

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

**Address** PRONTO INDUSTRIAL ESTATE AND 585 - 591 UXBRIDGE ROAD HAYES

**Development:** Change of use of B1(c) floorspace to provide 12 additional residential units and associated ancillary works. (Amendment to planning permission ref: 4404/APP/2011/2079, dated 30-03-2012 (Application to replace extant planning permission ref: 4404/APP/2008/3558, dated 23-03-2009); Redevelopment of site to provide replacement Class B1(c) light industrial space and 34 two-bedroom and 9 one-bedroom flats with associated car parking, landscaping and amenity space).

**LBH Ref Nos:** 4404/APP/2014/2506

**Drawing Nos:** Noise Insulation Scheme  
Email re sound insulation dated 29-08-14  
Economic Viability Assessment (August 2014)  
PL-01(S4) Site Plan  
PL-100 Site Location Plan  
PL-201 Proposed Ground Floor Plan and Elevations Block C  
PL-202 Proposed Ground Floor Plan and Elevations Block D  
PL-203 Proposed Ground Floor Plan and Elevations Block A2  
PL-204 Proposed Ground Floor Plan and Elevations Block E  
Design and Access Statement  
Report on the Demand for Commercial Space on the Pronto Trading Estate

**Date Plans Received:** 16/07/2014

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

**Date Application Valid:** 17/07/2014

### 1. SUMMARY

The application site currently benefits from planning permission ref: 4404/APP/2011/2079, dated 30-03-2012 of the redevelopment of the site to provide replacement Class B1(c) light industrial space and 34 two-bedroom and 9 one-bedroom flats (Application to replace extant planning permission ref: 4404/APP/2008/3558, dated 23-03-2009).

This application seeks full planning permission to allow the change of use of the B1(c) floor space to 12 additional residential units (C3) and associated ancillary works.

The proposed change of use from B1(c) floor space to 12 residential units is considered to be acceptable in principle. The proposal would provide adequate amenity space and accord with the London Plan (2011) internal floor space standards.

It is considered that the proposed additional units would not have a detrimental impact on the character of the surrounding area or on the residential amenity of future occupiers of the site or neighbouring properties.

The proposal complies with Policies AM7, AM14, BE13, BE15, BE19, BE20, BE23, BE24 and LE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the London Plan Policies (July 2011). It is therefore recommended that planning permission is approved.

### 2. RECOMMENDATION

1. That delegated powers be given to the Head of Planning and Enforcement to grant planning permission subject to the relevant conditions set out below:

A) The Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or other appropriate legislation to secure:

1. Affordable Housing: A financial contribution of £120,000 towards off-site affordable housing.

2. Project Management and Monitoring Fee: A contribution equal to 5% of the total cash contributions is required to ensure the adequate management and monitoring of the resulting agreement.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the legal agreement and any abortive work as a result of the agreement not being completed.

C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

D) If the Legal Agreement/s have not been finalised within 3 months, delegated authority be given to the Head of Planning and Enforcement to refuse planning permission for the following reason:

"The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development in respect of affordable housing. The proposal therefore conflicts with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies'.

E) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

F) That if the application is approved, the following conditions be imposed subject to any changes negotiated by the Head of Planning and Enforcement prior to issuing the decision:

**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,

PL-01(S4) Site Plan  
PL-100 Site Location Plan  
PL-201 Proposed Ground Floor Plan and Elevations Block C  
PL-202 Proposed Ground Floor Plan and Elevations Block D  
PL-203 Proposed Ground Floor Plan and Elevations Block A2  
PL-204 Proposed Ground Floor Plan and Elevations Block B

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 (July 2011).

**3 RES7 Materials (Submission)**

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

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

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

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

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

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
  
2. Details of Hard Landscaping
  - 2.a Refuse Storage
  - 2.b Cycle Storage
  - 2.c Means of enclosure/boundary treatments
  - 2.d Car Parking Layouts (including demonstration that 20% of all parking spaces are served by electrical charging points)
  - 2.e Hard Surfacing Materials
  - 2.f External Lighting
  - 2.g Other structures (such as play equipment and furniture)
  
3. 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/seedling within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

#### 4. Schedule for Implementation

#### 5. Other

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

5.b Proposed finishing levels or contours

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

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (July 2011).

#### **5 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **6 RES16 Code for Sustainable Homes**

The dwelling(s) shall achieve Level 4 of the Code for Sustainable Homes. No development shall commence until a signed design stage certificate confirming this level has been received. The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request.

The development must be completed in accordance with the principles of the design stage certificate and the applicant shall ensure that completion stage certificate has been attained prior to occupancy of each dwelling.

REASON

To ensure that the objectives of sustainable development identified in London Plan (July 2011) Policies 5.1 and 5.3.

**7 RES18 Lifetime Homes/Wheelchair Units**

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. A minimum of one of the units hereby approved shall be designed and constructed to be fully wheelchair accessible or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Accessible Hillingdon'.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (July 2011) Policies 3.1, 3.8 and 7.2

**8 RES22 Parking Allocation**

No unit hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme 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 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

**9 RES24 Secured by Design**

The dwelling(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

**10 RES17 Sound Insulation**

Development shall not begin until a scheme for protecting the proposed development from road 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 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 7.15.

## 11 NONSC High Level Windows

All windows indicated to be high level windows on the approved plans shall be positioned so that the bottom sill is a minimum of 1.7m above final floor levels.

### REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

## 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 (July 2011) 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.
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.11	(2011) Affordable housing targets
LPP 3.12	(2011) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
LPP 3.5	(2011) Quality and design of housing developments
NPPF	National Planning Policy Framework

### 3 I15 Control of Environmental Nuisance from Construction Work

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

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between

the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

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

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

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

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

#### **4 143 Keeping Highways and Pavements free from mud etc**

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.

#### **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**

You are advised that the development hereby approved represents chargeable development under the Mayor's and Hillingdon's Community Infrastructure Levy (CIL). The actual Community Infrastructure Levy will be calculated at the time your development is first permitted and a separate liability notice will be issued by the Local Planning Authority. Should you require further information please refer to the Council's Website [www.hillingdon.gov.uk/index.jsp?articleid=24738](http://www.hillingdon.gov.uk/index.jsp?articleid=24738)

### **3. CONSIDERATIONS**

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

The application site is located on the southern side of Uxbridge Road, Hayes. 593-595 Uxbridge Road is located to the west of the site with 583 Uxbridge Road to the east. At the rear of the site, to the east, is Rosedale Park and allotment gardens are located to the south and west.

### 3.2 Proposed Scheme

The application site currently benefits from planning permission for a mixed residential and commercial use located within seven blocks (ref: 4404/APP/2011/2079) (Application to replace extant planning permission ref: 4404/APP/2008/3558, dated 23-03-2009). Blocks A2, C and D comprise of B1(c) floor space on the ground floors and residential units on the upper floors, whilst Block B solely provides B1(c) floor space. Blocks A1, E and F are for residential use only.

This current application seeks to vary the previous planning permission to allow for the change of use of the B1(c) floor space in Blocks A2, B, C and D to 12 additional residential units (C3), along with associated ancillary works.

There would be no change to Blocks A1, E and F.

### 3.3 Relevant Planning History

4404/APP/2008/3558 Pronto Industrial Estate And 585 - 591 Uxbridge Road Hayes

Demolition of existing buildings and redevelopment of site to provide replacement Class B1(c) light industrial space and 34 two-bedroom and 9 one-bedroom flats with associated car parking, landscaping and amenity space.

**Decision:** 23-03-2009 Approved

4404/APP/2011/2079 Pronto Industrial Estate And 585 - 591 Uxbridge Road Hayes

Application to replace an extant planning permission ref: 4404/APP/2008/3558 dated 23/03/2009. Demolition of existing buildings and redevelopment of site to provide replacement Class B1(c) light industrial space and 34 two-bedroom and 9 one-bedroom flats with associated car parking, landscaping and amenity space.

**Decision:** 14-02-2012 Approved

4404/APP/2013/1650 Pronto Industrial Estate And 585 - 591 Uxbridge Road Hayes

Part 2 Part 3 storey building to be used for light industrial (Use Class B1(c)) purposes (revised design of Block B approved in 4404/APP/2011/2079).

**Decision:** 17-06-2014 Approved

4404/PRC/2014/18 Pronto Industrial Estate And 585 - 591 Uxbridge Road Hayes

Change of use of B1(c) floor space into 12 residential units (C3)

**Decision:** 17-06-2014 NO

#### Comment on Relevant Planning History

Planning permission for Class B1(c) light industrial space and 34 two-bedroom and 9 one-bedroom flats was granted in March 2012 under planning application ref: 4404/APP/2011/2079. This permission replaced a previous planning permission (ref: 4404/APP/2008/3558), granted in March 2009, for the same development. The current approved 43 unit scheme and the proposed 12 unit scheme would result in a total of 55 residential units on the site.



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

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

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

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.

LE4 Loss of existing industrial floorspace or land outside designated Industrial and Business Areas

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

LPP 3.11 (2011) Affordable housing targets

LPP 3.12 (2011) Negotiating affordable housing (in) on individual private residential and mixed-use schemes

LPP 3.5 (2011) Quality and design of housing developments

NPPF National Planning Policy Framework

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

5.1 Advertisement Expiry Date:- **2nd September 2014**

5.2 Site Notice Expiry Date:- Not applicable

#### 6. **Consultations**

##### **External Consultees**

Consultation letters were sent to 20 local owners/occupiers and a site notice was displayed. No objections have been received.

One letter of support has been received, making the following comments:

- i) commercial developments should not be among residential properties
- ii) there is a need for housing
- iii) there should be tree screening to prevent overlooking to neighbouring property

NATS:

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

TfL:

The site is on Uxbridge Road which is part of the Strategic Road Network. TfL request that 20% of the residential parking has active electric charging points and a further 20% have passive charging points in order to comply with London Plan standards. TfL request that cycle parking is provided in conformity with London Plan standards and is located within the curtilage of the buildings. Subject to the above being addressed, TfL have no objections to the application.

### **Internal Consultees**

Access Officer:

No objection; a condition to be applied requiring a minimum of one unit to be designed and fitted to the specifications prescribed in our Accessible Hillingdon SPD. The usual Lifetime Homes Standards Condition should also be attached to any approval notice.

Environmental Protection Unit:

Following a request for additional information in regards to noise and sound insulation and the submission of a Noise Insulation Scheme, there is no objection to the proposal.

Highways:

Further to reviewing the above, it is considered that the traffic generation associated with the proposed residential apartments would not have a material impact along the adjacent highway, above that of the extant B1(c) uses at the site. In addition, it is noted that car parking will be allocated at 1 space per apartment and cycle parking at 1.2 spaces per apartment, which is considered acceptable to serve the proposals. In terms of the layout of the site, this has been agreed under the extant planning consent.

As a result, an objection is not raised in relation to the highway and transportation aspects of the proposals.

Section 106 Officer:

Following discussions with the applicant, a financial contribution of £120,000 towards off-site affordable housing is considered acceptable and agreed in principle.

Trees/Landscape Officer:

Site description:

- The site lies within a residential area on the south side of Uxbridge Road. Formerly used as a transport depot the site is currently being developed in accordance with planning approval ref. 2011/2079 and 2013/1650 for a mixed use development.

Landscape Planning designations:

- The development proposals include approved layout and landscape proposals.

Landscape constraints/opportunities:

- See above

PROPOSAL:

The proposal is to change the use of the B1(c) floor space to provide 12 additional residential units

and associated ancillary works.

#### LANDSCAPE CONSIDERATIONS:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- According to the Design & Access Statement (3.6) 'it is not proposed to alter the scale, or footprint or position of the approved buildings....minor changes are proposed to the site layout and are limited to the provision of patios/terraces, landscaping and small alterations to provide an improved parking arrangement.'
- If the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

#### RECOMMENDATIONS:

No objection, subject to the above observations and COM9 (parts 1, 2, 4, 5 and 6).

## **7. MAIN PLANNING ISSUES**

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

Policy LE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that proposals involving the loss of existing industrial floor space outside of designated industrial and business areas will normally only be permitted if:

- i) the existing use seriously affects amenity, through disturbance to neighbours, visual intrusion or an adverse impact in the character of an area; or
- ii) the site is unsuitable for industrial redevelopment because of the size, shape, location or lack of vehicular access; or
- iii) there is no realistic prospect of the land being used for industrial and warehousing purposes in the future; or
- iv) they are in accordance with the Council's regeneration policies for an area.

In order to comply with Policy LE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the applicant is required to demonstrate that there have been sufficient attempts to market the B1(c) units and to provide an assessment of current supply and demand for commercial units in the area.

The applicant has submitted a report which demonstrates that there have been numerous attempts to market the B1(c) commercial units since October 2011, which have been unsuccessful. Although there has been some initial interest from potential occupiers, these have not been pursued due to concerns over potential conflicts between the commercial and residential uses on the site, particularly for the buildings with commercial on the ground floor and residential above.

The report also demonstrates that there are a large number of commercial B1(c) units available to rent within the local area. These units include both older stock historic/redundant buildings and newly refurbished/purpose built commercial spaces. These units are still available on the open market due to the lack of demand.

Further there have been significant changes in planning policy since the original grant of permission. The National Planning Policy Framework makes clear at paragraph 22 that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site

being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'.

In this case the applicant has demonstrated that there is no reasonable prospect of the light industrial units being let and the National Planning Policy Framework requires the consideration of different land uses to support sustainable communities. The provision of additional housing to meet housing objectives is therefore consistent with the National Planning Policy Framework.

Therefore, subject to compliance with the relevant policies of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), there is no objection in principle to the change of use of the B1(c) floor space into 12 residential units (C3).

**7.02 Density of the proposed development**

Not applicable to this application.

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

Not applicable to this application.

**7.04 Airport safeguarding**

NATS raises no objection to the proposal in regards to airport safeguarding.

**7.05 Impact on the green belt**

Not applicable to this 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) require developments to harmonise with the existing street scene or other features in the area and ensure that oversized and badly located additions are avoided.

Both the original planning application (ref: 4404/APP/2008/3558) and the replacement planning application (ref: 4404/APP/2011/2079) considered the impact of the proposed mixed commercial and residential development on the character and appearance of the area. The majority of the site is located behind the rear gardens of 581-603 Uxbridge Road and so would not be highly visible from the public highway. The design, size, scale and siting of the proposed blocks were considered to be acceptable.

The current application would not result in any change to the size, scale and siting of the proposed blocks. As the proposal seeks to change the use of the ground floors of Blocks A2, C and D from commercial to residential, there have been minor changes to the external appearance of the blocks, and these are considered to be acceptable. The proposal would result in the conversion of the solely commercial Block B into residential use, and so the external appearance of the building would be changed in order to ensure that Block B is in keeping with the residential appearance of the site.

The proposal is considered to comply with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7.08 Impact on neighbours**

The original planning application (ref: 4404/APP/2008/3558) looked at the impact of the proposed mixed commercial and residential development on neighbouring properties. It was considered that the proposed scheme would not have a significantly detrimental impact on the residential amenity of the neighbouring properties. The current application would replace the B1(c) floor space with 12 additional residential units. The development

would therefore be solely used for residential purposes and so would have less of an impact on residential amenity of neighbours than the previously approved mixed use scheme.

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

### **i. External Amenity Space**

Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires new developments to "provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings, and which is useable in terms of its shape and siting." The HDAS 'Residential Layouts' SPD states that 20sq.m of external amenity space should be provided for one-bed flats and 25sq.m of external amenity space for two-bed flats.

The amount of external amenity space provided for the previously approved 43 residential units (1,300sq.m) exceeded the recommended standard set out in the HDAS 'Residential Layouts' SPD. The current proposal is required to provide an additional 280sq.m of external amenity space for the 12 residential units. Each of the new residential units would be provided with private amenity space in the form of balconies, patios and gardens. An additional 134sq.m of amenity space has been provided as part of the current application.

It is noted that the site neighbours an existing area of public open space, Rosedale Park, and a pedestrian access between the development and the park was approved as part of the original planning permission (ref: 4404/APP/2008/3558). There is also a children's play area and public open space located nearby, on the opposite side of Uxbridge Road.

It is therefore considered that the proposal would provide adequate levels of external amenity space for the 12 additional residential units without impacting on the amenity provision of the 43 units originally approved, thereby complying with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### **ii. Internal Space Standards**

Policy 3.5 of the London Plan (July 2011) requires dwellings to provide an acceptable amount of internal floor space; the standard floor space for a one-bed two persons dwelling is 50sq.m and 70sq.m for a two-bed four persons dwelling. The proposed residential units would comply with the recommended floor space standards set out in the London Plan.

### **iii. Daylight/Sunlight/Privacy & Overlooking**

Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and HDAS: 'Residential Layouts' seek to ensure that new developments maintain and allow adequate levels of daylight and sunlight to penetrate into and between them. Furthermore these policies state that planning permission will not be granted for new developments which by reason of their siting, bulk and proximity, would result in a significant loss of residential amenity.

Policy BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires the design of new developments to protect the privacy of neighbouring dwellings. The Council's HDAS: 'Residential Layouts' sets out a minimum of 15m separation distance between adjoining dwellings. Furthermore, Paragraph 4.12 of the HDAS 'Residential Layouts' requires a 21m distance separation between habitable rooms to ensure no loss of privacy would occur.

The original planning application (ref: 4404/APP/2008/3558) considered the layout of the proposed blocks to be acceptable in regards to their siting, bulk and proximity and would

maintain adequate levels of daylight/sunlight to residential units. The siting, bulk and proximity of the six blocks would not be impacted upon by the proposed change of use of the B1(c) commercial floor space, and so there would be no change to the amount of sunlight/daylight received by the approved and proposed residential units.

Adequate levels of privacy between the approved residential units were achieved through the careful siting of high level windows where the separation distances were less than 15m. The converted ground floor units would be provided with high level windows in-line with those located on the upper floors, in order to ensure adequate levels of privacy are retained.

Block B was originally solely for commercial use. The proposed scheme would convert this block into five residential units. In order to ensure the proposal does not create an issue of overlooking of the rear garden of 593-595 Uxbridge Road from Block B, high level windows would be introduced on the western elevation of Block B and the existing tree planting would be retained. Additional tree planting would be added to the eastern site boundary in order to reduce overlooking of the rear garden of 583 Uxbridge Road from the balconies on Block B.

It is therefore considered that the proposed change of use of B1(c) commercial floor space to 12 additional residential units complies with Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **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 Council's Car Parking Standards require the provision of one parking space per residential dwelling. A total of 59 parking spaces would be provided on site and would include disabled and visitor parking spaces. It is proposed that the parking spaces would be allocated to each residential unit.

Electric vehicle charging points should be provided in accordance with the standards set out in the London Plan (July 2011).

The scheme is also required to provide one cycle parking space to each residential unit. 69 cycle spaces would be provided within 8 covered and secure cycle stores located around the site.

The Council's Highways Engineer raises no objection to the proposal.

It is considered that the proposed scheme would provide adequate provision of car and cycle parking for both the previously approved and the proposed residential dwellings, in compliance with the standards set out in Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

Access into and within the site would remain as previously approved. The amount of traffic generated by sole residential use is likely to be slightly lower than the amount of traffic generated by a mixed use development.

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

Urban Design:

See Section 7.07 of this report.

Access:

There would be no change to the previously approved access into the site.

Security:

The proposal would need to comply with the principles of Secure by Design. This can be dealt with by way of a Secure by Design condition on any consent granted.

## **7.12 Disabled access**

The Council's Access Officer considers the proposal to be acceptable, provided the proposed units comply with the Lifetime Homes standards. This can be secured by way of a Lifetime Homes condition on any consent granted.

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

Affordable Housing

London Plan (2011) Policies 3.11 and 3.12 require developments to provide 35% affordable housing on-site, taking into account individual circumstances including development viability.

The original planning application (ref: 4404/APP/2008/3558) was supported by a financial viability assessment demonstrating that it was not feasible to provide any affordable housing within the redevelopment. At the time of the 2012 permission (ref: 4404/APP/2011/2079) it was considered that there had not been significant changes in the economic situation since the original permission was granted, and that the cost modelling previously undertaken would remain valid. As such, the planning application (ref: 4404/APP/2011/2079) was approved without requiring affordable housing provision.

The applicant has provided a financial viability assessment as part of this application in order to demonstrate the feasibility of providing on-site affordable housing. The report was prepared in accordance with the relevant guidance and methodologies and has been validated by an independent consultant for the Council. The outcome of this report was that it is not feasible for the development to provide any affordable housing units on the site.

Notwithstanding the viability report, there have been extensive discussions between officers and the applicant in relation to the specific circumstances of this proposal. As a result, it has been agreed with the applicant that they will provide a financial contribution of £120,000 towards off-site affordable housing. This can be secured by way of a Section 106 Legal Agreement. Therefore, although there will no affordable housing provided on site, it is considered that the financial contribution towards off-site affordable housing would be acceptable in accordance with London Plan (2011) Policies 3.11 and 3.12.

Technically a valid financial viability assessment has been submitted and the development is not viable. However, because of the historical background to this application, it could be argued that the Three Dragons Toolkit was not designed for the scenario that applies on this case. A lengthy negotiation therefore occurred to achieve a meaningful off-site contribution. The sum agreed would equate to two off-site units. Given the fallback position that exists and the length of negotiations to reach the outcome of the agreed contribution, it is not considered that a higher contribution could be negotiated.

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

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

seeks to retain and utilise topographical and landscape features of merit and provide new planting and landscaping when appropriate.

The landscaping for the mixed residential and commercial development was considered acceptable under the previously approved applications (refs: 4404/APP/2008/3558 and 4404/APP/2011/2079). The proposed scheme would convert the B1(c) commercial floor space into 12 residential units, and so there would be some changes to the landscaping in order to reflect the full residential use of the site. Additional landscaping would be provided around Blocks B, C and D to increase residential amenity and to soften the appearance of the buildings.

The Council's Trees/Landscape Officer raises no objection to the proposed scheme subject to a suitable landscaping condition on any consent granted.

The proposed scheme complies with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The approved planning permission (ref: 4404/APP/2011/2079) provided twenty refuse and recycling bins within five bin stores located around the site. The proposal would retain the approved amount of refuse storage and is considered to be acceptable.

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

The approved planning permission (ref: 4404/APP/2011/2079) was considered to satisfy the requirements of the various London Plan policies relating to renewable energy and sustainability. As there have been no material changes in planning policy since the above planning permission was granted, it is considered that the proposed scheme would be acceptable in terms of renewable energy and sustainability. A condition shall be added to any consent granted requiring the proposed residential units to achieve Level 4 of the Code for Sustainable Homes.

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

The site does not lie within a designated flood risk zone. Accordingly, the consideration of flood risk is not relevant to the current proposal.

The approved planning permission (ref: 4404/APP/2011/2079) for the mixed residential and commercial development was considered acceptable in terms of sustainable drainage. It is considered that the proposed change of use of the B1(C) commercial floor space to residential would not result in significant drainage issues that cannot be dealt with by sustainable drainage measures.

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

Not applicable to this application.

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

No objections were received during the public consultation. One letter of support has been received.

#### **7.20 Planning obligations**

The proposed scheme would result in the conversion of existing B1(c) floor space to 12 additional residential units and so would be Mayoral CIL Liable. The London Borough of Hillingdon falls within Charging Zone 2 of the Mayoral CIL which requires a flat rate fee of £35 per square metre for each net additional square metre added to the site as part of the development.

The proposal would also be liable under the London Borough of Hillingdon's Community



Infrastructure Levy (CIL), which was introduced in August 2014. The charging schedule requires a fee of £95 per square metre for residential developments.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**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**

None

#### **10. CONCLUSION**

The application site currently benefits from planning permission ref: 4404/APP/2011/2079, dated 30-03-2012 of the redevelopment of the site to provide replacement Class B1(c) light industrial space and 34 two-bedroom and 9 one-bedroom flats (Application to replace extant planning permission ref: 4404/APP/2008/3558, dated 23-03-2009).

This application seeks full planning permission to allow the change of use of the B1(c) floor space to 12 additional residential units (C3) and associated ancillary works.

The proposed change of use from B1(c) floor space to 12 residential units is considered to be acceptable in principle. The proposal would provide adequate amenity space and accord with the London Plan (2011) internal floor space standards.

It is considered that the proposed additional units would not have a detrimental impact on the character of the surrounding area or on the residential amenity of future occupiers of the site or neighbouring properties.

The proposal complies with Policies AM7, AM14, BE13, BE15, BE19, BE20, BE23, BE24 and LE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the London Plan Policies (July 2011). It is therefore recommended that planning permission is approved.

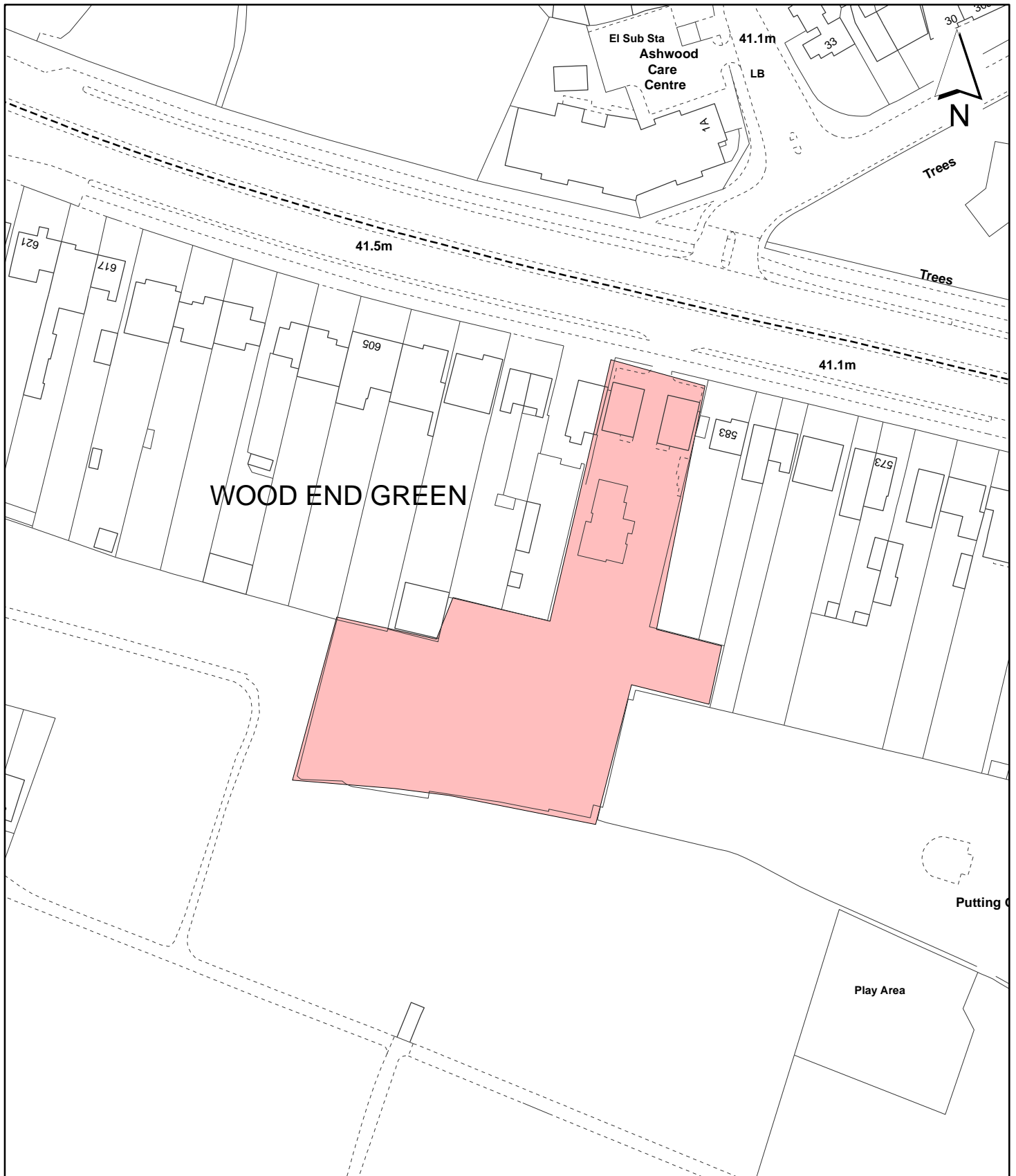
#### **11. Reference Documents**

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


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

**Contact Officer:** Katherine Mills

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**Notes**

 Site boundary

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**Pronto Industrial Estate  
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**LONDON BOROUGH  
 OF HILLINGDON**

**Residents Services  
 Planning Section**

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

Planning Application Ref:

**4404/APP/2014/2506**

Scale

**1:1,250**

Planning Committee

**Major**

Date

**March 2015**



**HILLINGDON**  
 LONDON