

Report of the Head of Planning, Sport and Green Spaces

Address KNIGHTS OF HILLINGDON FLORISTS UXBRIDGE ROAD HILLINGDON

Development: "Retrospective planning application to vary condition 4 (that the development hereby permitted shall be carried out in accordance with the following approved plans) to outline planning permission (Ref 15407/APP/2009/1838) granted on appeal on 17 June 2010 for the "erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space" to seek retain the building as built including divergences from the approved scheme in respect to the roof profile that serves the lift shaft on the rear elevation of the building, the disabled car parking provision and the level access provided to the building entrance involving the introduction of a 'bridge structure' over a void adjacent to the rear elevation.

LBH Ref Nos: 15407/APP/2013/1170

Drawing Nos: 1021-P-302
1021-P-303
1021-P-304
1021-P-305
1021-P-311
1021-P-312
1021-P-300
1021-P-312
1021-P-301
1021-P-310

Date Plans Received: 08/05/2013

Date(s) of Amendment(s):

Date Application Valid: 23/05/2013

1. SUMMARY

The application is a retrospective application that seeks to regularise the built out scheme that has departed from the approved scheme (Ref 15407/APP/2009/1838) by varying condition 4 (that the development hereby permitted shall be carried out in accordance with the following approved plans). The current scheme retains the ground floor function for a medical centre (albeit to date the works on site to facilitate this aspect of the approved scheme are limited, with no internal fit out). At least 1 of the residential units is already occupied.

The completed scheme departs from the approved drawings in a number of respects. The main departures are:-

- (i) The lift tower which is taller in height and width and differs in profile and finish treatment;
- (ii) A roof form with a larger expanse of crown roof and with 3 additional rooflights (not previously approved), and 2 other rooflights larger in surface area than were previously approved;
- (iii) The loss of the direct level pedestrian access from the residential stairwell/lift tower to De Sallis Road;
- (iv) The loss of 2 disabled car parking bays at ground level, that were intended for the medical centre.
- (v) Additional Juliette balconies on the rear elevation.

This current partly built out scheme is considered to fail to comply with relevant planning policies resulting from (a) the lack of disabled car parking provision for the medical centre and (b) the introduction of a discordant and incongruous appearance to the lift tower, arising from the cumulative impact of its finish height set above the main roof, its width, its roof profile and the finish treatment. As such the scheme is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposal fails to provide adequate in number or useable disabled car parking bays to the medical centre (D1 use) or demonstrate satisfactory level pedestrian access to the residential development from the street contrary to Part One Policy BE1 of the Hillingdon Local Plan: Part One (November 2012), the Council's adopted parking standards, Policies R16, AM13, AM14, AM15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Hillingdon's adopted HDAS 'Accessible Hillingdon' Supplementary Planning Document (May 2013), London Plan Policies 6.2 and 7.2 and Section 4.4.3 of British standard 8300:2009.

2 NON2 Non Standard reason for refusal

The lift tower, as built and shown on proposed plans fails to be a subservient, represent a discordant and incongruous element that would detract from the appearance of the development and the general character and visual amenity of De Salis Road. As such it is considered this aspect of the scheme is contrary to Hillingdon Local Plan: Part One (November 2012) Policy BE1, Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan and the adopted Supplementary Planning Document HDAS: Residential Layouts

3 NON2 Non Standard reason for refusal

The proposed development fails to provide convenient and accessible refuse and recycling facilities to occupants of the residential units contrary to Policies R16 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Hillingdon's adopted HDAS 'Accessible Hillingdon' Supplementary Planning Document (May 2013), London Plan Policy 5.17 and paragraph 6.8.9 of Manual for Streets

4 NON2 Non Standard reason for refusal

The applicant has failed to provide a contribution towards the improvement of health, education and library facilities. The proposal therefore conflicts with R17 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Policies 3.17 and 3.18 the London Plan and the London Borough of Hillingdon Planning Obligations Supplementary Planning Document.

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 (July 2011) and national guidance.

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.
AM7	Consideration of traffic generated by proposed developments.
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.
AM15	Provision of reserved parking spaces for disabled persons
OE1	Protection of the character and amenities of surrounding properties and the local area
MIN16	Waste recycling and disposal - encouragement of efficient and environmentally acceptable facilities
R16	Accessibility for elderly people, people with disabilities, women and children
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.17	(2011) Waste capacity
LPP 6.13	(2011) Parking
LPP 7.2	(2011) An inclusive environment
LPP 7.4	(2011) Local character
NPPF	
SPG	Residential layouts and house design.

3

Prior to any future re-submission for a revised scheme the applicant is urged to review the practical capacity of the built-in and recycling storage facilities to the scheme.

4

Prior to any future re-submission a scaled plan should be submitted of the basement providing accurate details of the car parking bay layout showing all the supporting structural roof pillars that as built presently impede the car parking bays meeting the Council's space standards and which represent a departure from the previously approved basement car parking plan.

5

The owner should note the satellite dish and radio antennae fails to comply with permitted development contract to Part 25 Class Condition B.2 (a) "The antenna shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is installed". Failure to relocate the dish and

antennae to minimise the impact on the external appearance will necessitate investigation from the Planning Enforcement Team to seek its removal. Relocation onto the middle of the crown roof is liable to address this matter.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the former Knights of Hillingdon (Florists), located on the corner of De Salis Road and Uxbridge Road. The site previously contained a three storey detached florist building with four flats above, and a plant nursery to the rear.

The site is 0.0962 hectares in area and is bordered by residential properties to the north and east of De Salis Road. Hillingdon Heath forms an area of open space directly to the east of the site and a three-storey office building known as Milupa House is located to the west

3.2 Proposed Scheme

The approved outline planning permission was granted on Appeal at 17 June 2010 (Ref 15407/APP/2009/1838) with landscaping the only Reserved Matter (that has been subsequently approved Ref 15407/APP/2010/2209) and is for a 246 sq.m ground floor medical centre and 12 residential units comprising 8 x 2 bed and 4 x 1 bed units. The scheme provided 20 off street car parking spaces, 18 located within a basement car park and with 2 surface level car parking bays intended for the medical centre (with a 3rd disabled car parking bay for the residential accommodation provided in the basement car park). The approved scheme provided pedestrian access to the health centre via Uxbridge Road, whereas level pedestrian access to the residential accommodation was via De Sails Road.

This current part retrospective application seeks no alterations to the number of residential units or to the number of bedrooms to each flat. The scheme involves minimal non-material changes to the internal layout of the residential flats and to the unbuilt out medical centre located at the ground floor.

The original ground level to maximum roof height of the built out scheme is within approximately 150mm of the approved scheme and the total footprint of the scheme is within 2sq.m of the approved scheme (notwithstanding the omission of the 2 disabled bay 'undercroft' parking bays.

The main external departures from the approved scheme as identified from the submitted drawings are:

- 1) The lift tower sitting flush with the surrounding wall as opposed to sitting proud of the rest of the rear wall of the scheme (thus not appearing as a distinct element as viewed in elevation);
- 2) The lift tower not being subservient (i.e. lower to the main roof of the building) with the lift tower roof serving the overrun with it rising 250mm above the top of the main crown roof to the building, as opposed to set down 500mm with a hipped roof form on the approved scheme.
- 3) The lift tower not having a rusticated finish treatment, as previously approved.

4) The lift tower measured at eaves height departing from the approved drawings by being approximately 1.2m wider and with a more bulky roof form capping the lift tower.

5) The omission of the 2 ground level external disabled parking bays that were approved as recessed features in the rear elevation;

6) The omission of level pedestrian access to the flats from De Salis Road, with a substitute level pedestrian route (to date not built) proposed involving access from the front (Uxbridge Road) down the west flank side of the building then via a pedestrian bridge structure to the rear entrance door and lift to the residential component.

7) Three additional roof lights on the rear roof slope, plus the 2 roof lights in the flank roof slope facing towards Milupa House (an office block) being larger than was previously approved.

8) Additional Juliette balconies (purely decorative not capable of standing upon) to the obscured glazed window in the rear elevation.

3.3 Relevant Planning History

15407/APP/2009/1838 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building) (Outline application for approval of access, appearance, layout and scale.)

Decision: 25-11-2009 Refused **Appeal:** 17-06-2010 Allowed

15407/APP/2010/1984 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Details pursuant to Condition 10 (Site Contamination) of the Secretary of State's Appeal Decision ref: APP/R5510/A/09/2119085 dated 17/06/2010 (LBH ref: 15407/APP/2009/1838): Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building) (Outline application for approval of access, appearance, layout and scale.)

Decision: 18-05-2012 Approved

15407/APP/2010/2129 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Details in compliance with Conditions 9 (Cycle storage), 15 (Traffic arrangements) and 19 (Construction Management Plan) of the Secretary of State's Appeal Decision ref: APP/R5510/A/09/2119085 dated 17/06/2010: Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building) (Outline application for approval of access, appearance, layout and scale.)

Decision: 28-03-2011 Approved

15407/APP/2010/2209 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Reserved matters (landscaping) in compliance with condition 2 of the Secretary of State's Appeal Decision ref:APP/R5510/A/09/2119085 dated 17/06/2010 (LBH ref:15407/APP/2009/1838): Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building).

Decision: 09-01-2013 Approved

15407/APP/2010/2436 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Details in compliance with conditions 5 (Ground Levels) and 16 (Energy Efficiency) of the Secretary of State's Appeal Decision ref: APP/R5510/A/09/2119085 dated 17/06/2010 (LBH ref: 15407/APP/2009/1838): Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building) (Outline application for approval of access, appearance, layout and scale.)

Decision: 28-03-2011 Approved

15407/APP/2010/2445 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Details in compliance with condition 6 (materials) and 11 (Secured by Design) of the Secretary of State's Appeal Decision ref: APP/R5510/A/09/2119085 dated 17/06/2010 (LBH ref: 15407/APP/2009/1838 dated 28/08/2009): Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building) (Outline application for approval of access, appearance, layout and scale.)

Decision: 03-06-2011 Approved

15407/APP/2010/2542 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Details in compliance of Conditions 7 (balconies) and 20 (basement access ramp) of the Secretary of State's Appeal Decision Ref: APP/R5510/A/09/ 2119085 dated 17/06/2010: Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building) (Outline application for approval of access, appearance, layout and scale.)

Decision: 19-01-2011 Approved

15407/APP/2013/972 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Details in compliance with conditions 17 (Sustainable Urban Drainage) of the Secretary of State's Appeal Decision ref: APP/R5510/A/09/2119085 dated 17/06/2010 (LBH ref: 15407/APP/2009/1838): Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building) (Outline application for approval of access, appearance, layout and scale.)

Decision: 10-06-2013 Approved

Comment on Relevant Planning History

Relevant planning history provided above in section 3.2

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.CI1 (2012) Community Infrastructure Provision

Part 2 Policies:

- 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.
AM7 Consideration of traffic generated by proposed developments.
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.
AM15 Provision of reserved parking spaces for disabled persons
OE1 Protection of the character and amenities of surrounding properties and the local area
MIN16 Waste recycling and disposal - encouragement of efficient and environmentally acceptable facilities
R16 Accessibility for elderly people, people with disabilities, women and children
LPP 3.5 (2011) Quality and design of housing developments
LPP 5.17 (2011) Waste capacity
LPP 6.13 (2011) Parking
LPP 7.2 (2011) An inclusive environment
LPP 7.4 (2011) Local character
NPPF
SPG Residential layouts and house design.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **2nd July 2013**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The application was advertised in a local paper, a site notice was posted and 80 neighbouring owner/occupiers were consulted on the proposal.

Two written responses were received. Both were letters of objection. The concerns raised can be summarised as follows:

- 1) Surely the development was subject to regular reviews to ensure the building was erected in accordance with the strict terms and conditions as stipulated by the Secretary of State. In view of the breaches presented to original planning terms, should the matter not be referred back to the secretary of state to deal with?
- 2) The residents remain seriously concerned that the ground floor will not be used as a medical centre and we need reassurances that no change of use will be permitted for the ground floor area.
- 3) The developer, at original planning was adamant that a medical centre was planned and it was on this basis that an overdevelopment of the site was approved by the Secretary of State.
- 4) We are looking for the support of the council and secretary of state to protect the interests of the residents here as we remain very concerned regarding not only the blatant breaches to planning which have occurred but also to what is happening to the ground floor.
- 5) Strict actions need to be taken here to combat the ongoing issues at the site.
- 6) There are no plans showing parking space relocation or whether all 18 planned parking spaces are still available, i.e. where are the 6 medical centre spaces and are there still sufficient disabled parking spaces? If they are not available, road parking will be a problem.
- 7) Wheelchair residents will have to travel right round the outside of the building to access the bin store, which is not really acceptable. If there is a basement fire, wheelchair residents will have to cross the basement entrance and may be exposed to risk of harm - smoke and/or flame

Internal Consultees

INTERNAL:

ACCESS OFFICER:

There appears to be no changes to the front elevation affecting accessibility when comparing the plans approved at appeal and the plans pertaining to this retrospective planning application. Ramped access was approved for the front entrance, and the latest plans appear to show identical specifications.

In terms of access to the accessible parking spaces and the amenity area at the rear, changes are noted. The plans approved at appeal show a gradient of 1:20 from the accessible parking spaces to a level entrance that leads into the building. A similar arrangement was to be provided from the rear entrance down to the amenity area via a ramp descending to the north-west boundary. It is considered that this would have achieved an acceptable standard of access had it been possible to construct.

However, given the differences in level at the rear, it has proven not possible to achieve the desired gradient leading from the accessible car parking to the building's rear entrance. The retrospective plans of the building, as constructed, show that the surface level accessible parking bays, included as part of the approved scheme, have been omitted. Given the building's ground floor was approved as a medical centre, accessible parking is considered to be paramount to ensure that the principles of inclusion can be achieved.

Any vehicle height barrier should provide a vertical clearance on level ground of 2.6 m from the

carriageway to allow the passage of a high-top conversion vehicle. Alternatively, a facility should exist whereby the user of a high-top conversion can make arrangements to pass through the barrier.

The vertical clearance of 2.6 m should be maintained from the entrance of the car park to (and including) the designated parking spaces and exits from those spaces. The effect of driving a long wheelbase vehicle over any humps or onto a slope should be taken into account when checking the effective vertical clearance. Height restrictions should be clearly signposted, at a point before drivers begin to enter the car park. For existing car parks, if it is not feasible to maintain the recommended vertical clearance along the route, there should be directions to suitable alternative designated parking spaces.

Hillingdon's adopted 'Accessible Hillingdon Supplementary Planning Document specifies a high clearance for car parking in 'public' environments, however, within the housing section, it does ask for a minimum of 2.2 m. The two ground level parking spaces originally shown, were logically allocated to the medical centre. There is every likelihood that disabled people with complex impairments would visit a medical centre, and many of those would arrive in a semi-hightop vehicle which could not be accommodated in a more standard 2.2 m high car park.

The ramp bridge leading from the rear entrance to the amenity area should provide a minimum ramp surface width of 1.5 m. Drawing No: 1021-P-310 indicates that the ramp surface is approximately 1 m wide, which would be unacceptable in planning terms, even if Building Regulations have been satisfied.

Provided the following two provisions can be clarified and are found to be acceptable following re-evaluation, no objection would be raised from an accessibility standpoint:

1. The development, as constructed, shall provide a minimum of 10% accessible parking bays in accordance with policy AM15 (Hillingdon Local Plan: Part 2 Policies). If these are to be provided within the basement car park, the parking area should ensure a minimum height clearance of 2.6 m to cater for high sided accessible vehicles. The parking should rightly be provided at surface level to ensure that the development concurs with inclusive design principles.

2. The bridge link ramp must comply with Approved Document M to the building regulations, and confirmation of the same should be submitted to ensure the correct width, gradient and flight length.

Conclusion: no objection would be raised provided the issues raised in points one and two above can be confirmed as acceptable.

URBAN DESIGN OFFICER:

Having considered the structure as built, there are some differences from the approved plans. Some, such as the window proportions and detailing appear to be an improvement on the agreed scheme and the changes to the roof form appear to make very little difference to the overall appearance of the building. The lift enclosure as built, however, is taller and generally more bulky in appearance than that approved. It appears as a visually discordant element and poorly integrated with the architecture of the rear elevation. It could, however, be improved if it were clad vertically (covering the same area as the original rustication), perhaps with panelling in a grey colour, to break up its bulk. This could also be integrated with a better detailed entrance foyer and a larger canopy, which would create a feature at ground floor and draw the eye from the lift enclosure above.

HIGHWAY ENGINEER:

The scheme provides inadequate disabled car parking provision to the Medical Centre (D1). Although no Transport Statement accompanies this current application, the Transport Statement submitted with the original approval (5407/APP/2009/1838) provided for 20 parking spaces in total, allocating 11 car spaces for the residential units and 9 spaces for the medical centre. This included 3 disabled car parking spaces, 2 of which would be on the ground floor.

The above mentioned Transport Statement considered peak demand for a medical clinic of 7 car parking bays and 9 for a GP surgery. This assessment of the necessary parking provision was accepted as satisfactory by the Council's Highway Engineer at the time of the original application and subsequently by the Planning Inspector.

Notwithstanding the car parking provision for the D1 Use would short fall by 2 car parking spaces, as assessed for a GP surgery (as opposed to a medical centre), it is not considered this shortfall provides a reason to object to the scheme. However, the loss of the two disabled parking bays at ground floor level for the proposed D1 use remains a cause for concern. It would not be possible to provide these at basement level, given the inadequate head height into the basement car park (minimum 2.6m required and approximately 2.2m clearance provided). The proposal is therefore unacceptable and contrary to relevant planning policy.

PLANNING OBLIGATIONS:

There is a Unilateral Undertaking over the land dated 22 February 2010.

If you are minded to approve this scheme then a Deed of Variation to this agreement to align the new planning reference, if approved.

Note that to date the Unilateral Undertaking has not been met and the agent and owner have been contacted to look to rectify this matter, as they are in breach of the Unilateral Undertaking at this time.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development has been previously established, as evidenced with the original approved scheme (15407/APP/2009/1838).

7.02 Density of the proposed development

The density of the residential scheme has already been established and this revised scheme has no impact upon aspect of the scheme.

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

The site does not lie in proximity to any listed buildings, a conservation area, or an area of Special Local Character. The site is also not located within an archaeological priority area.

7.04 Airport safeguarding

Not applicable to this variation of condition application.

7.05 Impact on the green belt

The site is not located in proximity to any land designated as Green Belt.

7.06 Environmental Impact

Not applicable to this variation of condition application.

7.07 Impact on the character & appearance of the area

Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) requires that new development within residential areas complement the character and appearance of the area.

There are minimal external alterations to the approved scheme in respect to the front and side elevations of the scheme. Whilst the finished fenestration arrangement on the residential upper floors do not accord exactly with the previously approved drawings it is not considered these changes would have an adverse impact on the architectural integrity of the scheme or upon the general character and appearance of an area, once the previously approved balconies and Juliet balconies are in situ.

In terms of the general main roof the departures from the approved scheme are more significant with additional roof light windows and a larger expanse of raised [crown] flat roof. Nevertheless, these departures when viewed on site and as reflected in this current application, are not considered to provide any undue adverse impact in terms of the overall bulk of the roof form as viewed from the 2 adjacent streets to the site and therefore do not provide a reason for refusal.

The approved scheme contained a lift tower with a its well proportioned width, part rusticated finish treatmenta and a roof profile (set 500mm below the main roof of the development), that combined to provide a building element that 'read' harmoniously and subserviently with the remainder of the back elevation of the approved scheme.

The current scheme (as built and shown on the submitted drawings) provides a lift tower of greater width, capped with a heavier roof form, and of greater overall height (siting 250mm above the main roof of the development) and without a rusticated finish treatment compared to the approved scheme. All these described elements of the built lift tower combine to produce an incongruous built element that sits uncomfortably on the back elevation of the scheme and as such fails to be a subservient building feature. This part of the development therefore detracts from the character and visual amenity of De Salis Road. As such it is considered this aspect of the scheme is contrary to Hillingdon Local Plan: Part One (November 2012) Policy BE1, Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Policies 3.5 and 7.4 of the London Plan and the adopted Supplementary Planning Document HDAS: Residential Layouts.

7.08 Impact on neighbours

The 3 additional and 2 larger roof lights situated in the roof slopes (compared to the approved scheme) are all contained within roof slopes which have approved roof lights. The additional roof lights are not set nearer to neighbouring properties than the previously approved roof lights. Therefore these deviations from the approved scheme are not considered to have any adverse impact to neighbours.

7.09 Living conditions for future occupiers

The alterations to the scheme involve minimal changes to the internal layout of the individual residential flats.

As such the scheme retains appropriate living conditions for future occupiers that accord with relevant Council planning policies, Supplementary Planning Guidance and the London Plan.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The matter of disabled car parking provision is dealt with in section 7.12 of the report. However the loss of 2 car parking bays allocated for disabled use from the scheme is not considered by the Highway Engineer to warrant an additional reason of refusal in respect to an unacceptable stress being placed to on street car parking on the surrounding road network.

7.11 Urban design, access and security

URBAN DESIGN: Dealt with in section 7.07 of the report.

ACCESS: Dealt with in section 7.12 of the report.

SECURITY: The proposed alterations within this scheme, from the approved scheme, raise no undue adverse security issues notwithstanding the requirement for pedestrians who require level access to the residential component from the street would have to walk down the 'blank' flank west elevation of the wall.

7.12 Disabled access

Planning Policies R16, AM13 and AM15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) are relevant to consideration of disabled access to the scheme and their content are laid out below:

Policy R16 states "The local planning authority will only permit proposals for shops, business uses, services, community and other facilities open to the public if they include adequate provision for accessibility, in particular those of elderly people, people with disabilities, women and children where appropriate to the scale and nature of the development proposed, new development should include:-

- (i) safe and convenient access by public and private transport and on foot;
- (ii) safe and convenient means of physical access to all floors;
- (iii) facilities for child and baby care accessible for male and female carers; and
- (iv) toilets accessible to people with disabilities;
- (v) and have regard to the measures set out in policies AM13 and R17."

Policy AM13 "The local planning authority will seek to ensure that proposals for development increase ease and spontaneity of movement for elderly people, the frail and people with disabilities."

Policy AM15 states "All car parks provided for new development shall contain conveniently located reserved spaces for disabled persons in accordance with the council's adopted car parking standards".

The current scheme differs from the approved scheme in 3 key aspects in respect to the general accessibility of the scheme arising from:

- (a) the omission of 2 accessible car parking bays located at ground level intended for the medical centre and
- (b) the loss of the direct level pedestrian access from the residential stairwell/lift tower to De Sallis Road.
- (c) The scheme lacks convenient pedestrian access to the refuse bins from the entrance to the residential development. There is a walk of approximately 60 metres for occupants of the residential units, including wheelchair users.

The omission of the 2 car (previously approved) accessible car parking bays leaves the current scheme with only 1 accessible car parking bay, located in the basement car park. As built the basement provides approximately 2.2m vertical clearance for vehicles to enter into the basement car parking. This clearance height is not consistent with standards for accessible car parking provision within residential units.

However for schemes serving a general public use facility, such as a D1 medical centre, both the relevant British Standard 8300:2009 (section 4.4.3) and the Council's own adopted "Accessible Hillingdon" Supplementary Planning Document require vertical clearance of 2.6m to meet the needs of high sided cars designed for holding a wheelchair.

Without the necessary 2.6m vertical clearance, the basement car park fails to offer an opportunity to serve as an acceptable substitute location for the accessible car parking to meet the needs of a medical centre. Therefore the scheme fails to comply with the relevant planning policies.

In the absence of direct pedestrian level access from the door entrance to De Salis Road (as previously approved) the current scheme proposes an alternative level access route, which is more circuitous, and is from Uxbridge Road involving a 'bridge link to the rear of the building over a vehicle ramp, serving the basement car park. The submitted drawing shows the bridge link as being approximately 1m wide, which is not consistent with either Part M (accessibility) of the Building Regulations or with the Council's Adopted Accessible Hillingdon Supplementary Planning Document.

The scheme demands residents who require level access to walk over 50 metres, around 3 sides of the building, from the residential entrance door to the communal refuse and recycling store. The proposed route for wheelchair occupiers and other residents with mobility issues to reach the residential bin store would be excessive and is unacceptable, contrary to Section 6.8.9 of Manual for Streets and Policy 5.17 of the London Plan.

Accordingly in view of the above considerations the scheme fails to comply with Policies R16, AM13, AM15 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), London Plan Policies 5.17, 6.2 and 7.2 and is also not consistent with current equalities legislation ((Equalities Act 2010) or Paragraph 6.8.9 of Manual for Streets.

7.13 Provision of affordable & special needs housing

Not applicable as this current scheme involves no changes in this respect from the approved scheme, namely no provision of affordable housing required.

7.14 Trees, landscaping and Ecology

Not applicable as the current scheme involves no alterations to the approved landscaping scheme for the site and which is controlled by planning condition.

7.15 Sustainable waste management

Policy 5.16 of the London Plan requires that all new development provide adequate space for the storage of waste and recycling.

The previously approved scheme incorporate two integrated bin stores accessed from De Salis Road of approximately 60sqm in total floor area, that allows one to be provided for the medical centre and the other for the residential units each with capacity to store four 1100 litre bins, each with level access to the street.

The current scheme slight relocates the 2 integrated bin stores, they would retain level access to the street of approximately and have a net floor of approximately 54 sqm providing space for four 1100 litre bins in one unit and two 1100 litre bins in the other.

The reduction in the waste provision is not ideal, however the Council has no policies or guidance relating to the number of bins required for non residential users and it is generally for commercial occupiers to meet their needs through a combination of storage capacity and collection frequency. Accordingly it is not considered this change is sufficient to warrant refusal. However an informative is added encouraging the applicant to

review the refuse provision.

7.16 Renewable energy / Sustainability

Not applicable to this variation of condition application.

7.17 Flooding or Drainage Issues

Not applicable to this variation of condition application.

7.18 Noise or Air Quality Issues

Not applicable to this variation of condition application.

7.19 Comments on Public Consultations

CASE OFFICE RESPONSE:

With regard to Point 1 the Planning Inspector and Secretary of State do not involve themselves with breaches of planning control.

With regard to Points 2 and 3 and 4, the observation is noted, however is not material to this application that would retain the ground floor for medical centre use. Any future change of use to the ground floor would be the matter of a separate planning application and would be assessed on its merits.

With regard to Point 5 the current application follows investigation by the Council's Planning Enforcement Team.

With regard to Point 6 it is a matter dealt with elsewhere in the body of the report

With regard to Point 7 and the issue of ease of access to the refuse store, this is dealt with elsewhere in the body of the report. The issue of smoke and fire control is not a planning consideration but a matter for building control and the London Fire Brigade.

7.20 Planning obligations

Were the scheme to be approved a Deed of Variation to the existing section 106 would be required to transfer across the existing legal obligations.

To date the planning obligations have not been met. The financial obligations were due 12 months after the commencement of the scheme. 12 months has lapsed since commencement of the scheme.

7.21 Expediency of enforcement action

As no legal agreement is in place with respect to the current application and no obligations have been met the scheme should be refused.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

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

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

The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached. Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

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

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

The application seeks to regularise a series of departures from the approved scheme and which have been built out on site.

A number of the departures from the approved scheme such as a larger crown roof containing more roof lights and subtle changes in the treatment of the elevations are not considered to provide cause for concern in respect to visual amenity, impact upon neighbours or upon the adequacy of the accommodation/users for future occupants of the scheme. However, there are 3 aspects of the current proposed scheme (as built) that are considered unacceptable and contrary to adopted planning policy and guidance, namely

- (i) the external appearance of the lift tower that represents an incongruous element detrimental to the appearance of the building and the general character of the area,
- (ii) the failure to provide useable level pedestrian access to the residential flat from the street and
- (iii) the failure to provide any accessible car parking provision for the D1 use. As such the scheme is sub-standard, contrary to relevant planning policies and therefore recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One (November 2012)

Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

Hillingdon's HDAS 'Residential Layout' Supplementary Planning Document (July 2006)

Hillingdon's HDAS 'Accessible Hillingdon' Supplementary Planning Document (May 2013)

British standard 8300:2009

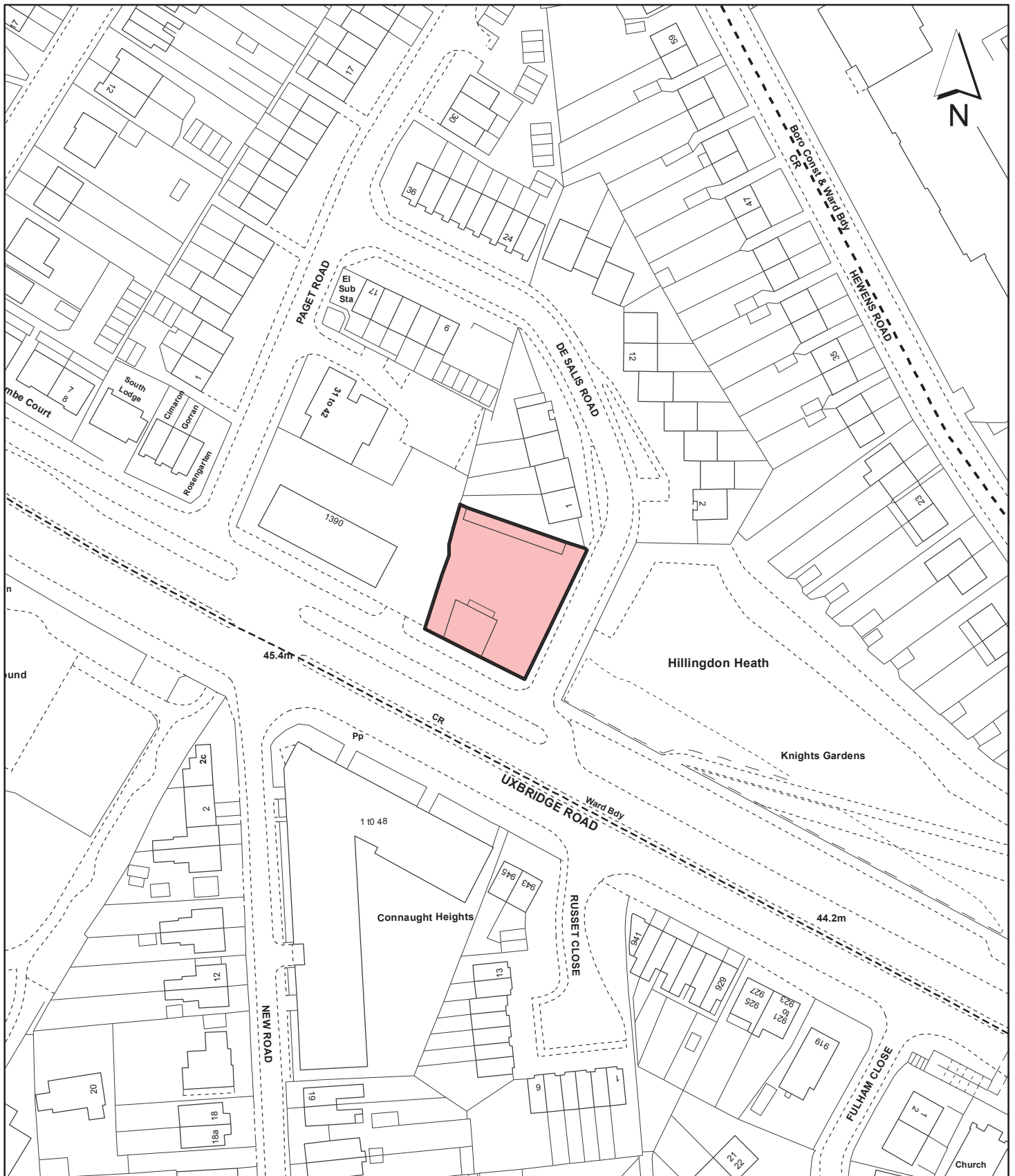
National Planning Policy Framework (March 2012)

London Plan (July 2011)

Manual for Streets

Contact Officer: Gareth Gwynne

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Notes

 Site boundary

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Site Address

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Planning Application Ref:
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Planning Committee
Major Applications

Date
**July
 2013**



HILLINGDON
 LONDON