY INCIDENT, follow instructions issued via the tannoy, a Fire Marshal or a Security Officer. Those unable to evacuate using the stairs, should make their way to the signed refuge locations.



# A useful guide for those attending Planning Committee meetings

## Security and Safety information

**Fire Alarm** - If there is a FIRE in the building the fire alarm will sound continuously. If there is a SECURITY INCIDENT follow the instructions issued via the tannoy, a Fire Marshall or a Security Officer.

**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

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## Chairman's Announcements

- 1 Apologies for Absence
- 2 Declarations of Interest in matters coming before this meeting
- 3 To sign and receive the minutes of the previous meeting 1 - 8
- 4 Matters that have been notified in advance or urgent
- 5 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 without a Petition

	Address	Ward	Description & Recommendation	Page
6	212 High Street, Harlington -  1373/APP/2016/4087	Heathrow Villages	Proposed change of use from retail (Use Class A1) to Thai Massage Clinic (Use Class D1)  <b>Recommendation: Refusal</b>	9 - 20  73 - 77
7	Highways Verge, Fronting 247 Station Road -  72544/APP/2017/295	Pinkwell	Installation of a 15m high streetworks style telecommunications monopole and ancillary works (Application under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance)  <b>Recommendation: Refusal</b>	<b>REPORT TO FOLLOW</b>  78 - 82



8	2 Hercies Road - 9771/APP/2016/3074	Uxbridge North	Retention of the existing building as a 12 room bed and breakfast hostel, amendment to parking layout and provision of a new crossover (Sui Generis)  <b>Recommendation: Approval</b>	21 - 32 83 - 87
9	2 Castle Avenue - 33995/APP/2016/3713	Yiewsley	Conversion of single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (Sui Generis)  <b>Recommendation: Approval</b>	33 - 50 88 - 91
10	10a High Street - 72203/APP/2016/3394	Yiewsley	Change of use from retail (Use Class A1) and conversion to 2 x 2-bed self contained flats (Use Class C3)  <b>Recommendation: Approval</b>	51 - 64 92 - 96

## **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.

11 Enforcement Report 65 - 72

**PART I - Plans for Central and South Planning Committee** 73 - 96

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# Agenda Item 3

## Minutes



### CENTRAL & South Planning Committee

8 February 2017

Meeting held at Committee Room 5  
Civic Centre, High Street, Uxbridge UB8 1UW

	<p><b>Committee Members Present:</b> Councillors Ian Edwards (Chairman), David Yarrow (Vice-Chairman), Shehryar Ahmad-Wallana, Roy Chamdal, Alan Chapman, Jazz Dhillon, Janet Duncan, Manjit Khatra and Brian Stead</p> <p><b>LBH Officers Present:</b> Meghji Hirani (Planning Contracts &amp; Planning Information), James Rodger (Head of Planning and Enforcement), Syed Shah (Principal Highways Engineer), Nicole Cameron (Legal Advisor) and Anisha Teji (Democratic Services Officer).</p>
189.	<p><b>APOLOGIES FOR ABSENCE</b> (<i>Agenda Item 1</i>)</p> <p>There were no apologies for absence.</p>
190.	<p><b>DECLARATIONS OF INTEREST IN MATTERS COMING BEFORE THIS MEETING</b> (<i>Agenda Item 2</i>)</p> <p>Councillor Dhillon declared interests in respect of agenda items 12, 13 and 15 listed in Part II. Councillor Dhillon confirmed that he would leave the room when these matters were deliberated.</p>
191.	<p><b>TO SIGN AND RECEIVE THE MINUTES OF THE PREVIOUS MEETING</b> (<i>Agenda Item 3</i>)</p> <p>The minutes of the meeting on 18 January 2017 were agreed, subject to specifying a height restriction of 7.8m in part (b) of resolved agenda item 7 (45 Frays Avenue - 24351/APP/20161304).</p>
192.	<p><b>MATTERS THAT HAVE BEEN NOTIFIED IN ADVANCE OR URGENT</b> (<i>Agenda Item 4</i>)</p> <p>None.</p>
193.	<p><b>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</b> (<i>Agenda Item 5</i>)</p> <p>It was confirmed that the agenda items numbered 1 to 11 were Part I and would be considered in public. The agenda items numbered 12 to 16 were Part II and would therefore be heard in private.</p>

194. **114 HARMONDSWORTH ROAD - 52467/APP/2016/3892** (*Agenda Item 6*)

Officers introduced the report and provided an overview of the application. Planning permission was sought for the change of use from a doctor's surgery to a mixed use comprising education/training centre and ancillary video production. Officers explained that the main issue for Members to consider was whether the loss of a surgery was acceptable.

A petition had been submitted in objection of the application. In accordance with the Council's Constitution, the petitioner addressed the meeting and made the following points:

- as Harmondsworth Road was a service road and not a main road, residents were having to park in another road called Great Benty;
- people were coming to use the film studio up until 22:30, seven days a week including bank holidays;
- there had been rubbish outside the site which the petitioner had previously raised as a fire hazard;
- the residents had applied for residents' parking; and
- it was suggested that one way parking may be suitable for the road.

Members discussed the suitability of the change of use and expressed that they were aware of the parking stress in that area. Members discussed whether the reason for refusal was sufficient and whether there should be clarification on operating hours. Members were concerned at the potential loss of this health related site, which in their view was not sufficient for the increasing number of residents within the West Drayton area.

Members asked for clarification around firstly the appropriateness of a refusal reason for parking, and secondly, a refusal reason around the hours of operation.

Officers drew Members' attention to the report which stated that the Highways Officer would have no issues with parking if the hours of use could be limited. Further, the applicant had agreed to a condition limiting the hours of use. The principle of use could not be governed by conditions and this formed the reason for refusal in this application.

Members were concerned about losing the site as a health facility as this was resulting in other issues for local residents in the area.

The Legal Advisor confirmed that officers had presented a strong refusal reason which was likely to be upheld in an appeal. The proposed reasons for refusal such as parking and hours of operation could be overcome by conditions.

Members accepted the legal advice but wished to minute that they were mindful of the parking pressures within the area which could arise from additional people working at the property; the hours of operation; and the concerns being raised by residents. Further, Members noted the offer of restricted hours and welcomed it. Members concluded that these reasons, however, were not sufficient to overcome the fundamental principle of objection which was the loss of a medical health facility.

The officer's commendation for refusal was proposed, seconded and upon being put to the vote, was agreed unanimously.

**RESOLVED: The application was refused as per the officer's**

**recommendation.**

195. **31 BRYONY CLOSE - 72073/APP/2016/2692** (*Agenda Item 7*)

Officers introduced the report, which sought planning permission for the erection of a two storey side and single storey rear extension and demolition of existing out building. The application was recommended for approval. Officers made an amendment to the report and corrected the legal test so that it was clear that conditions were only imposed in exceptional circumstances. In this case, the exceptional circumstance was that the use of an HMO would not be able to comply with parking requirements.

A petitioner spoke in objection to the application and gave a background of events thus far. He made the following points:

- neighbouring properties in Bryony Close were not consulted by a letter dated 26 July 2016 as indicated in the section entitled "Considerations" in the report;
- residents first became aware of the planning application by way of a planning application notice attached to a lamp post on 18 August 2016;
- subsequent to the change of description of the development, a second petition was submitted to the Council and additional concerns were raised about public safety matters including access;
- the property owner had not lived in the property since it was purchased in 2015 and it has always been used as an HMO. The petitioner questioned whether it was legally enforceable that the property would not return to a HMO as it was already being used as a HMO and Hillingdon regulations stated that up to six people could live there;
- health and safety concerns - there were loose and displaced rain water gully covers in the area. There were gas, electrical, water services and heavy traffic movement which presented a potential hazard in that corner of Bryony Close. The petitioner questioned whether suppliers had been consulted on this potential development. There was also a possibility of tarmac skin over the former grass verge of breaking up causing a hazard to residents and restricting access to parking and emergency vehicles;
- access to the planned areas of work would cause problems;
- parking would present serious challenges. Contractors would need to have vehicles parked on site for various reason and there was not enough parking available to satisfy the needs of local residents and also accommodate contractors; and
- the property owners within close vicinity had lived on the road for a significant number of years and most of them were suffering from long terms illnesses or were pensioners. The possibility of the continuation of the dwelling in HMO status and the other concerns raised left the residents concerned and worried over the future.

At the outset of Member discussions, the Chairman placed on the record that the fact that a petition had been raised, and that there were a number of petitioners in attendance, suggested that there was adequate knowledge of the proposed planning. He referred the issue of whether the letters dated 26 July 2016 were sent out to residents to the Head of Planning in order to ensure that this was properly done in the future.

The Legal Advisor explained the enforceability of the condition in relation to an HMO. She advised that the applicant had permitted development rights and did not need to

apply for planning permission to operate a six bed HMO. If this application was approved, the applicant was not entitled to the same permitted development rights as he was entitled to now, namely the ability to have a six bed HMO. With planning permission, once the applicant had started building, condition seven would become enforceable and would need to be complied with. Enforcement procedures could be taken by the Council if any conditions recommended were breached.

In response to matters raised by Members, officers confirmed that:

- the applicant would have to implement the planning permission for condition seven to apply;
- the issues surrounding utilities and the implications whilst the development was being constructed could not be taken into account as they were covered by other legislation outside of the Planning Committee's power;
- if the planning permission was granted and the applicant started building, it could not continue to be an HMO without the applicant coming back and asking for new planning permission;
- the applicant was forfeiting their rights by wanting to extend their property.

A motion for the officer's recommendation was moved, seconded, and upon being put to a vote was unanimously agreed. The application was granted with the grounds that it remained a single dwelling.

**RESOLVED: The application was approved as per the officer's recommendation.**

1 **LAND FORMING PART OF 92 PIELD HEATH ROAD - 12504/APP/2016/4179**  
(Agenda Item 8)

Officers introduced the report and provided an overview of the application. A previous planning application had been made and reasons for refusal were included in the report. The planning application sought permission for a three storey block of flats to provide 3 x studio and 3 x 1 bed units. Officers highlighted the addendum which made an amendment to one of the clauses strengthening the requirement for occupants to not hold a car park permit within the parking management scheme.

Members noted that there was already parking stress in this area.

A Member asked for legal advice and an update about denying residents car parking permits, given the recent test case. The Legal Advisor advised that there had been criticisms of using these types of conditions. However, the planning inspector had been satisfied that the wording used was sufficient to meet the test and that parking constraints were suitable for this site. The planning inspector had referred to the Westminster case in their decision making. A Member expressed disappointment with this and explained that Hillingdon was an outer borough where people were reliant on parking.

Members moved and seconded the officer's recommendation, and upon being put to a vote, there were six votes in favour, one against and one abstention.

**RESOLVED: The application was approved as per the officer's recommendation.**



197.	<p><b>LAND TO THE REAR OF 54 &amp; 56 STAR ROAD - 70020/APP/2016/4467</b> (<i>Agenda Item 9</i>)</p> <p>Officers introduced the report and provided an overview of the application. The application sought planning permission for the erection of a two bed detached bungalow with associated parking and amenity space involving demolition of existing garage block.</p> <p>The officer's recommendation for refusal was moved, seconded, and upon being put to a vote was unanimously agreed.</p> <p><b>RESOLVED: The application was refused as per the officer's recommendation.</b></p>
198.	<p><b>EURO GARAGES, HEATHROW NORTH, SHEPISTON LANE - 17981/APP/2016/3287</b> (<i>Agenda Item 10</i>)</p> <p>Officers introduced the report and provided an overview of the application. The proposal involved the erection of a single storey side extension to a petrol filling station to enhance its retail offer and ancillary customer facilities.</p> <p>The officer recommendation for approval was moved, seconded, and upon being put to a vote was unanimously agreed.</p> <p><b>RESOLVED: The application was approved as per the officer's recommendation</b></p>
199.	<p><b>17 MAYLANDS DRIVE - 65665/APP/2016/3230</b> (<i>Agenda Item 11</i>)</p> <p>Officers introduced the report and provided an overview of the application. The application sought planning permission for the erection of boundary fencing, a single storey outbuilding, play space use and stepped access to rear garden.</p> <p>Members asked whether the planning permission would cover the ability to have showers etc. The officer clarified that there were conditions attached to the planning permission application and the planning drawings indicated no such facilities. If the application was granted, it would need to be carried out in accordance with any conditions.</p> <p>The officer's recommendation for approval was moved, seconded, and upon being put to a vote was unanimously agreed.</p> <p><b>RESOLVED: The application was approved as per the officer's recommendation.</b></p>
201.	<p><b>ENFORCEMENT REPORT</b> (<i>Agenda Item 12</i>)</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That the enforcement action as recommended in the officer's report was agreed.</li> <li>2. That the Committee resolved to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of</li> </ol>

	<p><b>issuing the formal breach of condition notice to the individual concerned.</b></p> <p><i>This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</i></p>
202.	<p><b>ENFORCEMENT REPORT (Agenda Item 13)</b></p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li><b>1. That the enforcement action as recommended in the officer’s report was agreed.</b></li> <li><b>2. That the Committee resolved to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.</b></li> </ol> <p><i>This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</i></p>
203.	<p><b>ENFORCEMENT REPORT (Agenda Item 14)</b></p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li><b>1. That the enforcement action as recommended in the officer’s report was agreed.</b></li> <li><b>2. That the Committee resolved to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.</b></li> </ol> <p><i>This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</i></p>

204.	<p><b>ENFORCEMENT REPORT</b> (<i>Agenda Item 15</i>)</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li><b>1. That the enforcement action as recommended in the officer's report was agreed.</b></li> <li><b>2. That the Committee resolved to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.</b></li> </ol> <p><i>This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</i></p>
205.	<p><b>ENFORCEMENT REPORT</b> (<i>Agenda Item 16</i>)</p> <p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li><b>1. That the enforcement action as recommended in the officer's report was agreed.</b></li> <li><b>2. That the Committee resolved to release their decision and the reasons for it outlined in this report into the public domain, solely for the purposes of issuing the formal breach of condition notice to the individual concerned.</b></li> </ol> <p><i>This item is included in Part II as it contains information which a) is likely to reveal the identity of an individual and b) contains information which reveals that the authority proposes to give, under an enactment, a notice under or by virtue of which requirements are imposed on a person. The authority believes that the public interest in withholding the Information outweighs the public interest in disclosing it (exempt information under paragraphs 2 and 6(a) of Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 as amended).</i></p>
	<p>The meeting, which commenced at 7.00 pm, closed at 8.29 pm.</p>

These are the minutes of the above meeting. For more information on any of the resolutions please contact Anisha Teji on 01895 277655. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

**The public part of this meeting was filmed live on the Council's YouTube Channel to increase transparency in decision-making, however these minutes remain the official and definitive record of proceedings.**

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## Report of the Head of Planning, Sport and Green Spaces

**Address** 212 HIGH STREET HARLINGTON

**Development:** Proposed change of use from retail (Use Class A1) to Thai Massage Clinic (Use Class D1)

**LBH Ref Nos:** 1373/APP/2016/4087

**Drawing Nos:** A3085-01  
Location Plan (1:1250)

**Date Plans Received:** 08/11/2016

**Date(s) of Amendment(s):**

**Date Application Valid:** 14/11/2016

### 1. SUMMARY

Planning permission is sought for a change of use from change of use from retail (Use Class A1) to Thai Massage Clinic (Use Class D1). The application property is located within a Core Shopping Area and is also in the Harlington Village Conservation Area.

Whilst the proposed change of use would not cause harm to the character and appearance of the street scene and the surrounding Harlington Village Conservation Area or cause harm to residential amenity, there is an objection in principle to the loss of the retail use. The change of use of the unit would undermine the retail function of this core shopping area, contrary to Policy S9 of the Hillingdon Local Plan - Part Two, Saved Policies (November 2012).

The application is therefore recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposal by reason of the loss of a retail unit would erode the retail function and attractiveness of the Harlington Core shopping Area, harming its vitality and viability. The proposal is therefore contrary to Policy S9 of the Hillingdon Local Plan: Part Two - Saved UDP 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 (March 2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
S9	Change of use of shops in Local Centres
NPPF1	NPPF - Delivering sustainable development
NPPF2	NPPF - Ensuring the vitality of town centres

### **3 159 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 (2016). 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.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site comprises a vacant shop unit located within a parade of shops on the western side of High Street, Harlington which lies within a Core Shopping Area. The property is one of 11 three-storey commercial units with maisonettes above behind a service road to the west of the High Street. The opposite side of High Street contains residential properties of mixed styles including a block of flats with a public house on the corner of Cranford Lane. The centre has a pharmacy, small supermarket, two estate agents, a vacant shop, fried chicken take-away, gearbox specialist, convenience store and dry cleaners. The site is located within the Harlington Village Conservation Area and an Archaeological Priority Area as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

### **3.2 Proposed Scheme**

Planning permission is sought for a change of use from retail (Use Class A1) to Thai Massage Clinic (Use Class D1).

### **3.3 Relevant Planning History**

1373/APP/2001/267      212 High Street Harlington



CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (RESTAURANT)

**Decision:** 15-03-2001 Refused **Appeal:** 04-12-2001 Dismissed

1373/APP/2014/1047 212 High Street Harlington

Change of use from retail (Use Class A1) (Shops) to hot food takeaway (Use Class A5) involving installation of extract flue to rear

**Decision:** 23-07-2014 Refused

1373/APP/2014/1575 212 High Street Harlington

Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) involving installation of extract flue to rear

**Decision:** 23-07-2014 Withdrawn

1373/APP/2015/1184 212 High Street Harlington

PROPERTY IS A GROUND FLOOR SHOP IN USE AS A FISH & CHIP RESTAURANT

**Decision:** 12-05-2015 NFA

1373/APP/2015/236 212 High Street Harlington

Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5) involving alterations to front elevations

**Decision:** 02-04-2015 Refused

1373/B/95/0016 212 High Street Harlington

Change of use from Class A1 (Retail) to Class A3 (takeaway)

**Decision:** 15-03-1995 Refused

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

The application site has been subject to an enforcement investigation in regards to the unauthorised change of use from a retail unit (Use Class A1) to a hot food takeaway (Use Class A5). An Enforcement Notice was served in July 2015 and required the use of the premises as an A5 Hot Food Takeaway to cease.

An appeal against the Enforcement Notice (Planning Inspectorate ref: APP/R5510/C/15/3132397) was dismissed in April 2016 as the Inspector considered that it had not been demonstrated that the change of use from A1 to A5 use would not harm the vitality and viability of the Harlington Core Shopping Area. The Inspector was also not satisfied that the A5 take-away use operated without harming to the living conditions of the occupiers of adjacent premises by causing cooking smells and odour.

Following the appeal determination, the use of the premises as a Hot Food Takeaway

ceased in September 2016 and the unit is now vacant.

#### **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

PT1.HE1 (2012) Heritage

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE4 New development within or on the fringes of conservation areas

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.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

S9 Change of use of shops in Local Centres

NPPF1 NPPF - Delivering sustainable development

NPPF2 NPPF - Ensuring the vitality of town centres

#### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

Consultation letters were sent to 7 local owners/occupiers and a site notice was displayed. One response was received objecting on the following grounds:

- i) Already two massage salons in the High Street
- ii) Parking is an issue
- iii) No information on opening hours

Harlington Village Residents Association: No response was received.

Harlington Conservation Area Advisory Panel:

Despite the assertion in this application, we do not believe that planning permission has been

granted for the change of use to a hot food takeaway. The parade of shops of which this property is part is intended to provide a range of goods and services to meet local requirements. We are doubtful that there is sufficient demand for a Thai massage parlour so, were it to be approved, the business would only be successful if most of its clientele came from further away. Although it is well served by bus routes we suspect many customers would arrive by car, exacerbating the already difficult parking. We would like to see the property occupied by a thriving business but are not convinced that the proposed use is likely to be successful. We hope that a more appropriate use will be found.

Officer comments: In regards to the use of the property, the unauthorised A5 use has now ceased; as the authorised use of the unit is A1, the application description has been amended to reflect the authorised A1 use.

### **Internal Consultees**

Conservation Officer: No design comments are forwarded on this application.

Environmental Protection Unit: No objection to the planning application. Please add the control of environmental nuisance from construction work informative.

## **7. MAIN PLANNING ISSUES**

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

Policy S9 of the Hillingdon Local plan - Part Two, Saved Policies (November 2012) states that in Local Centres, which includes Harlington, the Local Planning Authority will only grant planning permission for changes of use from Class A1 Shops outside the Core Shopping Areas. The application site is located within the Core Shopping Area of Harlington and thus the proposal is unacceptable in principle.

There are 11 retail units on the Parade and all are occupied. The range of shops within the Parade are typical of providing for the essential every day needs of the local community. There is one other hot food take-away (Harleys Chicken Shop, granted planning permission on appeal in July 2008 (Ref 24726/APP/2007/3230).

Shopping Policy S9 does not allow changes of use from A1 to other uses in local shopping centres. However, the Inspector when allowing the appeal at Harleys Chicken Shop stated:

"The loss of A1 would conflict with Policy S9, however, I found that the centre would retain the base range of essential shops and this conflict (with S9) is outweighed by granting permission for a use that could prove beneficial and accessible to the local community."

However, in considering the principle of the loss of retail in relation to this particular unit, the Inspector, in the appeal against the enforcement notice stated the following:

"5. Policy S9 of the Hillingdon Local Plan Part Two - Saved Policies (Nov 2012) indicates that planning permission will only be granted for the change of use from Class A1 shops to other uses outside of the defined Core Shopping Area of Harlington. The appeal site lies in the designated Core Shopping Area therefore there is a presumption in the development plan against the proposal.

6. Both parties also refer to an appeal decision made in 2008 which relates to a proposal to change the use of another shop in the frontage to a fast food takeaway. Here the Inspector concluded that the conflict with the same saved policy was outweighed by his view that the centre would still retain the base range of essential shops and that a takeaway use could prove beneficial and accessible to the local community. The Inspector specifically noted that at that time there was no other A3 or A5 use in the centre, which he said was unusual

for a centre of this size. I noted at my site visit that the use allowed, a fried chicken take-away, now exists.

7. I also noted at the site visit that there was a range of shops and other commercial premises in the centre as described in paragraph 4 of the appellants statement, and there were no vacant shop premises although the pub opposite the site appeared to be closed.

8. The appellant provides evidence that the shop previously existing at the appeal site was empty between January 2012 and October 2014, when it was bought by the current occupiers, but was actively marketed as a shop in this period leading up to the sale but with no success.

9. Bringing all of these aspects together with my observations at the site visit, it appears to me that the commercial centre of the village is relatively small and currently has a reasonable mixture of retail, commercial and take-away food uses. There were no current signs of a decline in the vitality or viability of the centre, such as demonstrated by vacant units, notwithstanding the appellant's reference to the LB Hillingdon Convenience Goods Retail Study Update 2012 which advises that between 2004 and 2011 there was a reduction of 38% in Harlington centre use floorspace.

10. On balance I conclude on this issue that the loss of a further shop use could have a material effect on the balance of retail and non-retail units and it has not been demonstrated that the change of use to A5 use would not harm the vitality and viability of the centre. On this basis I find that the loss of a further A1 use in conflict with Policy S9 has not been justified to the extent that the policy is outweighed."

This decision was made on the 1st April 2016 and the situation has not changed so dramatically such that the Inspectors conclusions would not now apply. The principle of the loss of retail use is therefore considered unacceptable and contrary to Policy S9 of the Hillingdon Local Plan Part Two - Saved 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**

The application site is located within the Harlington Village Conservation Area. Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that new developments should retain or enhance the character and appearance of Conservation Areas and those features which contribute to the special architectural qualities.

The Council's Conservation Officer has assessed the application and raises no objection to the change of use. It is therefore considered that the proposed change of use would not impact on the character and appearance of the Harlington Village Conservation Area, and so would comply with Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **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)

requires developments to harmonise with the existing street scene and other features of the area that are considered desirable to retain or enhance, whilst Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) require alterations and extensions to harmonise with the scale, form, architectural composition and proportions of the original building.

The proposed D1 use as a Thai Massage Clinic would not significantly change the character and appearance of the unit within the parade and so would not cause harm to the street scene. It is therefore considered that the proposed change of use from Use Class A1 to Use Class D1 complies with Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that uses that would become detrimental to the amenity of the adjoining occupiers or surrounding area would not be approved. Policy OE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires measures to be undertaken to alleviate potential disturbance where a development is acceptable in principle.

The application property is located within a parade of shops within the Core Shopping Area of Harlington. The Council's Environmental Protection Unit has assessed the application and raises no objection to the proposed change of use in terms of potential noise and disturbance, or opening hours. The proposed change of use would therefore be acceptable in regards to its impact on neighbours and would comply with Policies OE1 and OE5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Not applicable to this application.

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

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP 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 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

The proposal would not provide any off-street car or cycle parking. The scheme is considered to not result in any adverse impact on traffic, pedestrian safety or car parking provision given its location within a parade of shops and the adequate short term parking provision within the surrounding area. It is therefore considered that the proposed change of use complies with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

Urban design:  
See Section 7.03 of this report.

Access and security:  
The proposed change of use from A1 to D1 use would not impact on the existing access and security arrangements.

#### **7.12 Disabled access**

There would be no change to the existing entrance to the property which provides level access to the building, and so there would not be an issue in regards to accessibility.

**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**

See Section 7.08 of this report.

**7.19 Comments on Public Consultations**

One response was received during the public consultation. Issues relating to the use of the property, parking and opening hours have been discussed elsewhere in this report.

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

The application property is currently vacant following compliance with the Planning Enforcement Notice, served in July 2015, after the dismissal of an appeal against the Enforcement Notice (Planning Inspectorate ref: APP/R5510/C/15/3132397) in April 2016.

**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**

Planning permission is sought for a change of use from change of use from retail (Use Class A1) to Thai Massage Clinic (Use Class D1). The application property is located within a Core Shopping Area and is also in the Harlington Village Conservation Area.

Whilst the proposed change of use would not cause harm to the character and appearance of the street scene and the surrounding Harlington Village Conservation Area or cause harm to residential amenity, there is an objection in principle to the loss of the retail use. The change of use of the unit would undermine the retail function of this core shopping area, contrary to Policy S9 of the Hillingdon Local Plan - Part Two, Saved Policies (November 2012).

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)  
National Planning Policy Framework

**Contact Officer:** Katherine Mills

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
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Site Address:

**212 High Street  
 Harlington**

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

Planning Application Ref:  
**1373/APP/2016/4087**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**  
 Page 19

Date:  
**March 2017**



**HILLINGDON**  
 LONDON

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## Report of the Head of Planning, Sport and Green Spaces

**Address** 2 HERCIES ROAD HILLINGDON

**Development:** Retention of the existing building as a 12 room bed and breakfast hostel (Sui Generis), amendment to parking layout and provision of a new crossover

**LBH Ref Nos:** 9771/APP/2016/3074

**Drawing Nos:** 5 October 2015 - 4853 Design & Access Statement  
4853-I  
4853-iv  
4853-2

**Date Plans Received:** 11/08/2016      **Date(s) of Amendment(s):** 11/08/2016

**Date Application Valid:** 15/08/2016

### 1. **SUMMARY**

This application seeks to formalise the retention of the existing building as a 12 room bed and breakfast. The site has been in use as a hostel since 2001. A site visit and desktop research confirms that the premise is currently in use as a hostel/bed and breakfast.

The closest residential dwellings is approximately 32m to the south and due to its siting on Hercies Road, the use does not have an impact on the amenity of neighbouring residents. Sufficient parking is provided on site. Having considered the facts and the planning history relating to the site, the proposed retention is considered to be acceptable.

### 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

#### 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 be retained in complete accordance with the details shown on the submitted plan, number 4853-2 and shall thereafter be retained and maintained for as long as the site remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

#### 3      RES9      **Landscaping (car parking & refuse/cycle storage)**

Notwithstanding the submitted plans, within 3 months of the date of this decision a scheme for the means of enclosure/boundary treatments for the site including a dwarf wall/fence to the frontage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out within 3 months of the date of



approval of the details and maintained in full accordance with the approved details thereafter.

**REASON**

To ensure that the proposed development will enhance the visual amenities of the locality in compliance with policies BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**4 NONSC Non Standard Condition**

Notwithstanding the submitted plans, within 3 months of the date of this decision a scheme of improvement to ensure wheelchair accessibility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out within 3 months of the date of approval of the details and maintained in full accordance with the approved details thereafter.

**REASON**

To ensure that the needs of disabled and elderly people is met in accordance with London Plan (2016) Policy 7.2.

**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) 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

- |      |  |
|------|--|
| AM11 | Improvement in facilities and promotion of safety and security at bus and rail interchanges; use of planning agreements to secure improvement in public transport services   |
| AM13 | AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -<br>(i) Dial-a-ride and mobility bus services<br>(ii) Shopmobility schemes<br>(iii) Convenient parking spaces<br>(iv) Design of road, footway, parking and pedestrian and street furniture schemes |
| AM14 | New development and car parking standards.   |
| AM7  | Consideration of traffic generated by proposed developments.   |
| OE1  | Protection of the character and amenities of surrounding properties and the local area   |
| T4   | Hotels, guest houses and other tourist accommodation - location, amenity and parking requirements  |



### **3 159 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 (2016). 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.

### **4 147 Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site is located on the north side of Hercies Road, opposite the junction of Hercies Road and Auriol Drive. The site is bounded to the north by Western Avenue (A437). To the east of the site is a small area of open land. To the west of the site is an electrical substation.

The area contains a mix of commercial, retail and residential uses. The site is at the end of a street frontage which contains a range of building types and heights.

### **3.2 Proposed Scheme**

This application seeks consent for the retention of the existing building in use as a 12 room bed and breakfast hostel.

The planning history for the site is summarised in the following section of the report. There have been a number of applications for the use of the building as a hotel including extensions to the building to enclose the existing external stairs and add further floors.

This application differs from those considered previously as it does not involve any external alterations to the building. The number of bedrooms to be provided within the building has also decreased from previous schemes (19, 18 and 15 bedroom hotels have been sought previously). 12 bedrooms are proposed within this application, and there are no separate self contained units.

### **3.3 Relevant Planning History**

9771/APP/2001/2369 2 Hercies Road Hillingdon  
ERECTION OF A FIRST FLOOR EXTENSION

**Decision:** 21-01-2002 Approved

9771/APP/2002/2536 2 Hercies Road Hillingdon  
CHANGE OF USE OF GROUND FLOOR FROM RESTAURANT TO BED AND BREAKFAST  
ACCOMMODATION

**Decision:** 09-02-2004 NFA

9771/APP/2004/2405 2 Hercies Road Hillingdon  
ERECTION OF AN ADDITIONAL FLOOR AND CHANGE OF USE FROM C3 (DWELLINGS) TO  
C1 (HOTEL) TO PROVIDE FOR AN 18-BEDROOM HOTEL AND 1 x ONE-BEDROOM SELF-  
CONTAINED FLAT WITH ASSOCIATED PARKING

**Decision:** 19-10-2004 Refused **Appeal:** 26-04-2005 Dismissed

9771/APP/2009/1798 2 Hercies Road Hillingdon  
Change of use of building from Class C3 (Residential) to Class C1 (Hotels and halls of residence)  
for use as 19-bedroom hotel, including a new second floor with habitable roofspace and to retain  
existing one-bedroom flat on first floor.

**Decision:** 22-10-2009 Refused

9771/APP/2010/274 2 Hercies Road Hillingdon  
Change of use of building from Class C3 (Residential) to Class C1 (Hotels) for use as 15-bedroom  
hotel, including a new second floor with habitable roofspace and alterations to existing one-  
bedroom flat to form a two-bedroom flat and proposed additional two-bedroom flat within existing  
development.

**Decision:** 09-11-2010 Refused

9771/APP/2011/574 2 Hercies Road Hillingdon  
CHANGE OF USE FROM CLASS C3 TO CLASS C1, INCLUDING A NEW SECOND FLOOR  
WITH HABITABLE ROOF SPACE. HABITABLE ROOFSPACE TO BE CONVERTED INTO 2  
STUDIO FLATS.

**Decision:** 09-11-2012 NFA

9771/M/99/0935 Royal Tandori, 2 Hercies Road Hillingdon  
ERECTION OF SECOND FLOOR TO BUILDING WITH PITCHED ROOF OVER TO INCLUDE  
THREE HALF DORMERS AND CHANGE OF USE OF FIRST FLOOR BEDSIT  
ACCOMMODATION (SUI GENERIS) TO PROVIDE FOUR TWO-BEDROOM FLATS (CLASS C  
AND ANCILLARY STORAGE SPACE FOR THE RESTAURANT (CLASS A3) AND ERECTION  
OF SINGLE AND TWO STOREY REAR EXTENSIONS AND EXTERNAL STAIRCASE

TOGETHER WITH ASSOCIATED CAR PARKING

**Decision:** 04-07-2001    Approved

**Comment on Relevant Planning History**

Planning permission was issued in 2001 (9771/APP/199/0935) for the change of the use of the premises to create 4 x 2 bedroom flats and a restaurant at ground floor level.

Planning permission was granted in 2002 (9771/APP/2001/2369) for the erection of a first floor extension to the building.

Planning permission was refused in 2004 (9771/APP/2004/2405 dated 19/10/2004) for the erection of an additional floor and change of use from class C3 (residential) to C1 (hotel) to provide for an 18 bedroom hotel and 1 x one-bedroom self-contained flat with associated parking.

The 2004 scheme was refused for the following reasons:

1. The proposed change of use from Class C3 (Residential) to Class C1 (Hotel) would result in a loss of residential accommodation, which cannot be replaced within the boundary of the site. The proposal is therefore contrary to Policy H2 of the Borough's Unitary Development Plan.
2. The proposed dormer windows, by reason of their size and siting, would be overly dominant and detrimental to the form of the proposed roof, adversely affecting the visual amenities of the application property and the surrounding area. The proposal is therefore contrary to policies BE15 and BE19 of the Borough's Unitary Development Plan.

The applicant appealed the decision to the Secretary of State (APP/R5510/A/04/1168818 dated 26 April 2005). The Inspector considered that the proposed alterations and additions (including the dormer windows) were acceptable, but that the loss of residential accommodation was unacceptable. The appeal was dismissed.

In September 2009 an application (9771/APP/2009/1798) was submitted to the Council seeking permission to change the use of the premises from Class C3 residential to a 19 bedroom Class C1 Hotel. The built form of that scheme was almost identical to that considered acceptable by the planning inspectorate in 2005 (APP/R5510/A/04/1168818 dated 26 April 2005). This scheme was refused.

The Planning Officer's report noted that given the planning history on the site, no objection was raised to the built form. However the proposed change of use would result in the loss of residential accommodation and as such that scheme was contrary to policies H2 and H3 of the Hillingdon Unitary Development Plan Saved Policies 2007. The scheme was refused for the following reason:

1. The proposed change of use from Class C3 (Residential) to Class C1 (Hotel) would result in a loss of residential accommodation, which cannot be replaced within the boundary of the site. The proposal is therefore contrary to Policies H2 and H3 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

Application 9771/APP/2010/274 sought consent to carry out alterations and additions to the existing building and to change the use of the premises to create 15 hotel rooms and two x 2 bed flats and retention of the ground level restaurant.

This application was refused for the following reasons:

1. The proximity of the rear external stairway (providing access to the upper levels) to habitable room windows would result in an unacceptable loss of privacy for future occupiers of the northern most first floor residential flat. The proposal is therefore contrary to Policy BE24 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and the HDAS Supplementary Planning Document: Residential Layouts, July 2006.
2. The proposal, by reason of the failure to provide any external amenity space for the two flats, when considered in conjunction with the use of the building as a hotel and its location at a busy road junction, would create a substandard living environment for future occupiers contrary to the aims of Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's HDAS (SPD): 'Residential Layouts'.
3. The proposed development, by reason of the lack of sufficient car parking facilities for people with disabilities; the small size, inadequate layout and design of the ground floor hotel rooms; the inadequate access arrangements into the ground floor restaurant and overall failure to design a development which is accessible and inclusive results in a development which is contrary to the Local Development Framework Accessible Hillingdon Supplementary Planning Document and Policies 3A.17, 4B.1 and 4B.5 of the London Plan (February 2008).

#### ENFORCEMENT HISTORY:

There is an extensive enforcement history associated with the site.

ENF 337/10 - Investigations were carried out into the alleged change of use of the property to a C1 (hostel/hotel). Following the unsuccessful planning applications to retain the use of the building as such, the Council served an Enforcement Notice on the 21st February 2011. The breach of planning control was the unauthorised conversion of the building on the first and part of the ground floor to a Class C1 (hotels, boarding and guest house) property, without planning permission. The notice required the applicant to cease the use of the site for such and reinstate the first floor back into Class C3 use 2 x 2 bedroom flats and the entire ground floor into a Class A3 (restaurant).

This notice was heard at appeal and upheld by the Inspector, with two variations to the notice. The first was an alteration to the time frame for implementation. The second removed the requirement for the building to be reinstated as a C3 (dwellinghouse) use at first floor and A3 (restaurant) use at ground floor. The notice was therefore varied by the Inspector, requiring the applicant to restore the building to its condition before the breach took place.

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

##### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

- AM11 Improvement in facilities and promotion of safety and security at bus and rail interchanges; use of planning agreements to secure improvement in public transport services
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -  
(i) Dial-a-ride and mobility bus services  
(ii) Shopmobility schemes  
(iii) Convenient parking spaces  
(iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- AM7 Consideration of traffic generated by proposed developments.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- T4 Hotels, guest houses and other tourist accommodation - location, amenity and parking requirements

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

7 neighbouring properties, were consulted by letter dated 18-08-2016 and a site notice was displayed on 22-08-16. No comments received.

A petition in support with 24 signatures was submitted with the application, however, only one of the signatories is a resident of the borough.

TfL: No objection.

### **Internal Consultees**

Highways Officer:

Since TfL has no objections to the location of the crossover, I have no further comments to make and am happy with the proposed location of the crossover.

## **7. MAIN PLANNING ISSUES**

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

There is extensive planning and enforcement history at this site dating back to 2002. This section of the report will objectively assess the facts in order to establish whether the retention of the hostel/bed and breakfast (use class sui generis) is considered acceptable.

In 2004 planning permission was refused for the erection of an additional floor and for the

change of use from residential (use class C3) to hotel (use class C1) to provide 18no. flats and 1no. self contained flat. The key reason for refusal was that the loss of residential units was contrary to policy. In the appeal report dated 27 May 2005, the Inspector noted that it was clear from a visit to the site that with the exception of 1no. self contained flat, the first floor was laid out as a series of bedrooms.

In 2009, an application was refused for the change of use from residential units (use class C3) to hotel and halls of residence. The primary reason for refusal was the loss of residential units which is contrary to policy. The supporting statement to the application again referred to the layout of bedroom with en suite facilities and the kitchen at ground floor level.

In April 2010, again the application was refused for the change of use from residential units (use class C3) to hotel (use class C1) and the provision 2 x 2 bedroom flats. Again the application was refused as the residential use was considered to be incompatible with the hotel use given the lack of amenity space of car parking for residential units. The officers report described the existing building which made reference to the restaurant, seating area, ancillary space and office at ground floor level and at first floor level, the existing building was found to accommodate a self contained flat and a series of bedrooms.

In an enforcement decision dated 10 November 2011, the Inspector found it excessive to require the applicant to return the premise to 2 x 2 bedroom flat and as such amended the notice to require that 'the premise be returned to its condition before the breach took place'.

On 25 January 2017, a site visit was undertaken by officers and it is apparent that the ground floor is used as a restaurant/breakfast room and office which is ancillary to the hostel/bed and breakfast as described in the previous officer reports. At first floor level, the premise is laid out as a series of rooms. The officer visited a room which was laid out as a typical en suite room that is found in bed and breakfast accommodation.

From careful reading of the history of the site and based on the evidence before officers, it is considered that the premise has been in use as a form of hostel/bed and breakfast (use class Sui Generis) since 2004. It is also considered that the flat used by a member of the staff no longer exists. This change is contrary to Policy H3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), however, it is also considered that a single residential unit (use class C3) within a premise occupied by a hostel/bed and breakfast is an incompatible use and therefore it is considered that on balance given the presence of the bed and breakfast/hostel (Sui Generis) use in the remainder of the premise, the loss of the residential unit (use class C3) is acceptable in this case.

**7.02 Density of the proposed development**

Not applicable to the consideration of this application

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

Not applicable to the consideration of this application as the site is not located within a conservation area or Area of Special Local Character.

**7.04 Airport safeguarding**

There are no airport safeguarding issues associated with the application.

**7.05 Impact on the green belt**

Not applicable, the application site is not located within the Green Belt.

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

The proposal does not include any external alterations and as such this application would



not materially harm the character and appearance of the surrounding area.

**7.08 Impact on neighbours**

This application seeks the retention of the existing site as a 12 room hostel/bed and breakfast use. The nearest residential occupier is located approximately 32m south of the site. As such the retention of the premise as a bed and breakfast/hostel is considered not to harm the amenity of adjoining occupiers.

**7.09 Living conditions for future occupiers**

The proposal provides adequate facilities as short stay accommodation.

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

Policies AM14 and AM15 require parking to be provided in accordance with standards, including provision for disabled persons.

1 car parking space is provided per room and the proposal seeks to provide cycle parking. The highways officer and TfL have raised no objections to the retention of the premise as a hostel/bed and breakfast.

**7.11 Urban design, access and security**

The proposal does not include any external alterations and as such this application would not materially harm the character and appearance of the surrounding area.

**7.12 Disabled access**

In accordance with London Plan Policy 4.5 'London's Visitor Infrastructure', at least 10% of bedrooms provided in new hotels should be wheelchair accessible. The premise does not cater for those with additional needs. However, given that the existing premise has been operating for a considerable period of time, it would be unreasonable to refuse the application on this basis. Nonetheless, it is considered that the building would be capable of some further accessibility improvements and a condition is recommended in this regard.

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

This is not applicable to this application.

**7.14 Trees, landscaping and Ecology**

This is not applicable to this application.

**7.15 Sustainable waste management**

Policy MIN16 encourages the improvement of waste facilities on premises. The proposal includes dedicated storage bin and is an improvement to the existing situation and as such is considered to be acceptable.

**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**

Not applicable to this application.

**7.19 Comments on Public Consultations**

None

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

See History section above.

**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**

This application seeks to formalise the retention of the existing building as a 12 room bed and breakfast. The application does result in the net loss of 1 residential unit (use class C3) which is contrary to Policy H3 of the Local Plan: Part 2 (November 2012). It is considered that a single residential unit within this premise is an incompatible use and on balance is accepted.

The premise provides acceptable bed and breakfast accommodation. The closest residential dwellings is approximately 32m to the south, due to its siting on Hercies Road, the use does not have an impact on the amenity of neighbouring residents. Sufficient car and cycle parking is to be provided on site.

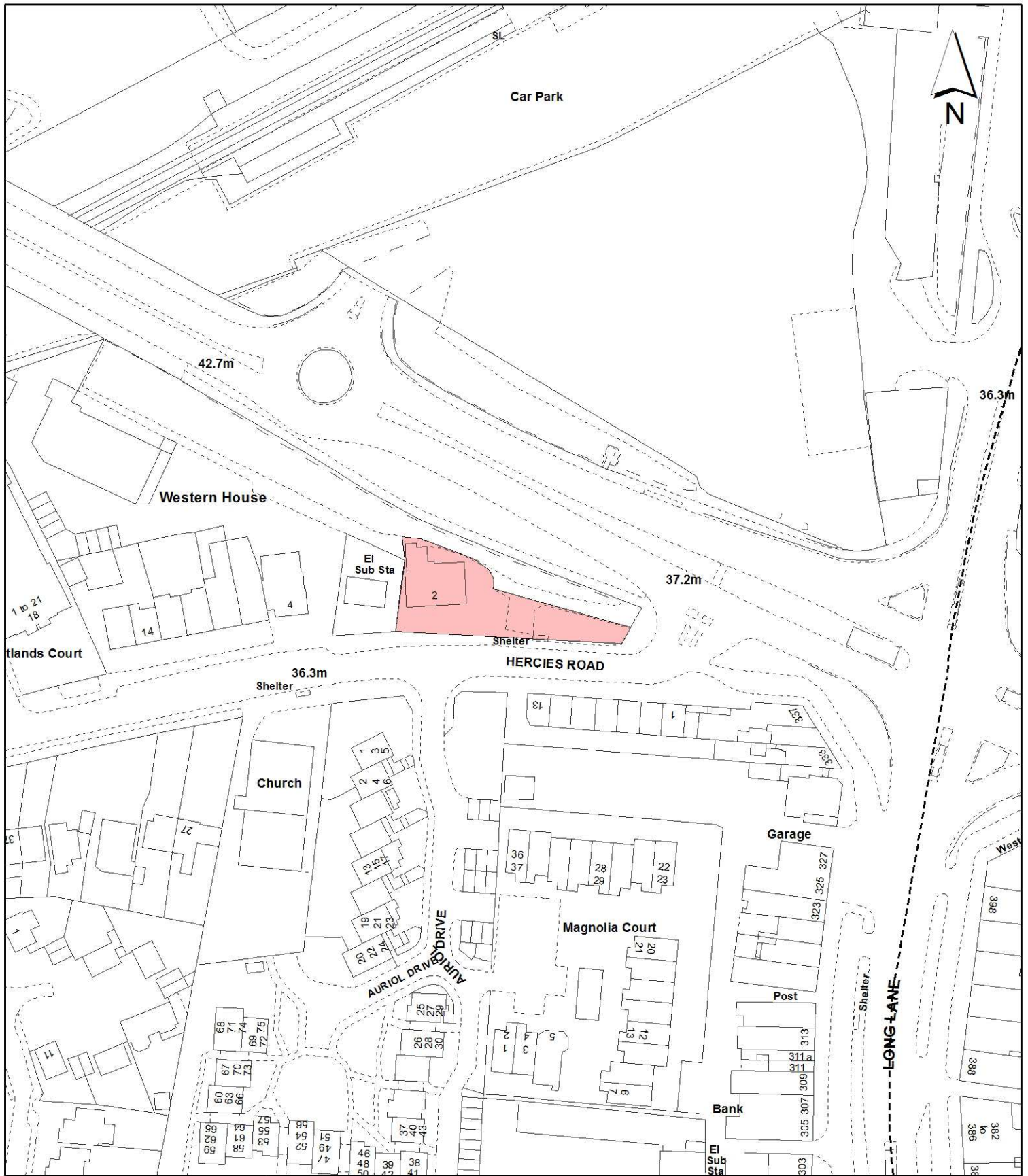
Despite not being in accordance with Policy 4.5 of the London Plan (2016) and Policy H3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), it is considered that given the particular circumstances of the site and the planning history relating to it, the loss of the residential unit is acceptable in this case and therefore approval is recommended.

**11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan (November 2012)  
The London Plan (2016)  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon  
National Planning Policy Framework

**Contact Officer:** Zenab Haji-Ismail

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
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Site Address:

**2 Hercies Road**

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

Planning Application Ref:  
**9771/APP/2016/3074**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**March 2017**



**HILLINGDON**  
 LONDON

## Report of the Head of Planning, Sport and Green Spaces

**Address** 2 CASTLE AVENUE YIEWSLEY

**Development:** Conversion of single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (Sui Generis)

**LBH Ref Nos:** 33995/APP/2016/3713

**Drawing Nos:** CA PA 02 Rev. E  
CA PA 01 Rev. C

**Date Plans Received:** 06/10/2016                      **Date(s) of Amendment(s):**

**Date Application Valid:** 06/10/2016

### 1. **SUMMARY**

The proposal consists of the conversion of a single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (Sui Generis). An enforcement investigation remains open regarding the use of the site as self contained flats. However, it is anticipated that this would be closed should this application be approved and the use regularised.

The Council's HMO licencing team has already issued a HMO licence for the property and the proposal is considered to comply with the Council's 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance in terms of the quality of the internal accommodation for future occupiers.

The Highway Engineer has raised no objection, subject to conditions relating to the existing access, parking layout, and provision of cycle storage.

The proposal seeks no external changes to the building. Therefore, the development would have minimal impact on the character and appearance of the area, or the residential amenity of neighbouring properties, subject to condition to restrict the maximum number of occupants.

Subject to conditions, the proposal is considered to comply with local, regional, and national planning policies and should be approved.

### 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

#### 1            NONSC        **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            NONSC        **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 CA PA 01 Rev. C

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 Local Plan: Part 2 Saved UDP Policies (November 2012) and the London Plan (2016).

**3 NONSC HMO's/Bed & Breakfast/Hostels**

The property shall only be used on the basis of multiple occupation with shared facilities including a kitchen and separate living room as shown on drawing CA PA 01 Rev. C and there shall be no more than 7 bedrooms and not more than 9 persons occupying the premises at any time. The communal rooms and hallways shall remain continuously available for communal use for all residents and not for habitable sleeping purposes.

**REASON**

To ensure the development provides acceptable accommodation for future occupiers and to prevent an unacceptable degree of intensification, which could result in an increase in noise and disturbance, in accordance with policy OE1 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) and the Council's Supplementary Planning Guidance: Houses in Multiple Occupation 2004.

**4 NONSC Landscaping (car parking & refuse/cycle storage)**

Notwithstanding the submitted plans, no development shall take place until a scheme for the following details 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 car parking

2.a Refuse Storage

2.b Secure, accessible, and sheltered cycle storage to accommodate a minimum of 4 bicycles

2.c Means of enclosure/boundary treatments

3. Details of Landscape Maintenance

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

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

4. Schedule for Implementation

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 to provide adequate car parking and facilities in compliance with policies AM2, AM7, AM14, BE13 and BE38 of the Hillingdon Local Plan: Part 2 Saved UDP Policies



(Nov 2012).

**5 B11 Visible for Private Access**

Prior to occupation of the development, the existing vehicular gate on site onto Yew Avenue shall be removed and adequate visibility shall be provided at the back of the footway measured on both sides of each vehicular crossing/access within 2.5 metre sight lines. It shall be maintained free of all obstacles to the visibility between heights of 0.5m and 2m above the level of the adjoining highway.

**REASON**

In the interests of highway and pedestrian safety in accordance with policy AM7 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**6 NONSC HMO Site Management and Supervision Plan**

Prior to commencement of development, a HMO Site Management and Supervision Plan shall have been submitted to and approved in writing by the Local Planning Authority. 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 Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012).

**7 NONSC Retention of communal outbuilding**

The outbuilding in the rear garden shall remain continuously available for communal storage use for all residents and shall not be used for any other purpose including as a living room, bedroom, kitchen, study, as a separate unit of accommodation or for any business purposes.

**REASON**

To ensure the development provides acceptable accommodation for future occupiers and to prevent an unacceptable degree of intensification, which could result in an increase in noise and disturbance, in accordance with policy OE1 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) and the Council's Supplementary Planning Guidance: Houses in Multiple Occupation 2004.

**8 NONSC Details of car parking**

Prior to occupation of the development, details of 4 car parking spaces that are independently accessible and permit vehicles to enter and leave the site in forward gear (demonstrated by appropriate swept path analysis using industry recognised software and showing a 300mm error margin to account for potential driver errors) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, and before occupation, the parking spaces shall be marked out and made available for use by future occupants, and shall remain in perpetuity.

**REASON**

To ensure that the development provides adequate car parking in compliance with policies AM2, AM7, and AM14 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012)

**9 NONSC Details of boundary treatment to front**

Prior to occupation of the development, details of boundary treatment to the front of the site onto Castle Avenue shall be submitted to and approved in writing by the Local Planning Authority. The front boundary of the site onto Castle Avenue shall be closed off

by means of a fence/wall to prevent vehicles from accessing the site unlawfully from the crossover at No. 4 Castle Avenue. The approved wall/fence shall be implemented and completed in accordance with the agreed details prior to occupation and shall be retained in perpetuity.

#### REASON

To safeguard pedestrian safety and to provide an acceptable level of outdoor amenity space in compliance with policies AM2, AM7, AM14, and BE23 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012).

### INFORMATIVES

#### 1 152 **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).

#### 2 153 **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) 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.

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
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
H2	Restrictions on changes of use of residential properties
H3	Loss and replacement of residential accommodation
LPP 3.8	(2016) Housing Choice
LPP 5.17	(2016) Waste capacity
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
LPP 6.13	(2015) Parking

#### 3 159 **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 (2016). 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            12            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 may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

#### **5            15            Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

#### **6            16            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.

#### **7            115            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.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The site is located on the south side of Castle Avenue, at its junction with Yew Avenue. The site comprises a two storey semi detached residential property that has been extended at two storeys to the side and part two, part single storey to the rear. In addition, a single storey outbuilding has been erected within the rear garden. The property is not listed, nor located within a Conservation Area, or Area of Special Local Character. The site is located within the Hayes/West Drayton Corridor, a Critical Drainage Area, and Air Quality Management Area. The PTAL rating is 3, which is moderate, and there is vehicular access on the side of the site from Yew Avenue. There is hardstanding to the side and front of the property which is currently used for off street car parking.

The surrounding area is characterised by mainly similar two storey detached, semi detached, and terrace residential buildings.

#### 3.2 Proposed Scheme

The proposal consists of the conversion of a single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (Sui Generis). No external alterations are sought.

#### 3.3 Relevant Planning History

33995/83/1631                      2 Castle Avenue Yiewsley  
Householder development - residential extension(P)

**Decision:** 21-12-1983    ADH

33995/APP/2005/2398        2 Castle Avenue Yiewsley  
ERECTION OF TWO STOREY SIDE, PART TWO STOREY REAR AND PART SINGLE STOREY  
REAR EXTENSION

**Decision:** 04-11-2005    Refused

33995/APP/2006/1236        2 Castle Avenue Yiewsley  
ERECTION OF TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION.

**Decision:** 04-08-2006    Withdrawn

33995/APP/2008/3075        2 Castle Avenue Yiewsley  
Use as 4 one-bedroom self-contained flats (Application for a Certificate of Lawfulness for an



existing use or activity or operation).

**Decision:** 13-01-2009 Refused **Appeal:** 08-07-2009 Dismissed

33995/APP/2009/22 2 Castle Avenue Yiewsley

The unauthorised conversion of a single-family dwellinghouse into four self-contained residential units (flats) without the benefit of planning permission (Appeal against Enforcement Notice; Application for planning permission deemed to have been made pursuant to Section 174 of the Town and Country Planning Act 1990).

**Decision:** **Appeal:** 08-07-2009 Dismissed

33995/APP/2009/2735 2 Castle Avenue Yiewsley

Conversion of single family dwelling to 3 self-contained flats with associated single storey rear extension and rear dormer windows.

**Decision:** 15-10-2010 Refused

33995/APP/2012/2854 2 Castle Avenue Yiewsley  
Part two-storey, part single-storey rear extension

**Decision:** 04-02-2013 Refused

33995/APP/2012/641 2 Castle Avenue Yiewsley  
Single storey rear extension

**Decision:**

33995/APP/2013/3239 2 Castle Avenue Yiewsley

Two storey, 2-bed, end of terrace dwelling with associated parking involving installation of vehicular crossover to front

**Decision:** 18-06-2014 Not Determined **Appeal:** 15-09-2014 Dismissed

33995/APP/2013/954 2 Castle Avenue Yiewsley

Part two storey, part single storey rear extension (Resubmission)

**Decision:** 19-06-2013 Approved

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

There is an open enforcement investigation Ref: ENF/9306 dating from 2006 on the site that relates to the use of the property as 4 residential units. An Enforcement Notice has been served, the Council has prosecuted, and the owner at that time was found guilty. It is understood that the use of the building has changed in nature since. Nevertheless, this investigation has not been closed as there has been on-going concerns regarding the

actual use of the site. It is anticipated that if this application were to be approved and the development carried out (thereby regularising the use of the site), then this enforcement matter could be closed.

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

##### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
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
H2	Restrictions on changes of use of residential properties
H3	Loss and replacement of residential accommodation
LPP 3.8	(2016) Housing Choice
LPP 5.17	(2016) Waste capacity
LPP 6.3	(2016) Assessing effects of development on transport capacity
LPP 6.9	(2016) Cycling
LPP 6.13	(2015) Parking

#### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

#### **6. Consultations**

##### **External Consultees**

6 neighbouring properties were consulted the 25th October 2016 and a site notice erected the 27th October 2016. The statutory consultation period expired the 24th November 2016. 5 responses in support and 2 objections have been received which raise the following summarised concerns:

- Impact on local infrastructure such as waste collection, doctors and dentists surgeries

- Noise disturbance from intensification of the use
- Insufficient off street parking will exacerbate parking stress
- Poor quality of accommodation for future occupants

Officer's response: Please see the main body of the report below for consideration of the concerns raised.

WHITETHORN RESIDENTS ASSOCIATION: No comment

#### **Internal Consultees**

HIGHWAYS OFFICER:

In order to comply with adopted parking standards, the proposals would need to provide 4 car parking spaces.

Drawing no. CA-PA-02 Rev E suggests that 4 vehicles could be parked in the rear courtyard. The parking spaces measure 2.4 x 4.8m, which is in line with current standards.

For safety reasons, in light of the proposed intensification in the use of the car park, it would be required for vehicles to be able to access and exit the parking area in forward gear.

The parking spaces are arranged in a row of three spaces to the north of the vehicular access, while one space is located to the east of the courtyard, next to the storage shed.

The space between the row of 3 parking spaces and the southern boundary wall is 4.2m, which is below the accepted standard width of 6m, which might result in excessive turning manoeuvres in order to exit the parking area in forward gear. The location of the fourth parking space would also result in excessive turning manoeuvres to exit in forward gear.

A redesign of the parking area is therefore required in order to demonstrate internal manoeuvrability. The redesign should be supported by appropriate swept path analysis using industry recognised software. Swept paths should include a 300mm error margin to account for potential driver errors.

Pedestrian visibility splays should be provided at the vehicular access. In order to do so, the height of the boundary wall should be reduced to a maximum of 1.05m on both sides of the vehicular access and for a length of 2.4m.

A condition should be attached to the proposals for the removal of the existing gate, as it would not be possible to set it back 5m from the highway boundary, as required by current council's standards. If the design changes listed above were to be successfully addressed, it would not be possible to sustain an objection to the proposals on highway grounds.

WASTE OFFICER:

The location of bin stores comply with advice provided in Building regulations 2010, Part H, Section H6, Paragraph 1.8.

FLOOD AND WATER MANAGEMENT OFFICER:

No objection

PLANNING ENFORCEMENT TEAM:

There is an Enforcement Notice on the extended property concerning the division into separate self--

contained units. The owner at the time was prosecuted and found guilty. It is understood that the property has since been sold to a new owner.

PRINCIPLE ENVIRONMENTAL HOUSING SURVEYOR (HMO):

No objection, subject to conditions to require the submission of further parking details and a HMO management and supervision plan.

## **7. MAIN PLANNING ISSUES**

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

Policy H2 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) states that the Local Planning Authority will not normally grant planning permission for a change from residential use (including residential use above shops and in other mixed developments) of any building or part of a building that is suitable with or without adaptation for residential use.

Policy H3 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (Nov 2012) states that the loss of residential accommodation (which could be occupied with or without adaptation) will only be permitted if it is replaced within the boundary of the site. An increase in the residential accommodation will be sought, subject to other policies in the plan.

The Council's 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance recognises that policies H2 and H3 seek to safeguard existing housing in the borough. In this respect, it notes that the Council does not consider the change of use of a dwellinghouse to an HMO to represent a loss of residential accommodation. Also, it states that whilst the retention of most of the Borough's stock of small, single family dwellinghouses remains a primary objective, the Council acknowledges the significant demand for non self-contained housing that exists in the Borough.

Policy 3.8 'Housing Choice' of the London Plan (2016) stipulates that boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these.

The site is not located within an area covered by an Article 4 Direction that removes permitted development rights for the conversion of residential properties to Houses in Multiple Occupation without planning consent. Nevertheless, the proposal is for a 7 bedroom House in Multiple Occupation (Sui Generis) which requires planning permission.

The proposal would result in the loss of a residential dwellinghouse. However, the proposal would provide replacement residential accommodation within the site, albeit in a different form. Policy 3.8 of the London Plan (2016) recognises that new development should offer a range of housing choices, including types, taking into account the housing requirements of the different groups in the area. There is a need for this type of residential offer within the borough and the proposal is not considered to conflict with any other relevant housing policy. Therefore, the principle of the change of use to HMO (Sui Generis) is acceptable.

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

The number of habitable rooms and units would remain unchanged by the proposal. Therefore, the density would remain as existing as defined by the London Plan.

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

The site is not located in an area subject to any specific archaeological, heritage or special character designations. Therefore, the proposal is acceptable in this regard.

#### **7.04 Airport safeguarding**

The proposal would not raise any airport safeguarding issues.

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

Not relevant to the determination of this application.

#### **7.06 Environmental Impact**

The development would not introduce a more vulnerable use in terms of environmental matters, nor are there any proposed internal or external alterations. As such, there would be minimal environmental impact.

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

The proposal seeks no external changes to the building. Conditions would secure landscape and boundary treatment works. However, their impact would not be significant. Overall, the development would have limited impact on the character and appearance of the area.

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

The proposal seeks no external changes to the building. The internal layout of the building would remain as existing so there would be no change in terms of overlooking of neighbouring properties or impact on their outlook or daylight.

Nevertheless, 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance to the Hillingdon Unitary Development Plan states that:

'the suitability of a semi-detached house as an HMO is likely to diminish once the number of occupants increases significantly beyond the number originally intended for the property.

And;

'increased occupancy may well give rise to greater noise and disturbance but the Council's Environmental Protection Unit can only control such nuisance where it has become excessive and a statutory nuisance. The possibility of continued noise and disturbance just inside the limit of "statutory noise nuisance" is unlikely to be acceptable in terms of residential amenity and will not be endorsed by the granting of planning permission without restrictions on the maximum occupancy of the property.....limited to 9 occupants for semi detached properties.'

The proposal would not increase the number of habitable rooms within the building. Nevertheless, it is recognised that over intense use of the site could lead to loss of amenity to neighbours. Therefore, should this application be approved, a condition has been imposed to ensure that the maximum number of occupants is restricted to 9.

On this basis and given the scale and nature of the development, the proposal is not considered to give rise to any concerns regarding impact on the residential amenity of neighbouring properties.

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

The internal layout would remain as existing. Therefore, the residential accommodation on offer for future occupants would be no worse or better than it is for existing occupants.

The Council's 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance states that for the purposes of occupancy, habitable rooms with 6.5-10sqm would normally accommodate 1 occupant; habitable rooms with 10-15sqm would normally accommodate 2 occupants; and habitable rooms with 15-19sqm

would normally accommodate 3 occupants. Therefore, the development could accommodate 14 occupants in total.

In most cases, where conversions are considered acceptable in principle, additional restrictions will be considered in order to control the use of the property following its conversion.

Applicants should be aware of the maximum capacity of rooms in converted dwellings, as prescribed by Hillingdon Private Sector Housing. The Council will normally attach conditions to planning permissions, in order to maintain occupancy within these levels. Regardless of the number and size of additional habitable rooms in an enlarged semi-detached house, the maximum number of occupants in such properties will be limited to 9 persons. Should this application be approved, a condition has been imposed to ensure that the maximum number of occupants permitted is 9.

HMOs and hostels will also be required to retain at least one ground floor habitable room over 10m<sup>2</sup>, other than a kitchen, for communal living purposes. The plans have been revised to provide a ground floor level communal living room measuring 14.6sqm with shared access to the rear garden. Should this application be approved, a condition has been imposed to ensure that this communal lounge remains as such, and is not used as a bedroom.

Overall, the residential accommodation on offer for future occupants would be considered acceptable and compliant with policy.

In addition, the SPG requires that a minimum of 15m<sup>2</sup> of private usable external amenity space per habitable room (excluding those used for communal living purposes) is provided. As such, the development would require 105sqm of external amenity space. The proposal provides 51sqm to the rear and 126sqm to the front and side (excluding the area set aside for car parking). The side garden is enclosed by a boundary wall and through use of defensive planting could be designed to count towards usable external amenity space. The front garden cannot count towards external amenity space.

It is not uncommon for properties in this area (notably along the western side of Yew Avenue) to have a substandard level of external amenity space. For example, No. 1 Yew Avenue has less than 32sqm, No. 6 Archer Terrace has less than 21sqm, No. 1a Spinney Close has less than 26sqm, and No. 1b Spinney Close has less than 15sqm. Also, the site is 380m walking distance from Yewley Recreational Grounds which could be utilised by future residents of the property to compensate for the shortfall in private outdoor amenity space provision on site. Given the above circumstances, there is not considered to be grounds to substantiate a reason for refusal.

The Council's HMO licencing team has already issued a HMO licence for the property and the proposal is considered to comply with the 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance in terms of the quality of the internal accommodation for future occupiers. On this basis, the proposal is considered to provide acceptable accommodation.

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

Castle Avenue and Yew Avenue are unclassified roads with parking unrestricted on street along both kerbs. The PTAL for the site is 3, which is moderate.

The HMO would contain 7 bedrooms. Therefore, 4 car parking spaces and 4 cycle parking



spaces would be required.

The applicant proposes to use the existing crossover along Yew Avenue, which gives access to a rear court. Drawing no. CA-PA-02 Rev. E suggests that 4 vehicles could be parked in the rear courtyard. The parking spaces measure 2.4 x 4.8m, which is in line with current standards.

For safety reasons, in light of the proposed intensification in the use of the car park, it would be required for vehicles to be able to access and exit the parking area in forward gear.

The parking spaces are arranged in a row of three spaces to the north of the vehicular access, while one space is located to the east of the courtyard, next to the storage shed.

The space between the row of 3 parking spaces and the southern boundary wall is 4.2m, which is below the accepted standard width of 6m, which might result in excessive turning manoeuvres in order to exit the parking area in forward gear. The location of the fourth parking space would also result in excessive turning manoeuvres to exit in forward gear.

The Council's Highway Engineer has requested that the parking area be redesigned in order to demonstrate internal manoeuvrability. Also, the new layout should be supported by appropriate swept path analysis using industry recognised software. Swept paths should include a 300mm error margin to account for potential driver errors. There is a large area of land around the side of the site to accommodate 4 car parking spaces. Therefore, it is considered that a condition could secure an appropriate level of car parking to meet the needs of the development without causing over spill and parking stress on surrounding roads.

It has been noted that visibility from the existing access would need to be improved to cater for the intensification of its use. This could be achieved by removing elements of the wall and the existing gate.

Also, details of secure, accessible, and sheltered cycle parking should be provided. It is recognised that the existing outbuilding could be utilised for this purpose for use by residents.

Subject to conditions, to secure an appropriate parking layout, better visibility at the access, and 4 cycle parking spaces, the proposal would be considered to be acceptable in highway terms, in accordance with local, regional, and national planning policies.

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

The proposal would not affect urban design, access or security given that there is no internal or external alterations/changes.

#### **7.12 Disabled access**

The proposal would not change access to the building. As such, the proposal is acceptable in this regard.

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

Not relevant to the determination of this application.

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

There are no trees affected. Nor is there ecology of significance within the site. The proposal would be likely to improve the general landscaping around the site which will be secured by condition.

#### **7.15 Sustainable waste management**

Refuse storage has been shown on the submitted plans and it is considered acceptable to meet the needs of the development.

#### **7.16 Renewable energy / Sustainability**

Not applicable.

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

The proposal would be unlikely to raise any flooding or drainage issues given that it is for a change of use and it would not be any more vulnerable to flooding.

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

Despite the change in the nature of the use, the proposal would have the same number of habitable rooms as the existing dwellinghouse and it would remain as residential accommodation. Therefore, the proposal is not likely to raise any noise or air quality concerns in this residential area.

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

Please see external consultee section of this report for consideration of comments from the public.

#### **7.20 Planning obligations**

Not relevant.

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

There is a open enforcement investigation ref. ENF/9306 dating from 2006 on the site that relates to the use of the property as 4 residential units. An Enforcement Notice has been served, the Council has prosecuted, and the owner at that time was found guilty. It is understood that the use of the building has changed in nature since. Nevertheless, this investigation has not been closed as there has been concerns regarding the lawfulness of its use. It anticipated that if this application were to be approved and the development carried out (thereby regularising the use of the site), then this enforcement matter could be closed.

#### **7.22 Other Issues**

Not applicable.

### **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.

#### **10. CONCLUSION**

The proposal consists of the conversion of a single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (SUI GENERIS). An enforcement investigation remains open regarding the use of the site as self contained flats. However, it is anticipated that this would be closed should this application be approved and the use regularised.

The Council's HMO licencing team has already issued a HMO licence for the property and the proposal is considered to comply with the Council's 'Houses in Multiple Occupation and other non-self contained housing' Supplementary Planning Guidance in terms of the quality of the internal accommodation for future occupiers.

The Highway Engineer has raised no objection, subject to conditions relating to the existing access, parking layout, and provision of cycle storage.

The proposal seeks no external changes to the building. Therefore, the development would have minimal impact on the character and appearance of the area, or the residential amenity of neighbouring properties, subject to condition to restrict the maximum number of occupants.

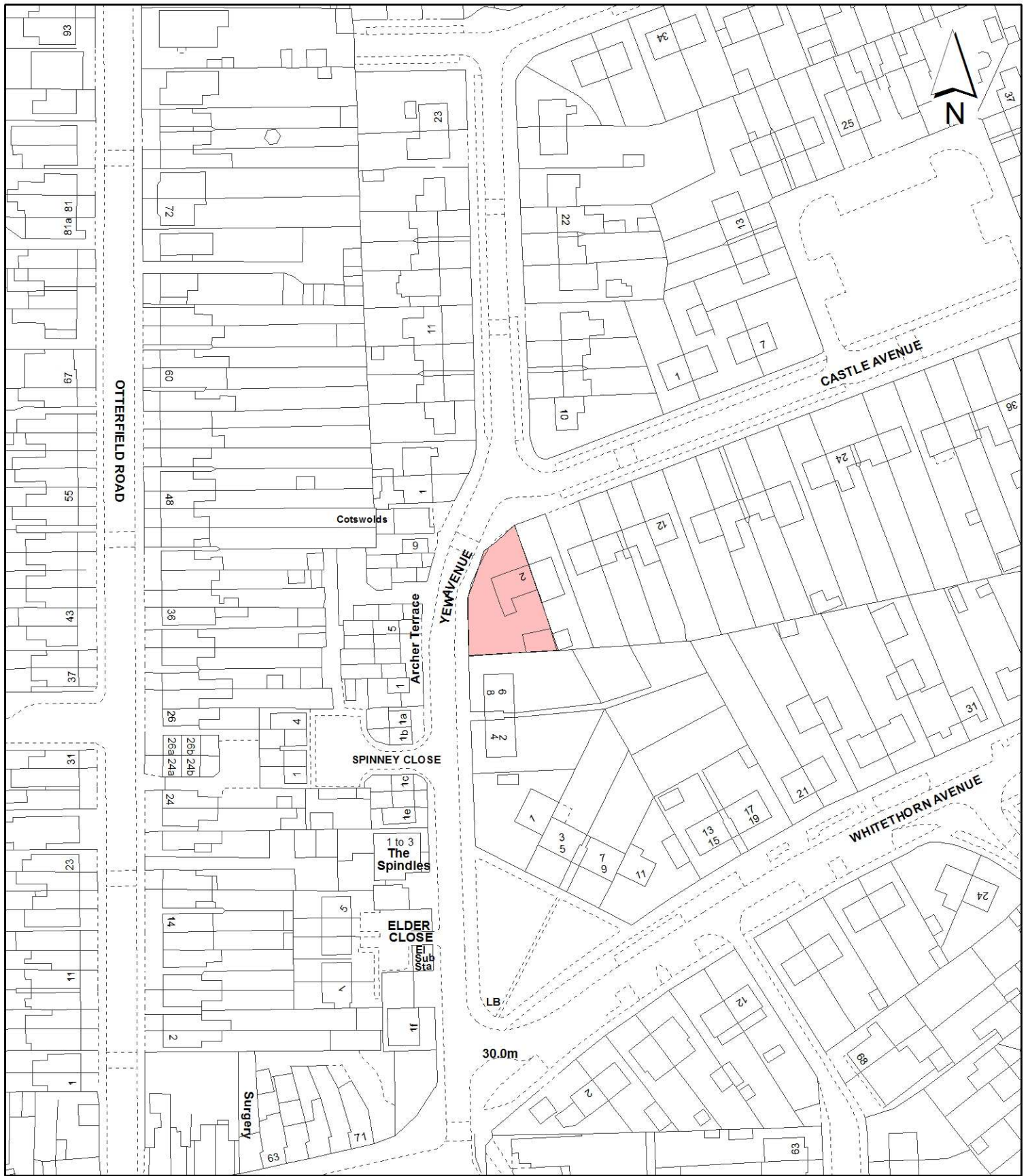
Subject to conditions, the proposal is considered to comply with local, regional, and national planning policies and should be approved.

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

Hillingdon Local Plan (November 2012);  
The London Plan (2016);  
National Planning Policy Framework (2012);  
Hillingdon Supplementary Planning Guidance Houses in Multiple Occupation;

**Contact Officer:** Richard Conroy

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
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Site Address:

**2 Castle Avenue**

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

Planning Application Ref:  
**33995/APP/2016/3713**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**March 2017**



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## Report of the Head of Planning, Sport and Green Spaces

**Address** 10A HIGH STREET YIEWSLEY

**Development:** Change of use from retail (Use Class A1) and conversion to 2 x 2-bed self contained flats (Use Class C3)

**LBH Ref Nos:** 72203/APP/2016/3394

**Drawing Nos:** UB7 7DN - 006  
UB7 7DN - 001

**Date Plans Received:** 09/09/2016      **Date(s) of Amendment(s):**

**Date Application Valid:** 15/01/2017

### 1. **SUMMARY**

The application seeks planning permission for the change of use from retail (Use Class A1) and conversion to 2 x 2-bed self contained flats (Use Class C3). The application property, although located within a Secondary Shopping Area, is considered to be in an isolated location, not within a traditional parade of shops. It is considered that the proposed change of use, bearing in mind the isolated location, would accord with policy S12, not resulting in a separation of Class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre. The proposal is considered to have an acceptable visual impact, would not result in an unneighbourly form of development and would provide a satisfactory level of residential amenity for their future occupants. Furthermore the proposal would not result in an increased demand for on street parking in the locality and is considered acceptable in highway and pedestrian safety terms.

The application is recommended for approval.

### 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

#### 1      RES3      **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      RES4      **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 UB7 7DN - 001 and UB7 7DN - 006 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 Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

#### 3      HO4      **Materials**



The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

**REASON**

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**4 RES17 Sound Insulation**

Development shall not begin until a scheme for protecting the proposed development from road traffic and rail traffic noise has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

**REASON**

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by (road traffic) (rail traffic) (air traffic) (other) noise in accordance with policy OE5 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2016) Policy 7.15.

**5 RES22 Parking Allocation**

No unit hereby approved shall be occupied until the parking allocated to the units is available. Thereafter the parking shall remain allocated for the use of the units hereby approved only and remain under this allocation for the life of the development.

**REASON**

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2016).

**6 H15 Cycle Storage - In accordance with approved plans**

The development hereby permitted, shall not be occupied until the cycle storage, has been provided in accordance with the approved plans. Thereafter, these facilities shall be permanently retained on site and be kept available for the use of cyclists.

**REASON**

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (2016).

**7 NONSC Non Standard Condition**

Development shall not begin until a plan showing the location of a new soakaway, any associated underground pipework and a management and maintenance plan for the soakaway and pipework, has been submitted to, and approved in writing by the Local Planning Authority. Following the approval of details, the units hereby approved shall not be occupied until the approved soakaway/pipework has been implemented. thereafter the development shall be retained/maintained in accordance with the approved details for as long as the development remains in existence.

## REASON

To ensure that surface water run off is controlled and is handled as close to its source as possible to ensure the development does not increase the risk of flooding in compliance with Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (Nov 2012), Policies 5.12, 5.13 and 5.15 of The London Plan (2016), the National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014).

## INFORMATIVES

### **1 I47 Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

### **2 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).

### **3 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) 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H8	Change of use from non-residential to residential
OE1	Protection of the character and amenities of surrounding properties

	and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
NPPF6	NPPF - Delivering a wide choice of high quality homes

#### **4 159 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 (2016). 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.

#### **5 147 Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

#### **6 12 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 may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

#### **7 15 Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing



the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **8 16 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.

## **9 115 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.

### **3. CONSIDERATIONS**

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

The application property is a shop unit within a large multi storey mixed use building. The application unit has an established A1 usage. It is currently vacant.

The overall building, known as Ashley Court is located on the South East side of High Street, Yiewsley. There are two commercial units on the ground floor (the application property) and the remainder being residential units on the upper floors. To the North East of the site runs the Grand Union Canal and to the South West a commercial/office development known as Station House.

The site is located within the Yiewsley/West Drayton Town Centre and is within a Secondary Shopping Area. It is to be noted that the application property and the two adjacent retail units form a stand-alone group of retail units, not being adjacent to any other such properties. There is a parade of shops on the opposite side of the High Street, to the

West and also to the North East on Horton Road which is located over the canal bridge. Furthermore, the application property, unlike the two adjacent retail units, does not have a traditional shopfront. The building envelope has windows and doors more associated with a residential use.

The Grand Union Canal is designated as a 'Nature Conservation Site of Metropolitan or Borough Grade I Importance' within the UDP.

There are four dedicated parking spaces within the undercroft area designated for the application property.

### **3.2 Proposed Scheme**

The application seeks planning permission for the change of use from retail (Use Class A1) and conversion to 2 x 2-bed self contained flats (Use Class C3).

### **3.3 Relevant Planning History**

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

32108/APP/2011/2685 - Change of use from Use Class A1 (Shops) to Use Class C3 (Dwellings) to form 1 x 2-bed and 1 x 1-bed self-contained flats with associated parking. APPROVED

## **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.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- H8 Change of use from non-residential to residential
- OE1 Protection of the character and amenities of surrounding properties and the local area

OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
NPPF6	NPPF - Delivering a wide choice of high quality homes

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

21 neighbouring properties were consulted by letter dated 23.9.16 and a site notice was displayed to the front of the site which expired on 25.10.16. No response received.

Canal and River Trust: No objection.

Crossrail: No Comments.

Network Rail: The red line plan submitted shows the applicants ownership is incorrect as it appears the applicant has included a section of land in our ownership. Network Rail have not been served with the correct notice as land owner which invalidates this application.

Officer note: A revised certificate of ownership was submitted on 15.1.17 serving the necessary notice on Network Rail.

### Internal Consultees

Highways Officer: I have seen the additional plan provided by the applicant. This shows the car parking provided for new residents and their visitors along with cycle parking and refuse facilities. In the light of the latest plan I have no significant concerns over this application from a highways perspective.

Landscape Officer: The site is occupied by four-storey modern block of flats with retail units at raised ground floor level. The site is located to the South-East of the High Street Yiewsley road bridge over the Grand Union Canal. Car parking is situated to the rear of the block and is accessed via Station Approach.

The site lies within the area covered by TPO 122. However, no trees will be affected by the proposal. The application affects the internal use of the existing building and should have no impact on the external environment, which is largely given over to car parking.

RECOMMENDATION: No objection and, in this case, no need for landscape conditions.

EPU: No objection subject to sound insulation conditions.

Floodwater Management Officer: No objection subject to a condition requiring sustainable urban

drainage scheme.

## **7. MAIN PLANNING ISSUES**

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

The site falls within the Yiewsley/West Drayton Town Centre and Secondary Shopping Area as designated in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Policy S6 states that the change of use of shops will only be acceptable if the proposal will not be detrimental to visual amenity; the proposed use is compatible with neighbouring uses and will not cause loss of amenity to nearby residential uses; and there is no harmful effect on road safety, traffic congestion, or bus operations.

As the proposed use is residential, it would be considered to be compatible with the surrounding area, considering that the upper and rear portions of the block the application property forms a part of are residential units. The residential units would be considered not to have a harmful effect on road safety, traffic congestion, or bus operations.

The application property, although located within a Secondary Shopping Area, is considered to be in an isolated location, not within a traditional parade of shops. It is considered that the proposed change of use, bearing in mind the isolated location, would accord with policy S12, not resulting in a separation of Class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre.

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

Given the proposal relates to the conversion of a two retail unit into two residential units, it is considered that density is not an appropriate measure of determining the acceptability of the development.

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

Although the site is adjacent to the Grand Union Canal, designated a 'Nature Conservation Site of Metropolitan or Borough Grade I Importance' within the Local Plan, no significant concerns are raised given that there would be no additional built form or encroachment onto the Canal bank.

### **7.04 Airport safeguarding**

Not relevant to the consideration of this application.

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

Not relevant to the consideration of this application.

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

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'.

The proposed alterations to the property include the replacement of the two shopfronts with a window and door to each unit and the making good of the brickwork with materials to match. It is considered that the external alterations to the front elevation would be in

keeping with the architectural integrity of building and 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**

It is considered that the change of use of the premises would not have any significant detrimental impact on the immediately adjoining neighbours, particularly given the authorised use of the premises as retail. The scheme therefore complies with policies BE19, BE24 and OE1 of the Local Plan and guidance on this matter in the Council's Supplementary Planning Document on Residential Layouts.

#### **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 two bedroom (4 person) flat is required to provide an internal floor area of 70 square metres which, at an internal floor area of 74 square metres, each flat complies with. Furthermore the habitable rooms would enjoy a satisfactory outlook in accordance with the requirements of Policy 3.5 of the London Plan (2015).

The Council's Supplementary Planning Document on Residential Layouts requires external amenity space to be provided for new residential units. However, given the Town Centre location of the site and that the existing flats within the block of which the application property forms a part, do not have external amenity space, it is considered that the application proposal would not require the provision of amenity space for the proposed units. No outdoor amenity space is proposed as part of this scheme.

The proposal would not be detrimental to the living conditions of future occupiers and would be acceptable with regards to the aims of Policies BE21 and BE23 of the Local Plan and guidance within the Council's Supplementary Planning Document on Residential Layouts.

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

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP 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 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

High Street Yiewsley is a classified road on the Council's Classified road network. The existing shops have direct pedestrian access onto High Street West Drayton. The site has a PTAL value of 3 (moderate) and as such there will be a reliance on private cars for trip making. Revised plans have been submitted throughout the course of the application to confirm the allocation of 4 parking spaces for the two flats and identifying the existing secure cycle storage on site. The Highways officer has confirmed the revised submitted

plan is acceptable. As such the proposal is considered to be acceptable in accordance with Policies AM7 and AM14 of the Hillingdon Local plan - Saved UDP Policies (November 2012).

**7.11 Urban design, access and security**

No additional issues are raised.

**7.12 Disabled access**

No issues raised.

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

Not relevant to the consideration of this application.

**7.14 Trees, landscaping and Ecology**

No landscaping is proposed as part of this application. Indeed there is no practical external space for the provision of landscaping. In terms of Saved Policy BE38, the existing trees and landscaping would not be affected by the development of the site.

**7.15 Sustainable waste management**

No details of refuse provision have been provided. However, the residential units within the building have existing refuse arrangements which would be used. It is proposed that full details of refuse and recycling provision are requested via condition.

**7.16 Renewable energy / Sustainability**

Not relevant to the consideration of this application.

**7.17 Flooding or Drainage Issues**

The Floodwater Management Officer has requested a condition requiring details of a soakaway to be submitted and such a condition is recommended.

**7.18 Noise or Air Quality Issues**

The application site is located in a town centre location. It is considered that it would be reasonable to impose a condition to secure details of sound insulation to ensure that the future occupants of the flats do not suffer unacceptable levels of noise and disturbance.

**7.19 Comments on Public Consultations**

None received.

**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 relevant to the consideration of 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**

### **10. CONCLUSION**

The application seeks planning permission for the change of use from retail (Use Class A1) and conversion to 2 x 2-bed self contained flats (Use Class C3). The application property, although located within a Secondary Shopping Area, is considered to be in an isolated location, not within a traditional parade of shops. It is considered that the proposed change



of use, bearing in mind the isolated location, would accord with policy S12, not resulting in a separation of Class A1 uses or a concentration of non-retail uses which might harm the viability or vitality of the centre. The proposal is considered to have an acceptable visual impact, would not result in an unneighbourly form of development and would provide a satisfactory level of residential amenity for their future occupants. Furthermore the proposal would not result in an increased demand for on street parking in the locality and is considered acceptable in highway and pedestrian safety terms.

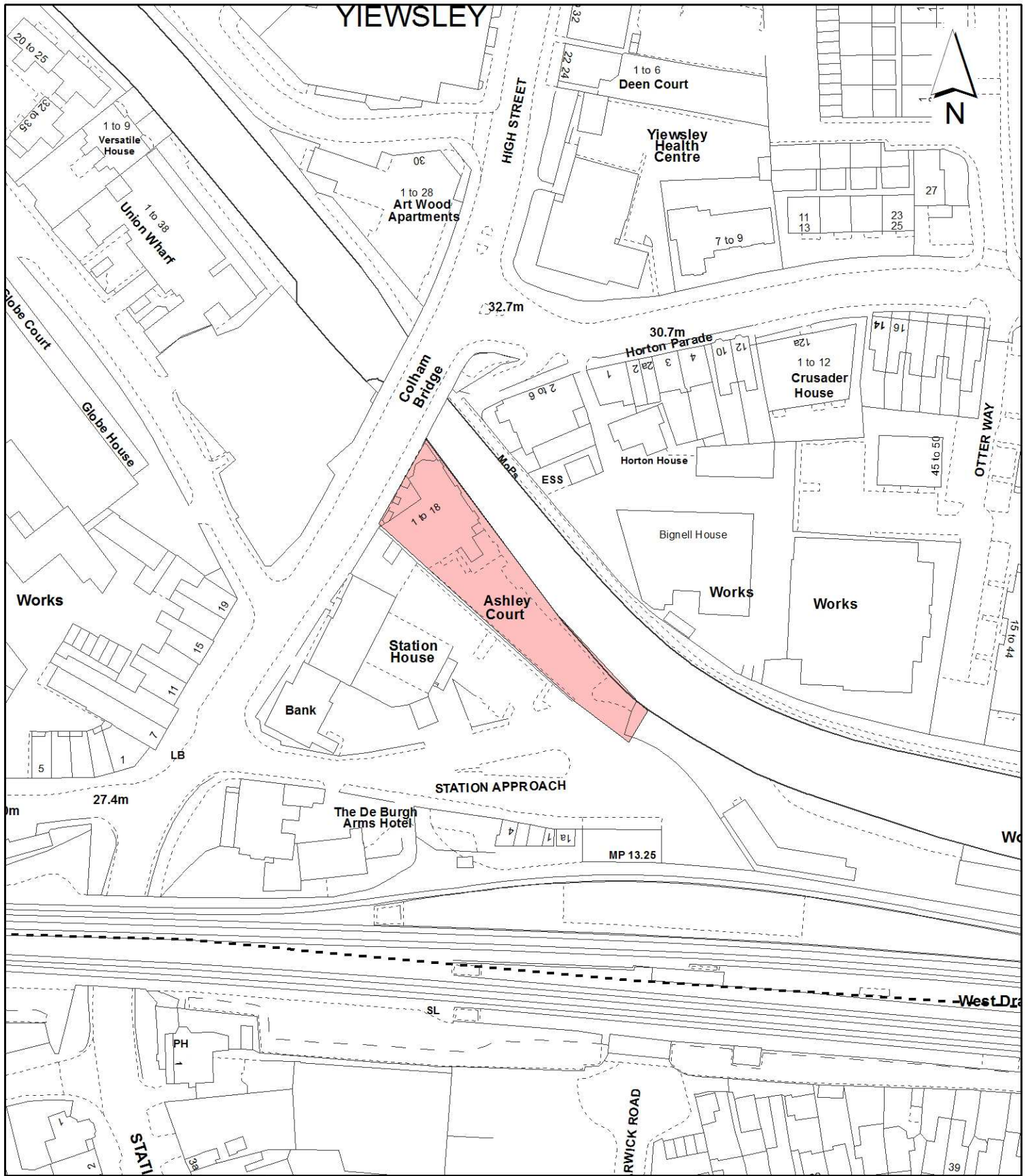
As such the application is recommended for approval.

#### **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)  
Technical Housing Standards - Nationally Described Space Standard  
Hillingdon Design and Accessibility Statement: Residential Layouts  
Hillingdon Design and Accessibility Statement: Residential Extensions  
National Planning Policy Framework

**Contact Officer:** Nicola Taplin

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**10a High Street**

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

Planning Application Ref:  
**72203/APP/2016/3394**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**March 2017**



**HILLINGDON**  
 LONDON

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# Plans for Central & South Applications Planning Committee

Thursday 2nd March 2017



HILLINGDON  
LONDON



INVESTOR IN PEOPLE

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Page 73

**Report of the Head of Planning, Sport and Green Spaces**

**Address** 212 HIGH STREET HARLINGTON

**Development:** Proposed change of use from Use Class A1 to Thai Massage Clinic (Use Class D1)

**LBH Ref Nos:** 1373/APP/2016/4087

**Date Plans Received:** 08/11/2016

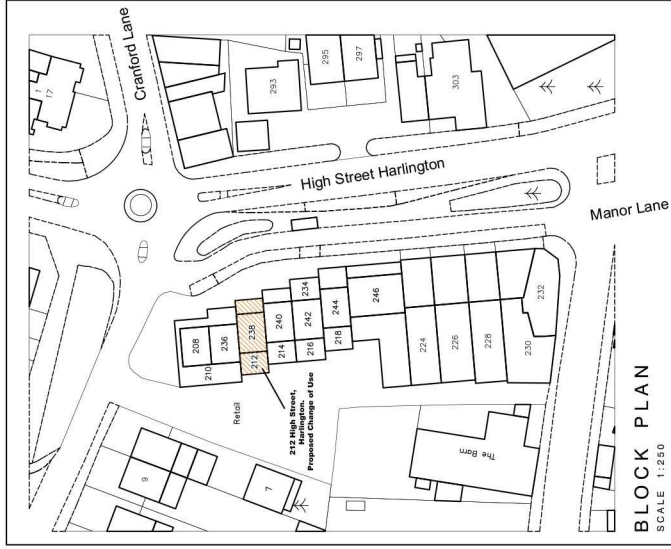
**Date(s) of Amendment(s):**

**Date Application Valid:** 14/11/2016

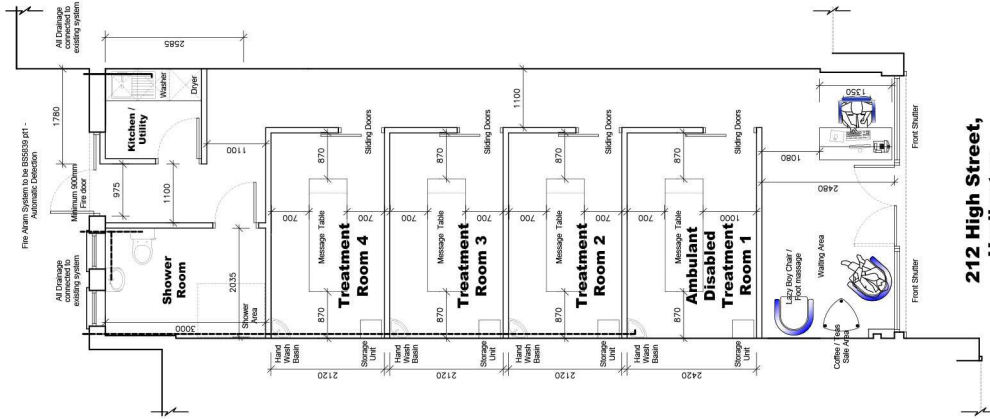




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Licence No. LANDMLON100003121118. Plotted Scale - 1:1250



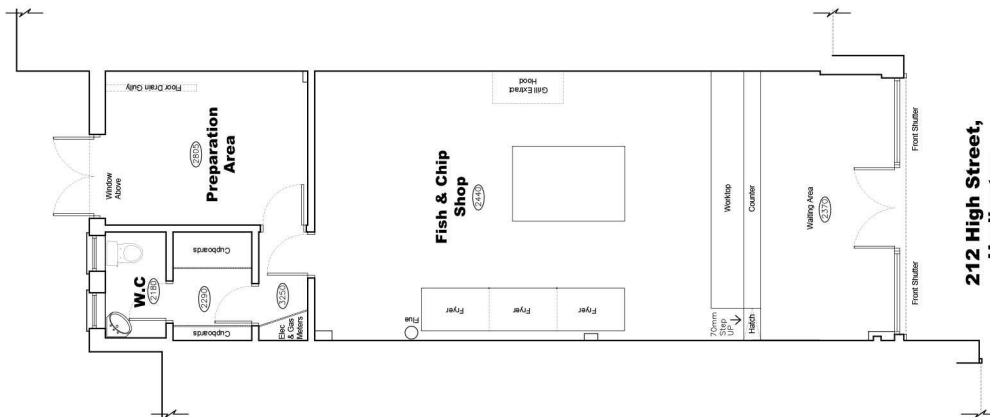
**BLOCK PLAN**  
SCALE 1:250



**212 High Street,  
Harlington.**

**PROPOSAL LAYOUT**  
SCALE 1:150

Relocation of Gas & Electrics Required



**212 High Street,  
Harlington.  
Fishy Business  
Fish & Chip Shop**

**EXISTING FLOOR PLAN**  
SCALE 1:150

CLIENT: Mr T. Coyle  
PROJECT: Proposed Change of Use  
212 High Street, Harlington, LB81 5DS  
TITLE: Existing & Proposed Floor Layout & Block Plan  
SCALE: 1:50 & 1:150  
REVISION LETTER:  
DRAWN: MD  
DRAWING NO: A/8085 - 01  
CHECKED:  
DATE: October 2016







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Site Address:

**212 High Street  
 Harlington**

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

Planning Application Ref:  
**1373/APP/2016/4087**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**  
 Page 77

Date:  
**March 2017**



**HILLINGDON**  
 LONDON

## **Report of the Head of Planning, Sport and Green Spaces**

**Address** HIGHWAYS VERGE FRONTING 247 STATION ROAD HAYES

**Development:** Installation of a 15m high streetworks style telecommunications monopole and ancillary works (Application under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance)

**LBH Ref Nos:** 72544/APP/2017/295

<b>Date Plans Received:</b>	25/01/2017	<b>Date(s) of Amendment(s):</b>	25/01/2017
<b>Date Application Valid:</b>	25/01/2017		30/01/2017
			03/02/2017



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R E: 509379 N: 178943

CONCESSIONS REQUIRED NO

CONCESSIONS TO SITE:

HEAD SOUTHEAST ON M25 TAKE THE EXIT ONTO M4 TOWARD HEATHROW AIRPORT AT JUNCTION 4, EXIT ONTO STOCKLEY RD/A408 TOWARD UXBRIDGE CONTINUE ON SHEPSTON LN. DRIVE TO STATION RD/A437 IN HAYES AT THE ROUNDABOUT, TAKE THE 2ND EXIT ONTO SHEPSTON LN AT THE ROUNDABOUT, TAKE THE 2ND EXIT ONTO STATION RD TURN LEFT ONTO STATION RD/A437 PROPOSED SITE WILL BE ON THE RIGHT.



REV	MODIFICATION	BY	CH	DATE
A	Issued for Approval	MS	CT	13.09.16

**GallifordTry**  
WOLVEY - HINCKLEY - LEICESTERSHIRE - LE10 3JF  
Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758

**O<sub>2</sub>**  
CTIL

Cell Name	Opt
STATION ROAD SF	-

Cell ID No	VF
CTIL	TEF
150160	071965
	87721

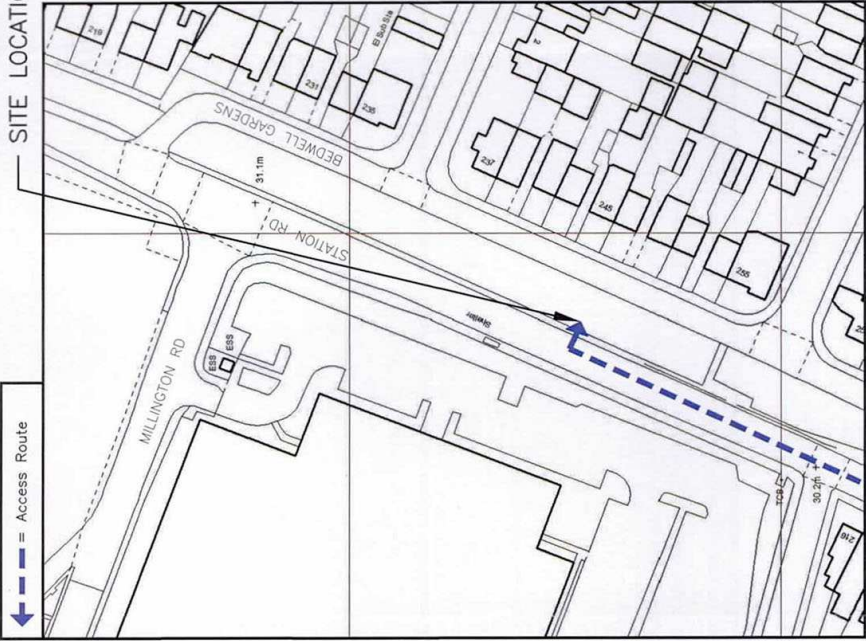
Site Address / Contact Details  
HIGHWAYS VERGE BETWEEN STATION RD & BEDWELL GARDENS  
STATION RD, HAYES  
MIDDLESEX  
UB3 4JD

Drawing Title: SITE LOCATION MAPS  
Purpose of Issue: PLANNING

Drawing Number: 100

Surveyed By: CT	Original Sheet Size: A3	Issue: A
Drawn: MS	Date: 13.09.16	Checked: CT
	Date: 13.09.16	

← = Access Route

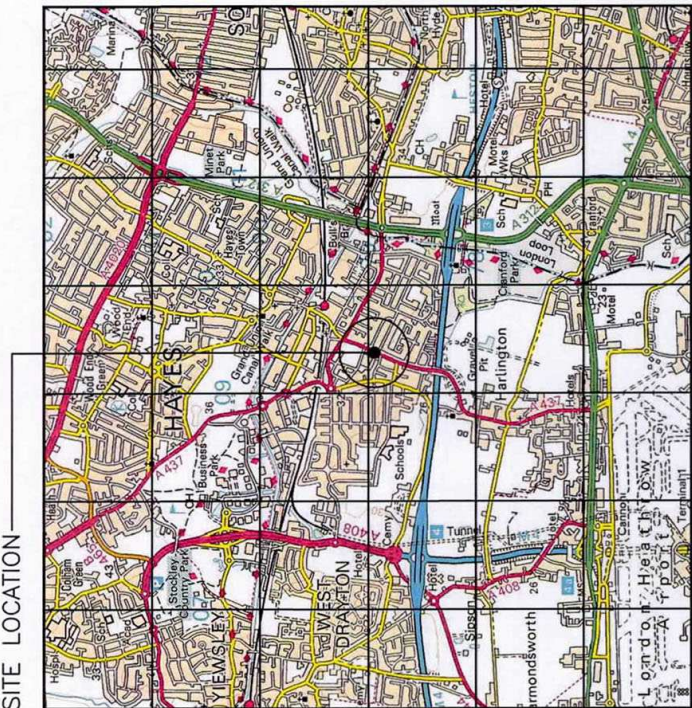
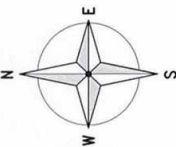


509400

**DETAILED SITE LOCATION**

(Scale 1:1250)

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**SITE LOCATION**

(Scale 1:50000)

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SITE PHOTOGRAPH



ORIGINAL SCALE AT A3 - 1:1250 ALL DIMENSIONS IN METRES



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE  
 N.G.R. E: 509379 N: 178943  
 CONCESSION REQUIRED NO  
 NOTES:

REV	MODIFICATION	BY	CH	DATE
D	Plan Detail Amended	JS	MS	30.01.17
C	Final Amended & Title Location Amended	JS	MS	13.09.16
B	Final Amended & Title Location Amended	JS	MS	13.09.16
A	Issued for Approval	MS	CT	13.09.16



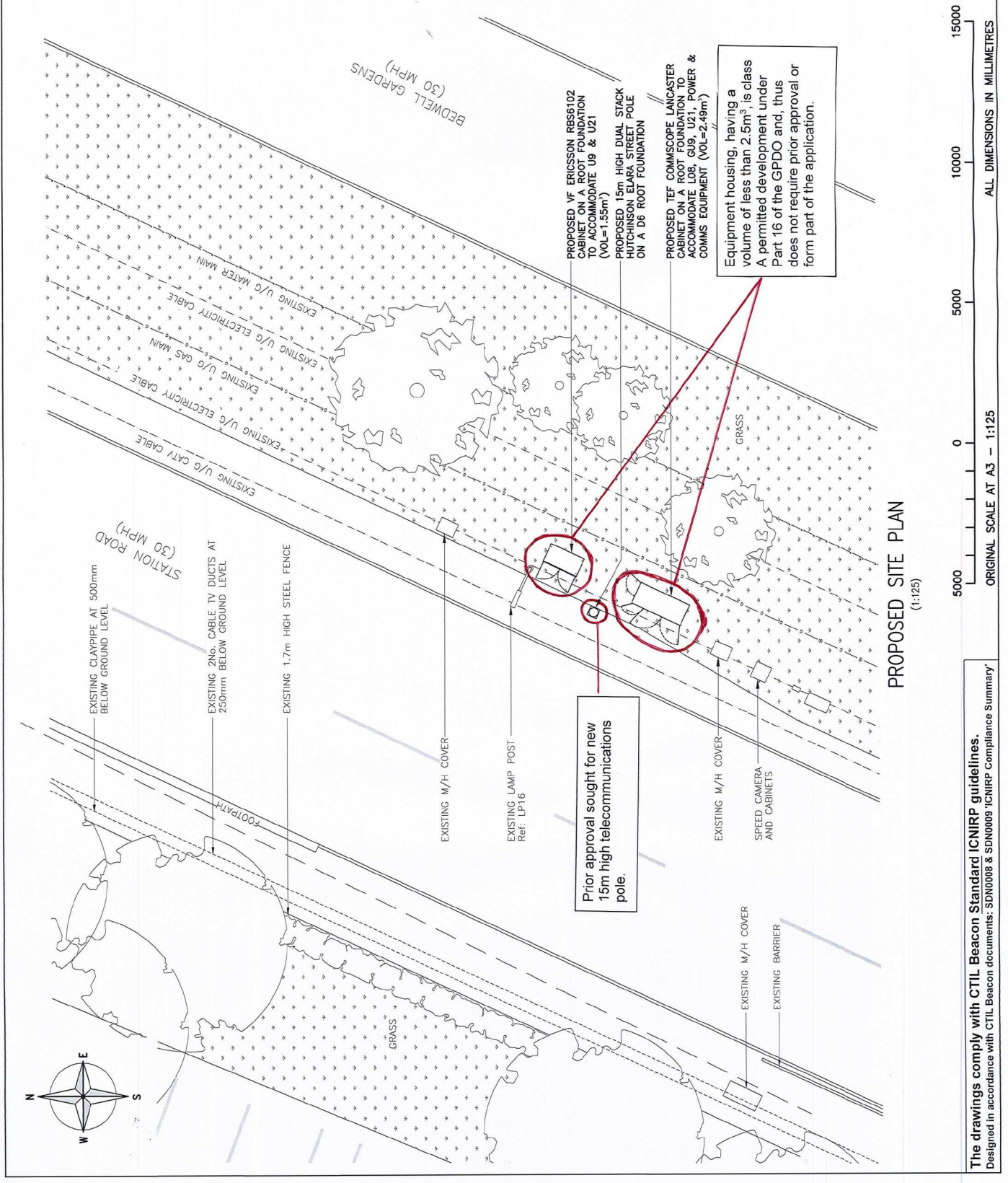
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Cell ID No	TEF VF

CTIL	150160	071965	87721
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Site Address / Contact Details  
 HIGHWAYS VERGE BETWEEN STATION RD &  
 BEDWELL GARDENS  
 STATION RD, HAYES  
 MIDDLESEX  
 UB3 4JD

Drawing Title: PROPOSED SITE PLAN  
 Purpose of Issue: PLANNING  
 Drawing Number: 200

Surveyed By:	CT	Original Sheet Size:	A3
Drawn:	MS	Checked:	CT
Date:	13.09.16	Date:	13.09.16
Issue:	D		



PROPOSED SITE PLAN  
 (1:125)

The drawings comply with CTIL Beacon Standard ICNIRP guidelines.  
 Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'ICNIRP Compliance Summary'



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 N.G.R. E: 509379 N: 178943  
 CONCESSION REQUIRED NO  
 NOTES:

REV	MODIFICATION	BY	CH	DATE
E	Elevation Detail Amended	MS	MS	30.01.17
D	Elevation Amended	MS	LB	25.01.17
C	Final Height & Site Location Amended	MS	MS	21.10.16
B	Final Height & Site Location Amended	MS	MS	13.09.16
A	Issued for Approval	MS	CT	13.09.16

GalifordTry  
 WOLVEY - HINGKLEY - LEIGESTERSHIRE - LE10 3JF  
 Tel: +44 (0)1455 222792 Fax: +44 (0)1455 222758

**O<sub>2</sub>**  
 CTIL

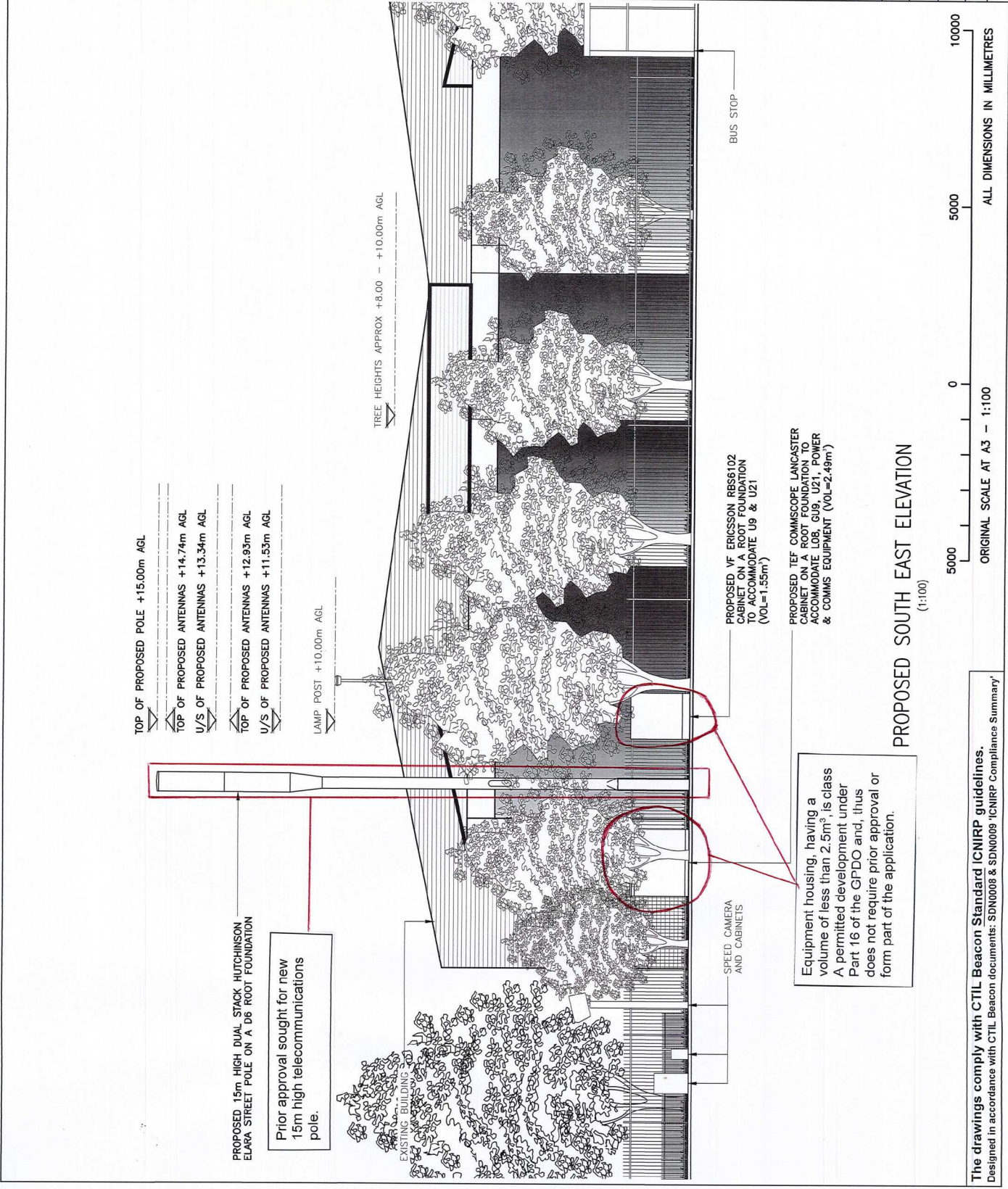
Cell Name  
 STATION ROAD SF

Cell ID No  
 TEF 150160  
 VF 071965  
 87721

Site Address / Contact Details  
 HIGHWAYS VERGE BETWEEN STATION RD &  
 BEDWELL GARDENS  
 STATION RD, HAYES  
 MIDDLESEX  
 UB3 4JD

Drawing Title: PROPOSED SITE ELEVATION  
 Purpose of Issue: PLANNING  
 Drawing Number: 300

Surveyed By: CT  
 Date: 13.09.16  
 Original Sheet Size: A3  
 Issue: E  
 Date: 13.09.16  
 Checked: CT



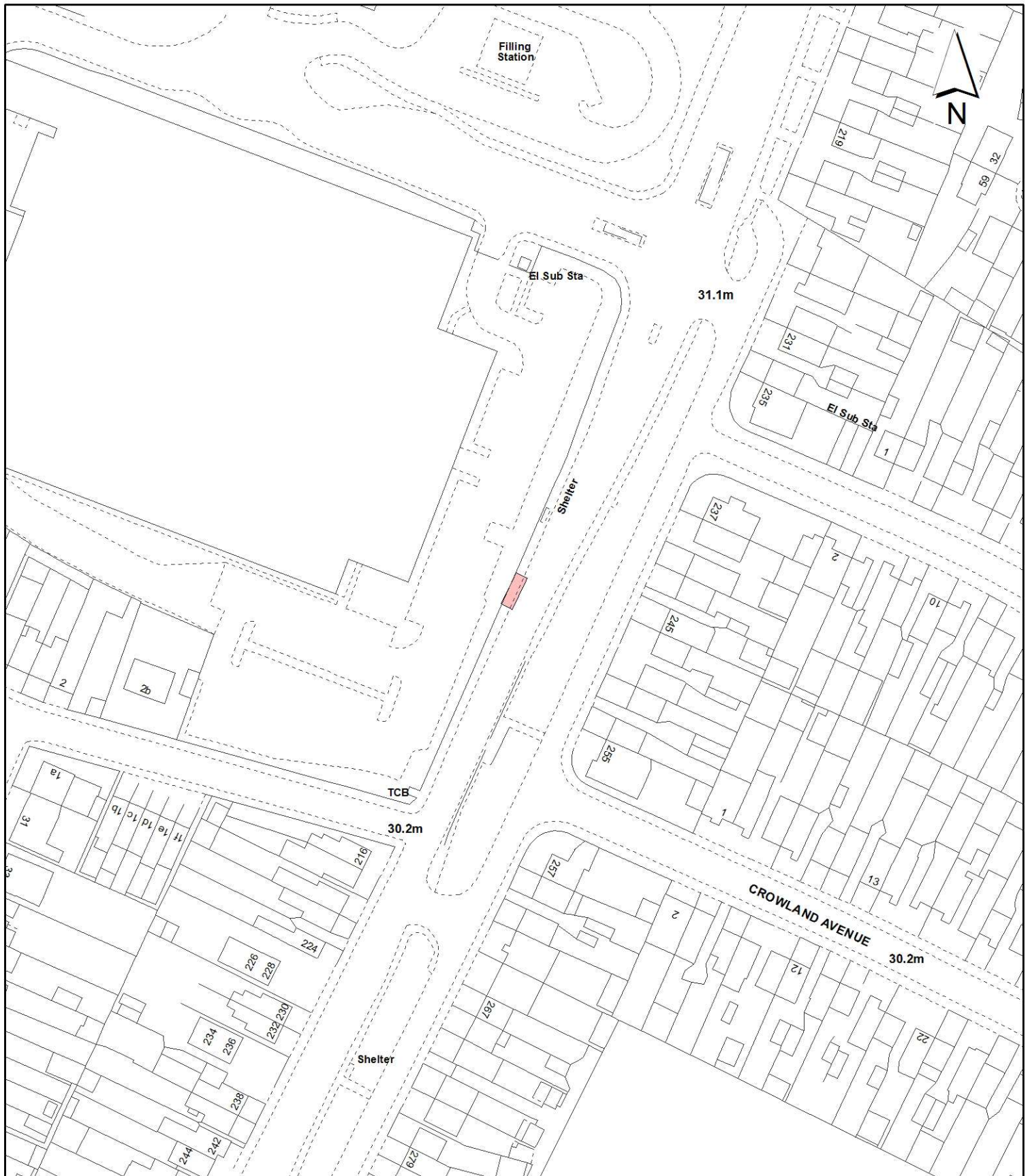
PROPOSED SOUTH EAST ELEVATION  
 (1:100)

Equipment housing, having a volume of less than 2.5m<sup>3</sup>, is class A permitted development under Part 16 of the GPDO and, thus does not require prior approval or form part of the application.

Prior approval sought for new 15m high telecommunications pole.

The drawings comply with CTIL Beacon Standard ICNIRP guidelines.  
 Designed in accordance with CTIL Beacon documents: SDN0008 & SDN0009 'CNIRP Compliance Summary'





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 Site boundary

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Site Address:

**Highways Verge  
 Fronting 247 Station Road**

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

Planning Application Ref:  
**72544/APP/2017/295**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**March 2017**



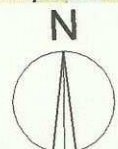
**HILLINGDON**  
 LONDON

**Report of the Head of Planning, Sport and Green Spaces**

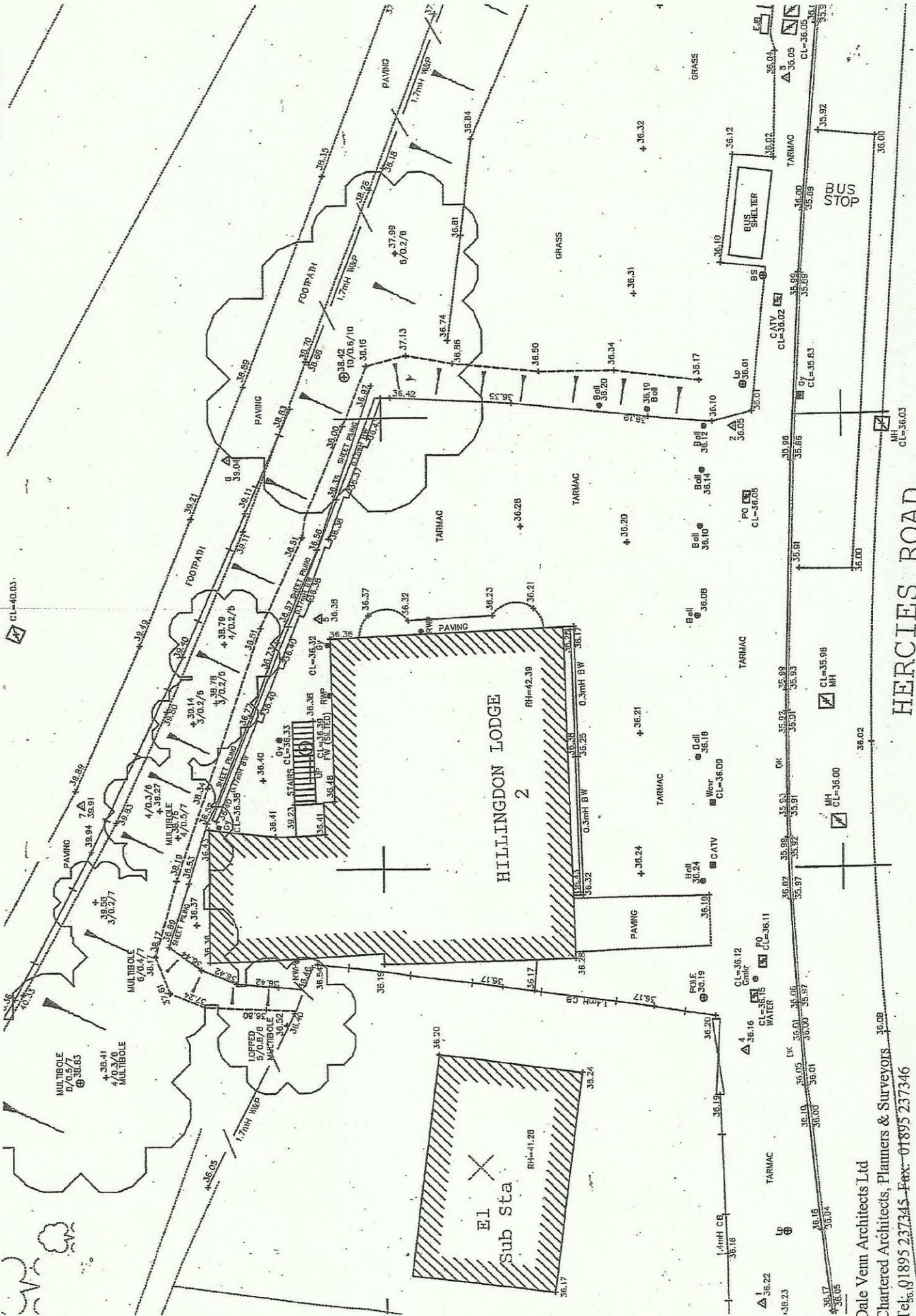
**Address** 2 HERCIES ROAD HILLINGDON  
**Development:** Retention of the existing building as a 12 room bed and breakfast hostel, amendment to parking layout and provision of a new crossover (Sui Generis)  
**LBH Ref Nos:** 9771/APP/2016/3074

**Date Plans Received:** 11/08/2016                      **Date(s) of Amendment(s):** 11/08/2016  
**Date Application Valid:** 15/08/2016

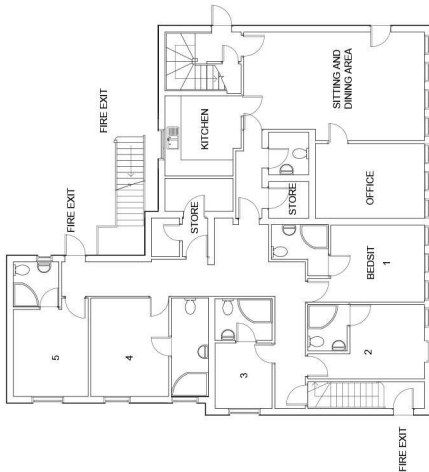








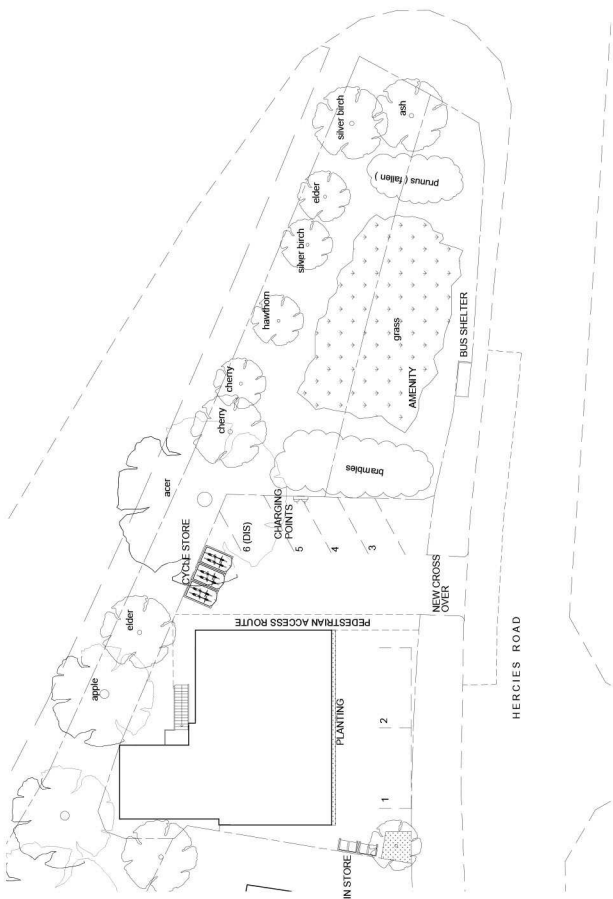
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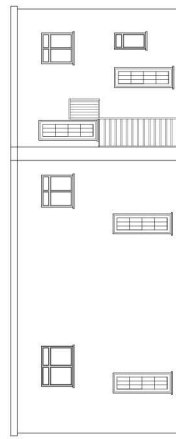
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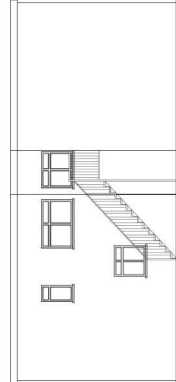
FIRST FLOOR



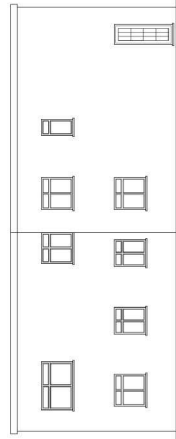
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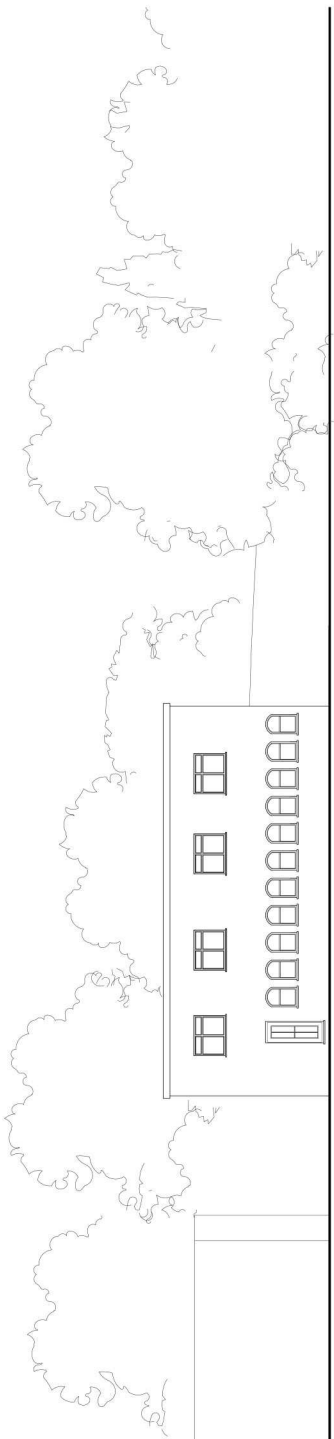
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION 1:100

REVISIONS	DATE	REV.
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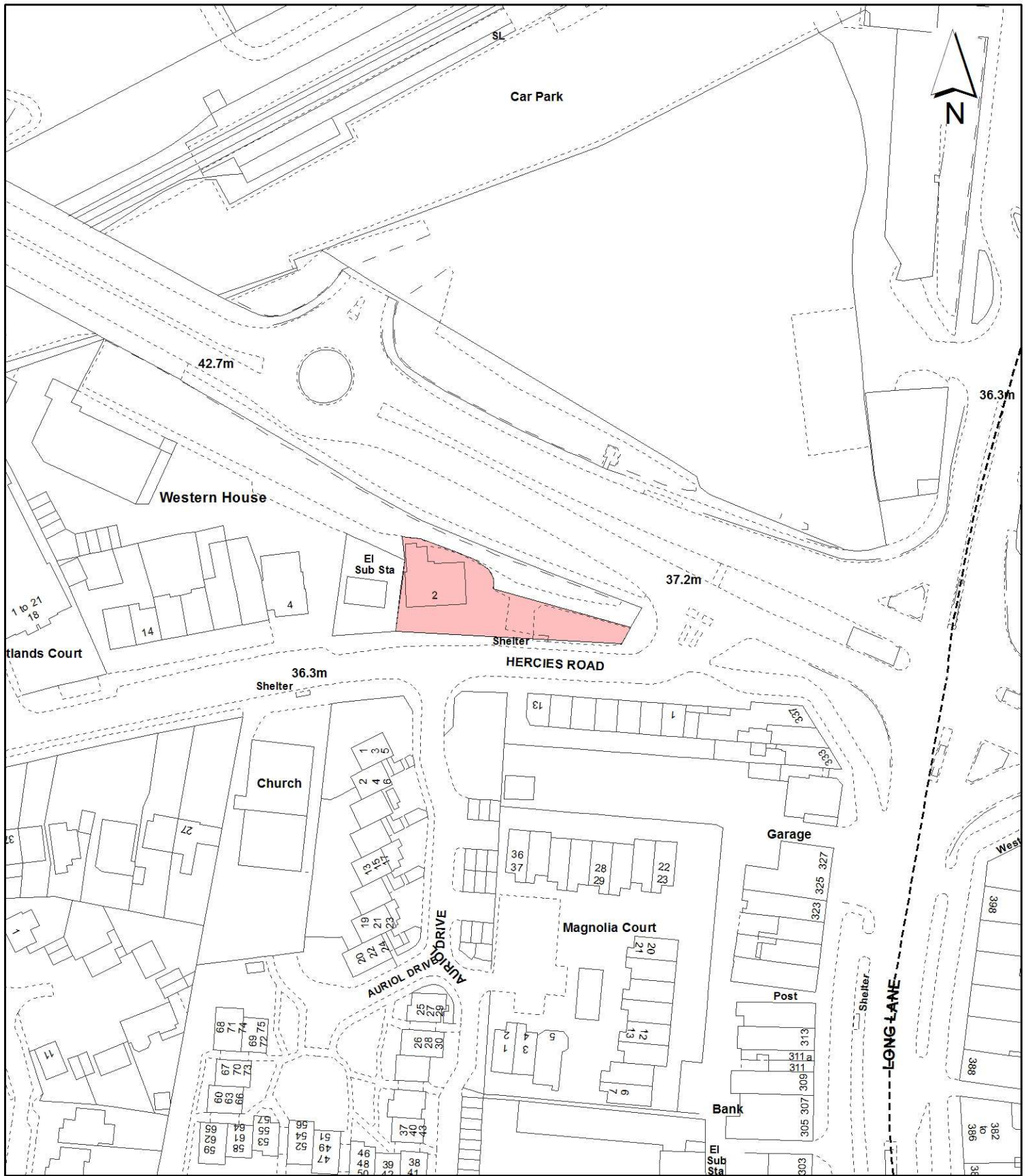
<b>JOB</b>
2 HERCIES ROAD HILLINGDON UB8 3JN

<b>CLIENT</b>
HILLINGDON LODGE LTD
<b>DRAWING</b>
PLANS AND ELEVATIONS

<b>DALE VENN ARCHITECTS</b> Architects, Planners & Surveyors HIGH HOUSE, HARLINGTON ROAD, HILLINGDON, MIDDLESEX. 01895-237945
--

SCALE: 1:100 @ A1	DRAWING No.	REV.
DATE: 02/16		
DRAWN: JK		
CHECKED: DV		
		<b>4853-2</b>





**Notes:**

 Site boundary

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Site Address:

**2 Hercies Road**

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

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

Planning Application Ref:

**9771/APP/2016/3074**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**March 2017**



**HILLINGDON**  
 LONDON

**Report of the Head of Planning, Sport and Green Spaces**

**Address** 2 CASTLE AVENUE YIEWSLEY

**Development:** Conversion of single family dwellinghouse (Class C3) into a 7 bedroom House in Multiple Occupation (Sui Generis)

**LBH Ref Nos:** 33995/APP/2016/3713

**Date Plans Received:** 06/10/2016

**Date(s) of Amendment(s):**

**Date Application Valid:** 06/10/2016



1:1250 LOCATION PLAN

2ND DOMESTIC BINS & 2ND RECYCLING BINS ARE TO BE PROVIDED TO THE SIDE OF THE BUILDING

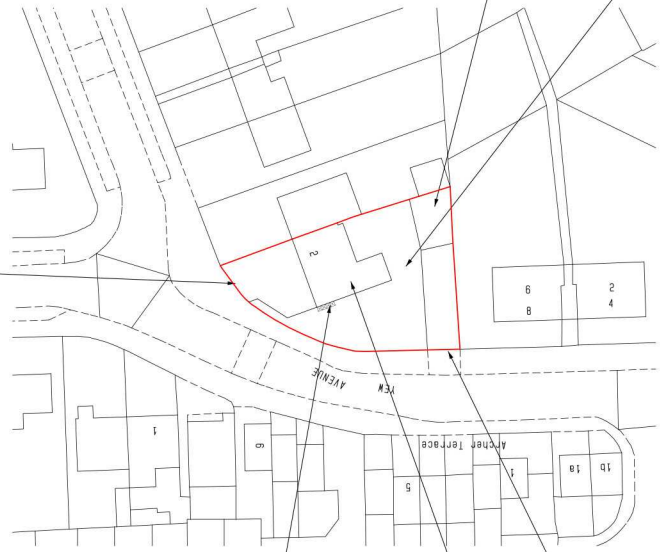
THE EXISTING BUILDING

EXISTING ACCESS & PARKING FOR 3 VEHICLES

EXISTING OUTBUILDING TO PROVIDE CYCLE STORAGE & GENERAL STORAGE

COMMUNAL GARDEN AREA MEASURING 202.50 M

EXISTING ACCESS & PARKING FOR 6 VEHICLES



No.	Date	By	Contents
Revisions			

Drawing Title  
**Location Plan & Site Plan**

Project  
Conversion to an 8 bedroom House in Multiple Occupation (Sui Generis)

Scale As stated  
Date September 2016  
Drawn by SD

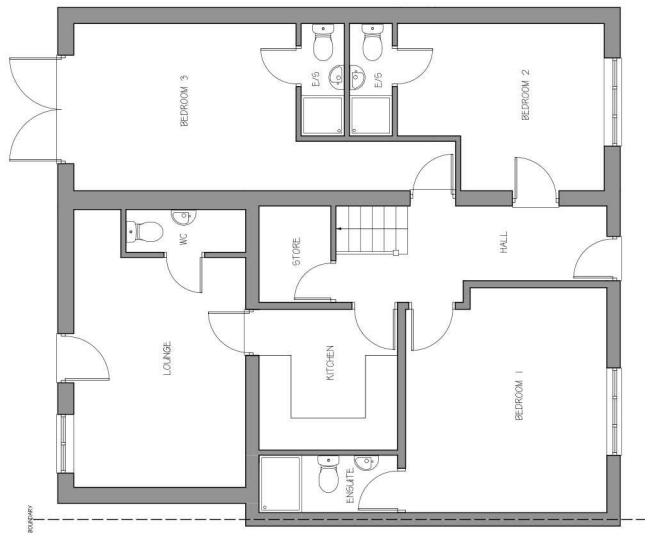
Client Details  
2 Castle Avenue  
West Drayton  
UB7 8LG

Dwg. No. CA PA 02  
Rev. B

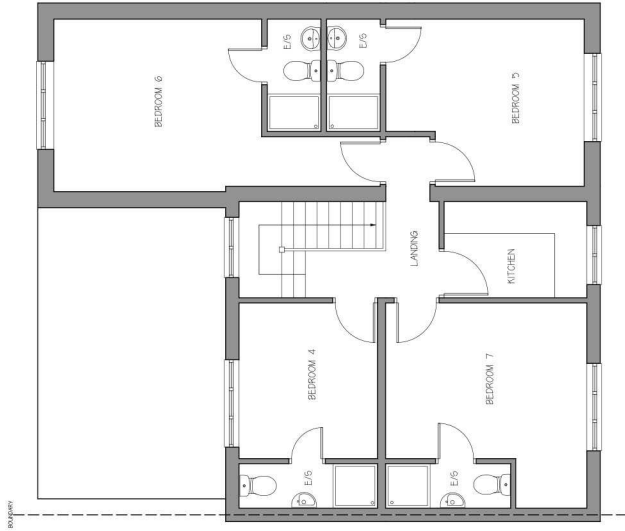
- SCHEDULE OF BEDROOMS
- BEDROOM 1 - 12.4 5.0 M
  - BEDROOM 2 - 12.7 5.0 M
  - BEDROOM 3 - 12.7 5.0 M
  - BEDROOM 4 - 12.0 5.0 M
  - BEDROOM 5 - 10.6 5.0 M
  - BEDROOM 6 - 14.3 5.0 M
  - BEDROOM 7 - 12.2 5.0 M

GROUND FLOOR KITCHEN - 6.5 5.0 M  
 FIRST FLOOR KITCHEN - 4.5 5.0 M  
 LOUNGE - 10.3 5.0 M

FLOOR AREAS IN ACCORDANCE WITH THE HOUSING ACT

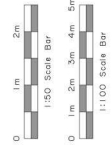


GROUND FLOOR PLAN - 1:50



FIRST FLOOR PLAN - 1:50

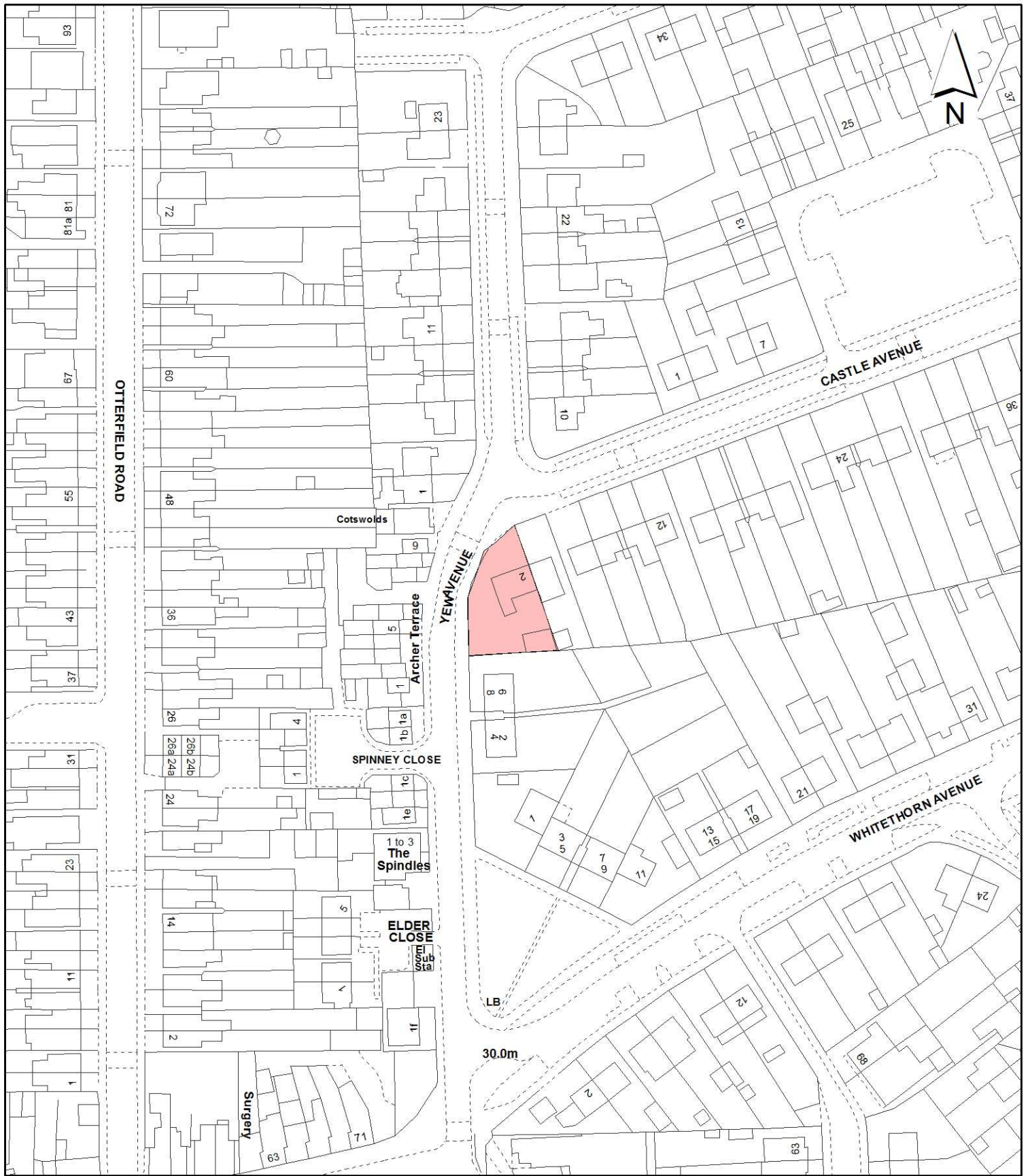
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No.	Date	By	Contents
Revisions			
Drawing title Existing Floor Plans (no changes proposed)			
Project Conversion to an 7 bedroom House in Multiple Occupation (Full Conversion)			
Scale	Date	Drawn by	SD
1:50 / 1:100	January 2017		
Client Details 2 Castle Avenue Weir Dragon UB7 8LG			
Drawing	CA PA 01	Rev.	C

NO INTERNAL OR EXTERNAL CHANGES ARE PROPOSED  
 THESE FLOOR PLANS ARE THE EXISTING AND PROPOSED FLOOR PLANS





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Site Address:

**2 Castle Avenue**

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

Planning Application Ref:  
**33995/APP/2016/3713**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**March 2017**



**Report of the Head of Planning, Sport and Green Spaces**

**Address** 10A HIGH STREET YIEWSLEY

**Development:** Change of use from retail (Use Class A1) and conversion to 2 x 2-bed self contained flats (Use Class C3)

**LBH Ref Nos:** 72203/APP/2016/3394

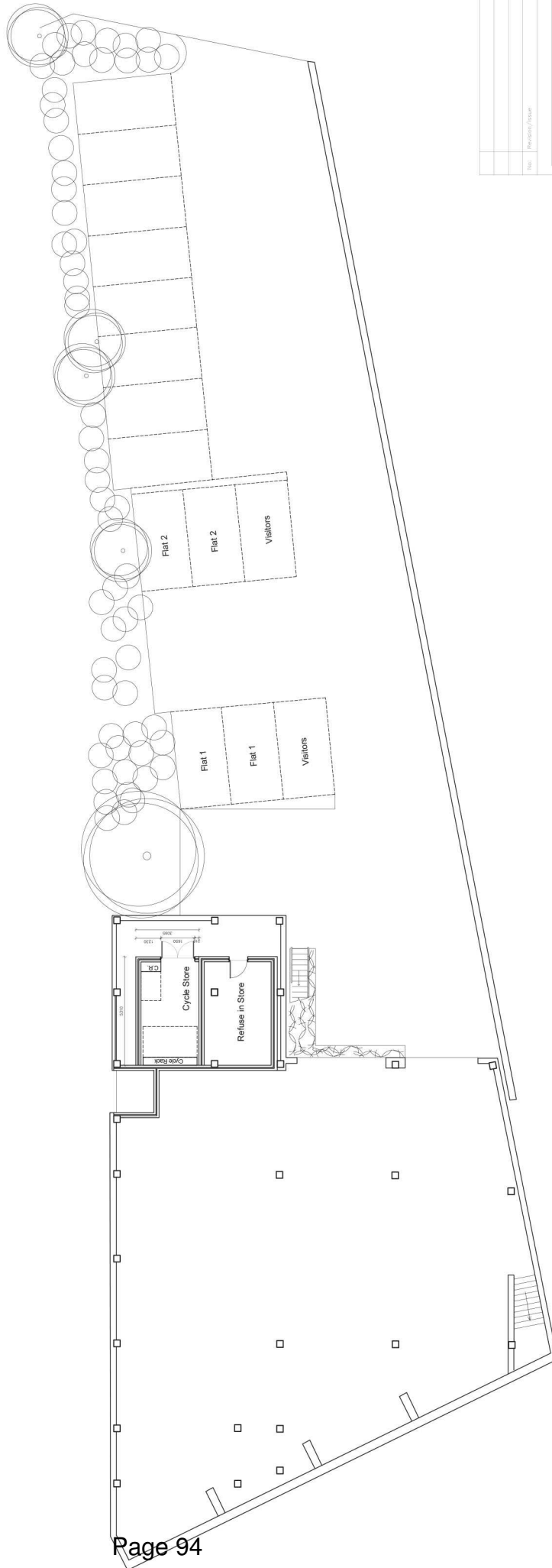
**Date Plans Received:** 09/09/2016

**Date(s) of Amendment(s):**

**Date Application Valid:** 15/01/2017







Basement Layout (rear)



Rev:	Precedent/Issue:	Date:

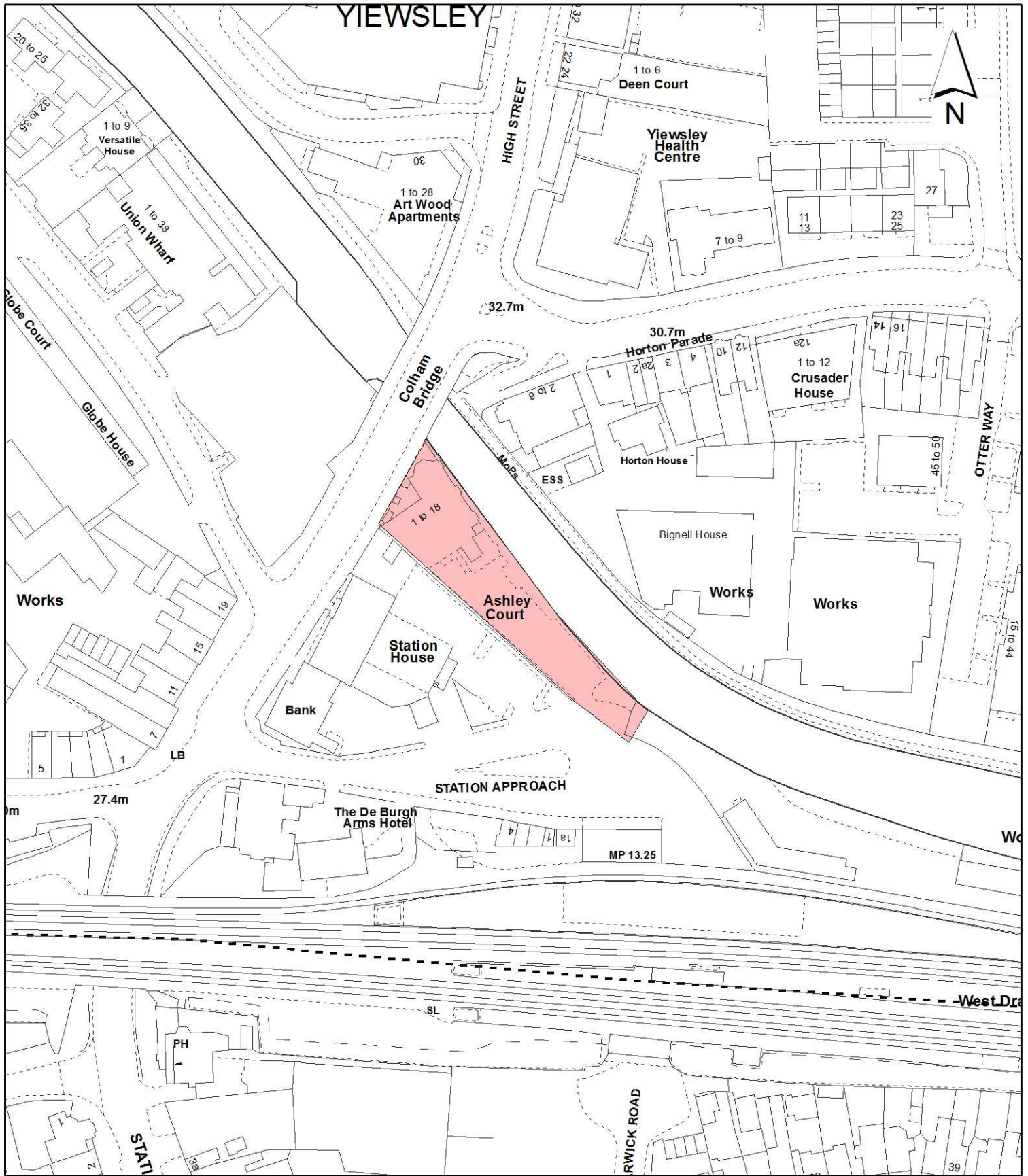


**MPS**  
Merlin Property Services

Merlin Property Services  
 10a High Street - Yiewsley  
 Upton, Wokingham, RG40 3AA  
 Tel: 01753 898 998  
 Fax: 01753 898 999  
 Email: [enquiries@merlinps.co.uk](mailto:enquiries@merlinps.co.uk)  
 Web: [www.merlinproperty-services.com](http://www.merlinproperty-services.com)

Car parking allocation  
 UB7 7DN - 006  
 Drawn By: MA  
 Checked By: KG  
 Scale: 1:100  
 Date: 07/11/16





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Site Address:

**10a High Street**

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

Planning Application Ref:  
**72203/APP/2016/3394**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**March 2017**



**HILLINGDON**  
 LONDON

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