

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

**Address** THE ROYAL BRITISH LEGION UXBRIDGE ROAD HILLINGDON

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

**LBH Ref Nos:** 172/APP/2016/1766

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

**Date Plans Received:** 10/05/2016                      **Date(s) of Amendment(s):**

**Date Application Valid:** 02/06/2016

### 1. **SUMMARY**

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

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

The application is therefore recommended for refusal.

### 2. **RECOMMENDATION**

**REFUSAL for the following reasons:**

#### 1            NON2            **Non Standard reason for refusal**

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

#### 2            NON2            **Non Standard reason for refusal**

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

### **INFORMATIVES**

1            I52            **Compulsory Informative (1)**

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

## **2 I53 Compulsory Informative (2)**

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

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

## **3 I59 Councils Local Plan : Part 1 - Strategic Policies**

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

## **4**

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

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

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

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

#### 3.2 Proposed Scheme

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

#### 3.3 Relevant Planning History

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

**Decision:** 13-11-1979    Approved

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

**Decision:** 17-12-1985    Refused

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

**Decision:** 07-01-1998    Approved

#### Comment on Relevant Planning History

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

### 4. Planning Policies and Standards

#### UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1            (2012) Built Environment

Part 2 Policies:

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

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

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

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

## **6. Consultations**

### **External Consultees**

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

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

### **Internal Consultees**

Highways Officer:

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

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

## **7. MAIN PLANNING ISSUES**

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

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

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

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

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

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

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

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

Not applicable to this application.

#### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **7.12 Disabled access**

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

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

Not applicable to this application.

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

Not applicable to this application.

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

Not applicable to this application.

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

Not applicable to this application.

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

Not applicable to this application.

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

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

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

No responses have been received from external consultees.

#### **7.20 Planning obligations**

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £35 per sq metre.

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

Not applicable to this application.

#### **7.22 Other Issues**

No other issues raised.

### **8. Observations of the Borough Solicitor**

General

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

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

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

#### Planning Conditions

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

#### Planning Obligations

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

#### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

## **9. Observations of the Director of Finance**



Not applicable to this application.

## 10. CONCLUSION

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

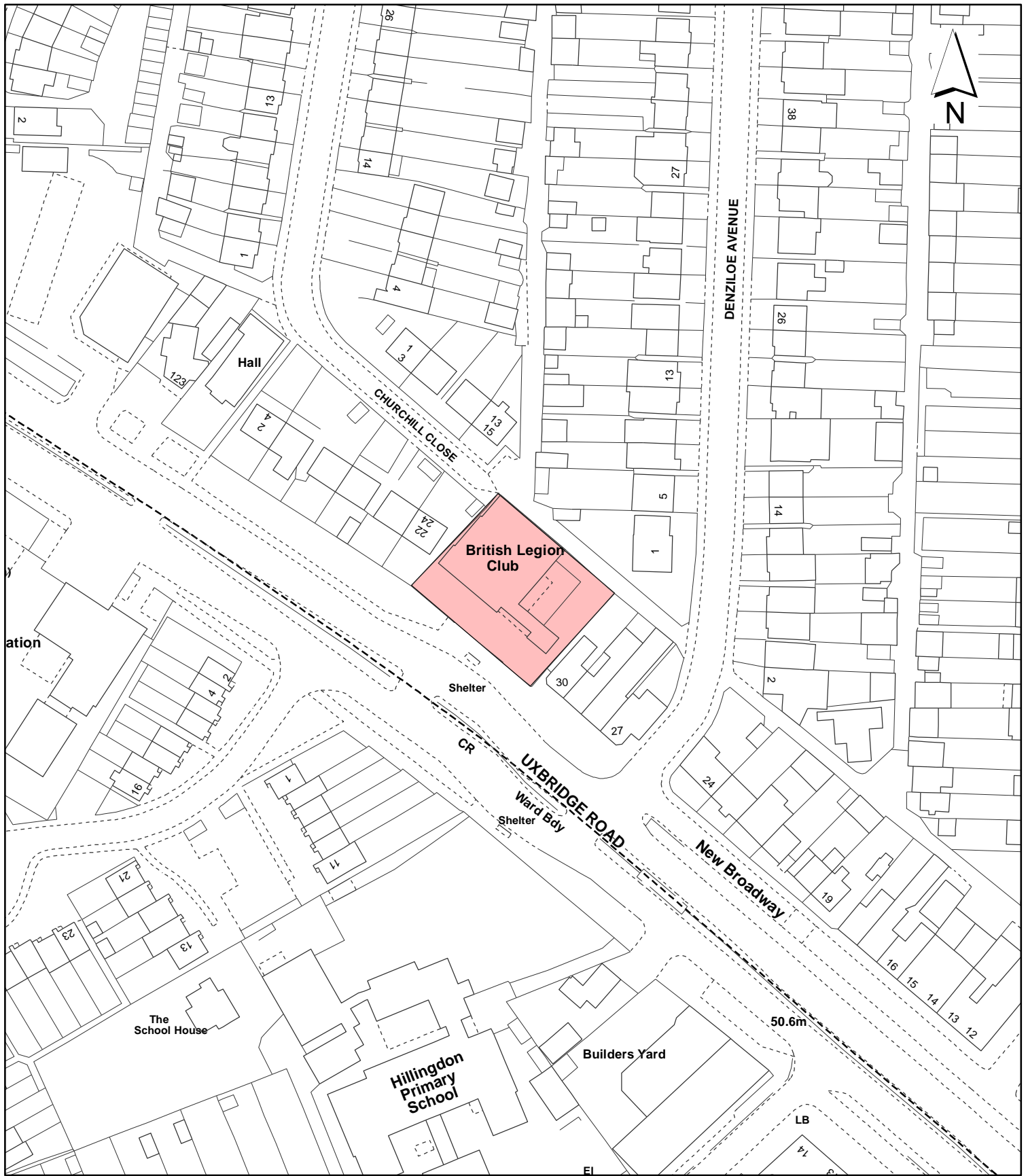
Concerns are raised in terms of the standard of residential amenity for future occupiers of the one bedroom flat by virtue of a substandard floor area and poor outlook to the proposed bedroom. In addition, the submitted plans do not include the provision of any external amenity space. The application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

## 11. Reference Documents

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

**Contact Officer:** Nicola Taplin

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**Notes:**

 Site boundary

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Site Address:

**The Royal British Legion  
 Uxbridge Road**

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

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

Planning Application Ref:  
**172/APP/2016/1766**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**August 2016**



**HILLINGDON**  
 LONDON