

Report of the Head of Planning, Sport and Green Spaces

Address CRIMSON COURT 1390 UXBRIDGE ROAD HILLINGDON
Development: Installation of 8 lighting columns in car park (Retrospective)
LBH Ref Nos: 11982/APP/2015/4013
Drawing Nos: 1022-51 Rev B
Planning Statement
Semai Lighting Details
AD-Semai Lighting Details
Installation Details
LED By Design Details
SK-1022-2

Date Plans Received: 28/10/2015 **Date(s) of Amendment(s):**

Date Application Valid: 18/11/2015

1. SUMMARY

The application seeks retrospective planning permission for the installation of 8 lighting columns which are required to achieve the Secured by Design Accreditation for the three second floor flats which are nearing completion. The lighting columns are considered acceptable in visual terms and following the remediation works involving the tilting of the light away from the neighbours at 31-42 Paget Road and turning one light off which originally caused nuisance to number 5 De Salis Road, the lighting columns are not considered to result in an unacceptable loss of residential amenity. As such the application is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM4 Accordance with Approved Plans

The development hereby permitted shall be retained in complete accordance with the details shown on the submitted plan number 1022-51 Rev B and shall thereafter be maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

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).

I53

2 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 (2015) 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.
BE21	Siting, bulk and proximity of new buildings/extensions.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures

3 I59 Councils Local Plan : Part 1 - Strategic Policies

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

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a three storey building located on the northern side of Uxbridge Road which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012). Works are well advanced in respect of a recently granted prior approval application to change the use of the first and second floor to residential and the extension and conversion of the roof into 3 additional flats.

3.2 Proposed Scheme

The application seeks retrospective planning permission for the installation of 8 lighting columns, each 6 metres high. The applicants have advised that a lower level lighting scheme was not considered acceptable to meet the Secured by Design Criteria required by Condition 7 of the original planning permission. As such the lamp columns have been erected to meet the Secured by Design Criteria.

3.3 Relevant Planning History

11982/ADV/2014/35 Milupa House 1390 Uxbridge Road Hillingdon
Installation of non-illuminated signage

Decision: 29-07-2014 Approved

11982/ADV/2014/44 Milupa House 1390 Uxbridge Road Hillingdon

Installation of 1 x non-illuminated fascia sign

Decision: 26-08-2014 Approved

11982/APP/2000/1342 31-42 Paget Road Hillingdon

DETAILS OF TREE SURGERY IN COMPLIANCE WITH CONDITION 5 OF PLANNING PERMISSION REF.11982K/85/1252 DATED 08/10/85; OFFICE BUILDING AND 12 FLATS

Decision: 18-07-2000 Approved

11982/APP/2013/1093 31-42 Paget Road Hillingdon

Alterations to fenestration on all elevations

Decision: 24-06-2013 Approved

11982/APP/2013/2723 Milupa House Uxbridge Road Hillingdon

Change of use from B1 (office) to residential (C3) (Application for Prior Approval under Schedule Part 3 Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended))

Decision: 20-11-2013 PRN

11982/APP/2014/1795 Milupa House 1390 Uxbridge Road Hillingdon

Installation of perimeter fence and gates to front elevation, extension of existing bin store and minor alterations to exterior of the existing building.

Decision: 29-07-2014 Approved

11982/APP/2014/2239 Milupa House 1390 Uxbridge Road Hillingdon

Installation of brick canopy above flat entrance, free standing letter boxes and alterations to east elevation

Decision: 26-08-2014 Approved

11982/APP/2014/3599 Milupa House 1390 Uxbridge Road Hillingdon

Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store

Decision: 08-12-2014 Approved

11982/APP/2014/4466 Milupa House 1390 Uxbridge Road Hillingdon

Details pursuant to discharge conditions 3 (Materials) and 4 (Landscape Scheme) of planning permission Ref: 11982/APP/2014/3599 dated 08/12/2014 (Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store)

Decision: 11-02-2015 Approved

11982/APP/2014/771 31-42 Paget Road Hillingdon
Alterations to fenestration on south east and north west elevations

Decision: 30-04-2014 Approved

11982/APP/2015/1426 Crimson Court 1390 Uxbridge Road Hillingdon
Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated cycle store (part retrospective)

Decision: 30-06-2015 Approved

11982/APP/2015/2125 Crimson Court 1390 Uxbridge Road Hillingdon
Installation of 8 lighting columns (Retrospective)

Decision: 17-09-2015 Withdrawn

11982/APP/2015/524 Milupa House 1390 Uxbridge Road Hillingdon
Removal of condition 7 (Secured by Design) of planning permission Ref: 11982/APP/2014/3599 dated 08/12/2014 (Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store)

Decision: 08-04-2015 Refused

11982/E/81/9015 1390 Uxbridge Road Hillingdon
Non-illuminated flat wall sign. (Kimal House)

Decision: 26-06-1981 Approved

11982/G/83/1274 1390 Uxbridge Road Hillingdon
Proposed use of office for head office depot and retail sales area with ancillary accommodation.

Decision: 16-11-1983 Withdrawn

11982/H/83/1414 1390 Uxbridge Road Hillingdon
Three storey office building and 12 flats (outline application)

Decision: 20-12-1983 Approved

11982/J/84/1966 1390 Uxbridge Road Hillingdon
Three storey office building and 11 flats. (outline application)

Decision: 05-02-1985 Approved

11982/K/85/1252 1390 Uxbridge Road Hillingdon
Office building and 12 flats.

Decision: 08-10-1985 Approved

11982/L/85/3133 1390 Uxbridge Road Hillingdon
Erection of hoarding.

Decision: 21-11-1985 Approved

11982/M/85/1726 1390 Uxbridge Road Hillingdon
Details in compliance with 11982/K/85/1252 (P)

Decision: 30-10-1985 Approved

11982/R/98/0884 31-42 Paget Road Hillingdon
Details of tree surgery to two Sycamores trees in compliance with condition 5 of planning permission ref.11982K/85/1252 dated 08/10/85; Erection of office building and 12 flats

Decision: 17-06-1998 Approved

Comment on Relevant Planning History

The following planning history is considered to be of relevance to this application:

11982/APP/2015/2125 - Installation of 8 lighting columns (Retrospective) Withdrawn to enable consideration to remediation works in association with the Council's EPU Officer.

11982/APP/2015/1426 - Retrospective planning permission for the installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated cycle store and represents a revision to application reference 11982/APP/2014/3599 (submitted for consideration)

11982/APP/2015/524: Removal of condition No. 7 (Secured by Design) of planning permission Ref: 111982/APP/2014/3599 dated 08/12/2014 (Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store). Refused for the following reason:

"The removal of condition 7 of planning permission reference 111982/APP/2014/3599 is not

considered acceptable as the condition is considered necessary to address 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 (March 2015) Policies 7.1 and 7.3."

11982/APP/2014/2239: Installation of brick canopy above flat entrance, free standing letter boxes and alterations to east elevation. Approved.

11982/APP/2014/3599 - Installation of new roof with 3 front and 3 rear dormers to allow conversion of roofspace to habitable use to create 3 x 2-bed flats with associated amenity space and cycle store - Approved.

Prior approval was recently granted under application under application reference 11982/APP/2013/2723 for the change of use from B1 (office) to residential (C3) (Application for Prior Approval under Schedule 2 Part 3 Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)).

Application reference 11982/APP/2014/1795 was also recently approved for the installation of a perimeter fence and gates to front elevation, extension of existing bin store and minor alterations to exterior of the existing building.

Application reference 11982/ADV/2014/44 non illuminated sign. (Approved).

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

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.

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

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

34 Neighbouring properties were consulted by letter dated 20.11.15 and a site notice was displayed to the front of the site which expired on 22.12.15.

4 letters of objection have been received from neighbouring occupants raising concerns regarding:

1. Light pollution and excessive lighting to this development detracting from residential amenity.
2. The retrospective nature of the development.

The application has been called to committee by the Ward Councillor.

Internal Consultees

EPU Officer:

The EPU officer had originally advised that the car park lights in their current position were causing light pollution to the surrounding residents. However, following a meeting on site between the Council's EPU officer and the applicant, the remedial works carried out on the car park lighting columns at Crimson Court have drastically reduced the light intrusion into the complainants' properties; hence the reported light pollution has been resolved in the two nearby properties that were under investigation.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Not relevant to this application. The the need for the lighting scheme is directly related to the recent planning permission reference 11982/APP/2014/3599.

7.02 Density of the proposed development

Not relevant to the consideration of this application.

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

Not relevant to the consideration of this application.

7.04 Airport safeguarding

Not relevant to the consideration of this application.

7.05 Impact on the green belt

Not relevant to the consideration of this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The proposed lights, in themselves set well back from the street frontage and are not considered to have any detrimental visual impact.

7.08 Impact on neighbours

The Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to safeguard the amenities of neighbouring residents in a number of ways. The effect of the siting, bulk and proximity of a new building on the outlook and residential amenity of these adjoining occupiers are considered under Policy BE21, whilst potential impacts on daylight/sunlight are considered under Policy BE20. Policy OE1 seeks to safeguard the character and amenities of surrounding properties as a result of various impacts, including noise, vibration, dust, smell or other pollutant emission. Policy OE3 advises that impact will only be acceptable if controlled through appropriate mitigation.

The columns are not considered to result in an unacceptable loss of light or outlook to the occupants of nearby dwellings in compliance with Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). However, a number of concerns have been raised about the light pollution resulting from these columns.

A meeting has been held at the site and at the objecting neighbours property following remediation work carried out by the applicant in consultation with the EPU Officer. The remediation works involved the tilting of the light away from the neighbours at 31-42 Paget Road and turning one light off which originally caused nuisance to number 5 De Salis Road.

It is noted that a neighbour has since confirmed that an objection is still raised in respect of the light pollution following the remediation works. Whilst there remain concerns from local residents regarding the impact of the lights, the Council's EPU is satisfied that the lighting columns do not now result in an unacceptable level of light intrusion. If the Council therefore sought to refuse the proposal on the ground of impact on adjacent properties, it would not have the support of its own in-house specialist advisors.

In light of the lack of objection to the scheme from the Council's Environmental Protection Officer, it is considered that the proposal should be found, on balance, not to represent a sufficient level of impact or loss of amenity to the occupants of the adjacent properties as to warrant refusal under Policy OE1 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

Not relevant to the consideration of this application

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not relevant to the consideration of this application

7.11 Urban design, access and security

The applicant has advised that the lighting columns are required to achieve Secured by Design Accreditation for the flats within the roofspace.

7.12 Disabled access

Not relevant to the consideration of this application

7.13 Provision of affordable & special needs housing

Not relevant to the consideration of this application

7.14 Trees, landscaping and Ecology

Not relevant to the consideration of this application

7.15 Sustainable waste management

Not relevant to the consideration of this application

7.16 Renewable energy / Sustainability

- Not relevant to the consideration of this application
- 7.17 Flooding or Drainage Issues**
- Not relevant to the consideration of this application
- 7.18 Noise or Air Quality Issues**
- Not relevant to the consideration of this application
- 7.19 Comments on Public Consultations**
- The comments of the consultees are addressed above.
- 7.20 Planning obligations**
- Not relevant to the consideration of this application.
- 7.21 Expediency of enforcement action**
- The site is subject to a related enforcement investigation. This has been placed on-hold pending the outcome of this application.
- 7.22 Other Issues**
- No other issues raised.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning

applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

10. CONCLUSION

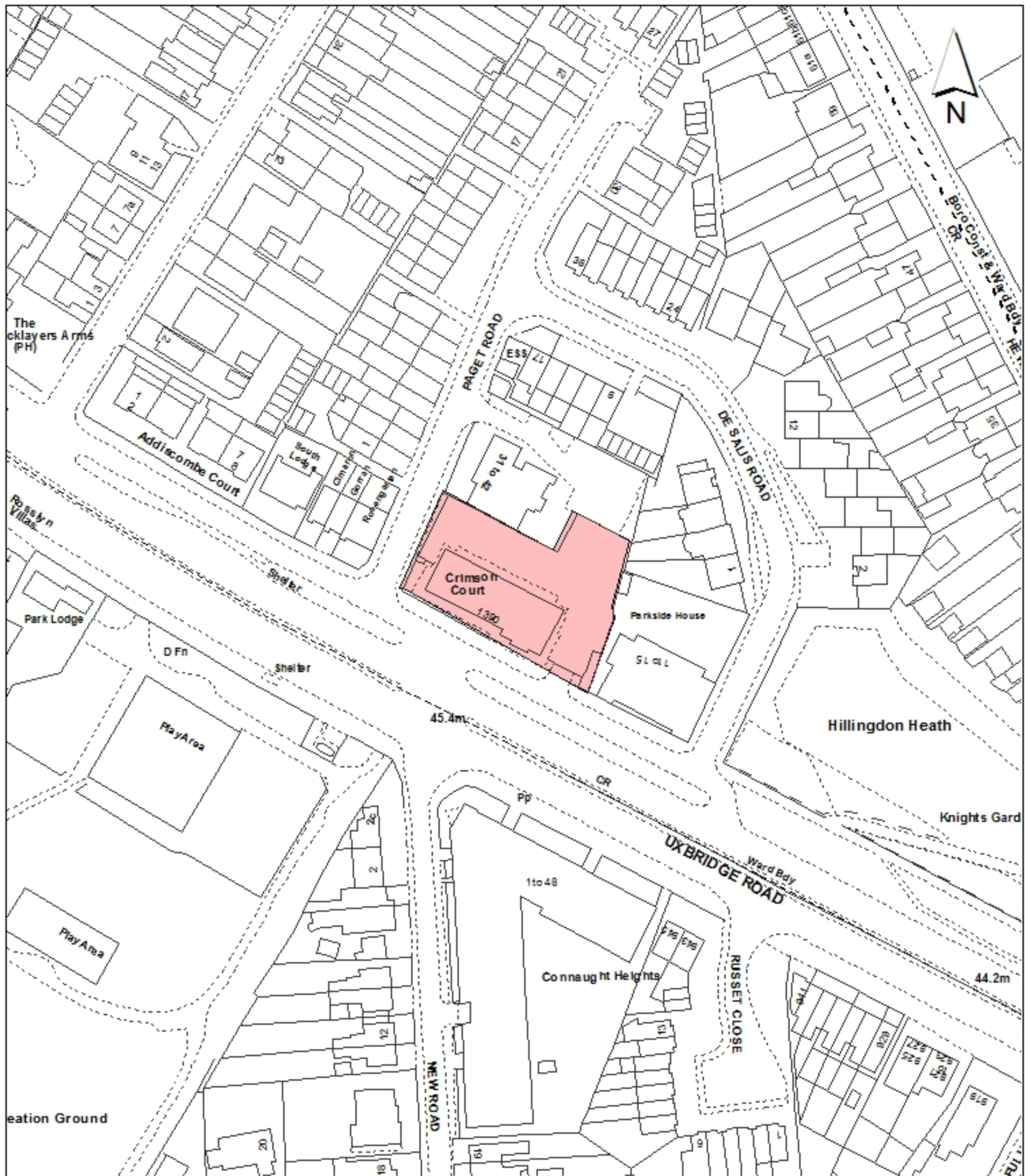
The application seeks retrospective planning permission for the installation of 8 x lighting columns which are required to achieve the Secured by Design Accreditation for the three second floor flats. The lighting columns are considered acceptable in visual terms and following a number of remediation works, are not considered to result in an unacceptable level of light pollution to nearby residential properties. As such the application is recommended for approval.

11. Reference Documents

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2015).
Supplementary Planning Document HDAS: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Nicola Taplin

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Notes:

 Site boundary

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Site Address:

**Crimson Court
1390 Uxbridge Road**

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

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

Planning Application Ref:

11982/APP/2015/4013

Scale:

1:1,250

Planning Committee:

Central & South

Date:

March 2016



HILLINGDON
LONDON