

Report of the Head of Planning, Sport and Green Spaces

Address 2 HERCIES ROAD HILLINGDON

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

LBH Ref Nos: 9771/APP/2016/3074

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

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

Date Application Valid: 15/08/2016

1. SUMMARY

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

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

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

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

REASON

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

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

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

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

REASON

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

4 NONSC Non Standard Condition

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

REASON

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

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

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

3 159 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

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

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

3. CONSIDERATIONS

3.1 Site and Locality

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

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

3.2 Proposed Scheme

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

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

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

3.3 Relevant Planning History

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

Decision: 21-01-2002 Approved

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

Decision: 09-02-2004 NFA

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

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

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

Decision: 22-10-2009 Refused

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

Decision: 09-11-2010 Refused

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

Decision: 09-11-2012 NFA

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

TOGETHER WITH ASSOCIATED CAR PARKING

Decision: 04-07-2001 Approved

Comment on Relevant Planning History

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

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

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

The 2004 scheme was refused for the following reasons:

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

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

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

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

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

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

This application was refused for the following reasons:

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

ENFORCEMENT HISTORY:

There is an extensive enforcement history associated with the site.

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

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

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

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

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

TfL: No objection.

Internal Consultees

Highways Officer:

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

7. MAIN PLANNING ISSUES

7.01 The principle of the development

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

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

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

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

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

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

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

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

7.02 Density of the proposed development

Not applicable to the consideration of this application

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

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

7.04 Airport safeguarding

There are no airport safeguarding issues associated with the application.

7.05 Impact on the green belt

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

7.07 Impact on the character & appearance of the area

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

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

7.08 Impact on neighbours

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

7.09 Living conditions for future occupiers

The proposal provides adequate facilities as short stay accommodation.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

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

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

7.11 Urban design, access and security

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

7.12 Disabled access

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

7.13 Provision of affordable & special needs housing

This is not applicable to this application.

7.14 Trees, landscaping and Ecology

This is not applicable to this application.

7.15 Sustainable waste management

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

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

None

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

See History section above.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

Members should also consider whether a planning decision would affect human rights, in

particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

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

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

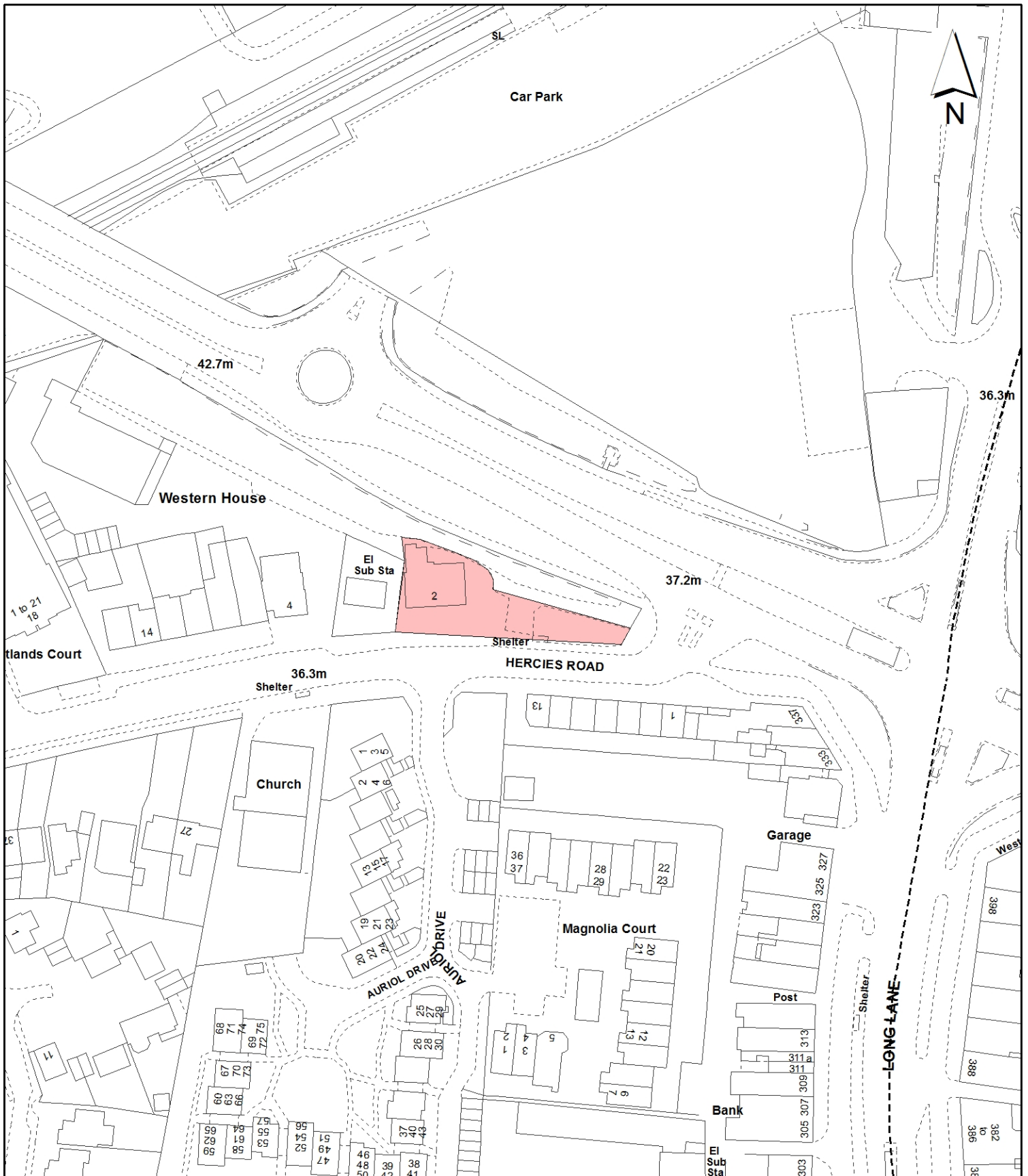
Despite not being in accordance with Policy 4.5 of the London Plan (2016) and Policy H3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), it is considered that given the particular circumstances of the site and the planning history relating to it, the loss of the residential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

11. Reference Documents

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

Contact Officer: Zenab Haji-Ismael

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

2 Hercies Road

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

Planning Application Ref:
9771/APP/2016/3074

Scale:
1:1,250

Planning Committee:
Central & South

Date:
March 2017

