

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

**Address** 33-37 BELMONT ROAD UXBRIDGE

**Development:** Erection of a six storey building on land facing Belmont Road comprising 335 sq. m of floorspace for use in Classes A1 - A5 at ground floor level and 33 residential dwellings, associated works including disabled car parking areas, landscaping, bin storage areas and cycle parking.

**LBH Ref Nos:** 45222/APP/2015/4692

**Drawing Nos:**

Existing Plans AND Elevations

Planning Statement, prepared by Savills  
Design and Access Statement  
Sustainability Appraisal, prepared by Enviro Solutions  
Utilities Assessment, prepared by KGA Partnership  
Drainage Statement, prepared by Enviro Solutions  
Daylight and Sunlight Study, prepared by Right of Light Consulting  
Noise Report, prepared by Enviro Solutions  
Air Quality Assessment, prepared by Enviro Solutions  
Transport Statement, prepared by Croft Transport Solutions  
Archaeological Assessment, prepared by Thames Valley Archaeological Services  
Energy Statement, prepared by KGA Partnership  
8707 - P05D  
8707 - P06D  
8707 - P07E  
8707 - P08D  
8707 - P09D

**Date Plans Received:** 22/12/2015                      **Date(s) of Amendment(s):** 24/12/2015  
**Date Application Valid:** 24/12/2015                      22/12/2015

### 1. **SUMMARY**

This application proposes the erection of a 6-storey building comprising of 33 no. apartments (Use class C3), 335 square metres of commercial floor space (Use Class A1-A5) and associated storage, cycle parking spaces and disabled parking spaces. The site is located within Uxbridge Town Centre and is in very close proximity to the Uxbridge Tube Station.

The site falls within a designated Archaeological Priority Area. The Old Uxbridge / Windsor Street Conservation Area is located 50 metres to the south west of the site.

The principle of a mixed-use redevelopment of the site has already been established - with the grant of an outline permission (still extant) for a four storey building comprising ground floor commercial use with 3 floors of residential accommodation above. The principle of a larger development now being proposed is considered acceptable given the site's highly accessible town centre location, just 160 metres from Uxbridge tube station. The site has

the highest PTAL rating of 6a. The high quality contemporary design is considered to improve the appearance of the existing site which currently comprises a rather tired and dated 2-storey commercial building constructed in the 1970s.

The height and bulk of this scheme can satisfactorily be accommodated in this urban location without appearing overbearing on the surrounding area and will not detract from the amenities of adjoining occupiers by reason of loss of light, privacy or outlook. Indeed, the height bulk and massing are consistent with other recent developments considered acceptable in the immediate vicinity of the site. Subject to conditions, the proposal would not cause unacceptable harm to neighbouring occupiers through increased noise, disturbance or fumes.

Given the sites high level of accessibility it is not proposed to provide any car parking other than two disabled spaces. This car free approach is supported by the Council's Highways Officer subject to a legal agreement preventing future residents of the scheme from applying for car parking permits in the North Uxbridge CPZ.

The application is therefore recommended for approval subject to conditions and the satisfactory completion of a section 106 Legal Agreement securing Affordable Housing, Highways Works, a Servicing Management Plan, a formal Travel Plan, Car free agreement, Construction Training and a Project Management & Monitoring Fee.

## **2. RECOMMENDATION**

**1. That delegated powers be given to the Head of Planning & Enforcement to grant planning permission subject to:**

**A) Entering into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or S278 of the Highways Act 1980 (as amended) and/or other appropriate legislation to secure:**

**Non-monetary contributions:**

**i) Highways Works S278/S38.**

**ii) A Servicing Management Plan is required to be submitted and approved in writing by the LPA prior to first occupation. The Servicing Management Plan should detail how the development will be serviced and managed on a daily basis and to utilise joint servicing to minimise disruption along the adjacent highway.**

**iii) A Travel Plan Statement.**

**iv) A restriction preventing future residents from applying for parking permits within the Parking Management Areas in the vicinity of the site.**

**Monetary contributions:**

**v) Construction Training: either a contribution equal to the formula (£2,500 for every £1m build cost + £9,600 coordinator costs per phase) or an in-kind training scheme equal to the financial contribution delivered during the construction period of the development with the preference being for an in-kind scheme to be delivered.**

vi) **Project Management & Monitoring Fee:** A contribution equal to 5% of the total cash contributions secured from the scheme to enable the management and monitoring of the resulting agreement, is sought.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and/or 278 Agreements 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 Agreements have not been finalised by 30th May 2017 (or such other time-frame as may be agreed by the Head of Planning Green Spaces and Culture), 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 highways (including servicing and travel planning), affordable housing, and construction training). The proposal therefore conflicts with Policies AM7 and R17 of the adopted Local Plan and the Council's Planning Obligations SPD and Air Quality SPG, and the London Plan (July 2011).'

E) That subject to the above, the application be deferred for determination by the Head of Planning, Green Spaces and Culture under delegated powers, subject to 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 changes negotiated by the Head of Planning and Enforcement prior to issuing the decision:

**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 not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

- 8707 - P05D
- 8707 - P06D
- 8707 - P07E
- 8707 - P08D
- 8707 - P09D

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 (2016).

**3 COM5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Planning Statement, prepared by Savills  
Design and Access Statement, prepared by Savills  
Sustainability Appraisal, prepared by Enviro Solutions  
Utilities Assessment, prepared by KGA Partnership  
Drainage Statement, prepared by Enviro Solutions  
Daylight and Sunlight Study, prepared by Right of Light Consulting  
Noise Report, prepared by Enviro Solutions  
Air Quality, prepared by Enviro Solutions  
Transport Statement, prepared by Croft Transport Solutions  
Archaeological Assessment, prepared by Thames Valley Archaeological Services  
Energy Statement, prepared by KGA Partnership

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence

**REASON**

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

**4 NONSC M4(3) Category 3 Compliant**

The development hereby approved shall ensure that 10% of the residential units (to include the 2 ground floor units facing Redford Way) are constructed to meet the standards for Category 3 M4(3) dwelling, with all remaining units designed to the standards for Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

**REASON:**

To ensure an appropriate standard of housing stock in accordance with London Plan Policy 3.8 d, is achieved and maintained.

**5 COM7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces, including details of external features such as the colonnade and 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**6 COM9 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.c Means of enclosure/boundary treatments
  - 2.d Disabled Car Parking Layouts and cycle storage for 60 cycles.
  - 2.e Hard Surfacing Materials
  - 2.f External Lighting
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/seeding 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

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 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 (2015).

**7 COM31 Secured by Design**

The building(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 building 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 (2016) Policies 7.1 and 7.3.

## **8 COM6 Levels**

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

### **REASON**

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

## **9 OTH2 Archaeology**

A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

### **REASON**

Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with Policy BE3 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

## **10 COM15 Sustainable Water Management**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
  - iv. provide details of water collection facilities to capture excess rainwater;
  - v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall proceed in accordance with the approved scheme.

## REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2016) Policy 5.12.

### **11 COM30 Contaminated Land**

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance on Land Contamination and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use.

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement.

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

## REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

### **12 HO5 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing North, South, East or West.

## REASON

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

### **13 NONSC Non Standard Condition**

Prior to the commencement of development, a detailed energy assessment shall be

submitted to and approved in writing by the Local Planning Authority. The assessment shall consolidate all the information provided in the Wallace Whittle Energy Strategy Issue 4 dated March 2016 and clearly set out the maintenance arrangements for the Combined Heat and Power (CHP) plant. The development will proceed in accordance with the approved scheme.

**REASON**

To ensure there is a clear understanding of how each use within the development contributes to the site wide strategy and to ensure the energy reduction targets of Policy 5.2 of the London Plan (2016) are met.

**14 COM21 Sound insulation /mitigation**

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 safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**15 NONSC Non Standard Condition**

The development shall not begin until a scheme for the control of noise transmission to the adjoining properties has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON:** To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

**16 COM20 Air extraction system noise and odour**

No hot food will be prepared in or served from the ground floor commercial space until system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA and any extract duct shall be incorporated into the fabric of the building. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

**REASON**

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**17 NONSC Non Standard Condition**

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest residential property. The measurements and assessment shall be made in accordance with British Standard 4142.

**REASON:** To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).



**18 COM11 Restrictions on Changes of Uses (Part 3, Sch. 2 GPDO 1995**

Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the building(s) shall be used only for purposes within Use Class A1, A2, A3, A4, or A5 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

**REASON**

To secure an acceptable mix of uses and prevent inappropriate changes of use without proper consideration of the potential impacts on the highway network or on the amenity of future residents of the scheme in accordance with Policy policy OE1 and AM14 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

NPPF	National Planning Policy Framework
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.

AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE1	Development within archaeological priority areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE14	Development of sites in isolation
BE18	Design considerations - pedestrian security and safety
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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE4	New development within or on the fringes of conservation areas
H4	Mix of housing units
OE1	Protection of the character and amenities of surrounding properties and the local area
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE5	Siting of noise-sensitive developments
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R1	Development proposals in or near areas deficient in recreational open space
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
R6	Ancillary recreational facilities
LPP 1.1	(2011) Delivering the strategic vision and objectives for London
LPP 2.1	(2011) London in its global, European and UK context
LPP 2.15	(2011) Town Centres
LPP 2.16	(2011) Strategic Outer London Development Centres
LPP 3.10	(2011) Definition of affordable housing
LPP 3.11	(2011) Affordable housing targets
LPP 3.12	(2011) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
LPP 3.13	(2011) Affordable housing thresholds
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.6	(2011) Children and young people's play and informal recreation (strategies) facilities

LPP 3.7	(2011) Large residential developments
LPP 3.8	(2011) Housing Choice
LPP 3.9	(2011) Mixed and Balanced Communities
LPP 4.7	(2011) Retail and town centre development
LPP 4.8	(2011) Supporting a Successful and Diverse Retail Sector
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.3	(2011) Sustainable design and construction
LPP 5.10	(2011) Urban Greening
LPP 5.13	(2011) Sustainable drainage
LPP 5.21	(2011) Contaminated land
LPP 6.13	(2011) Parking
LPP 6.9	(2011) Cycling
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.14	(2011) Improving air quality
LPP 7.2	(2011) An inclusive environment
LPP 7.21	(2011) Trees and woodland
LPP 7.3	(2011) Designing out crime
LPP 7.4	(2011) Local character
LPP 7.5	(2011) Public realm
LPP 7.6	(2011) Architecture
LPP 7.8	(2011) Heritage assets and archaeology
LPP 8.2	(2011) Planning obligations
LPP 8.3	(2011) Community infrastructure levy

### **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 (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. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

### **5 115 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.

## 6

You are advised that the development hereby approved represents chargeable development under the Mayor's Community Infrastructure Levy (CIL) which is due on commencement of this development. 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.

In addition the development hereby approved represents chargeable development under the Hillingdon Community Infrastructure Levy. 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 has an area of approximately 750m<sup>2</sup> and is located on the north-west side of Belmont Road on the corner of Redford Way. The site itself is square shaped and has a frontage to Belmont Road of approximately 27 metres and a depth of approximately 28 metres with a return frontage to Redford Way. A two storey flat roofed building is located at the front of the site comprising two vacant retail units on the ground floor with offices above. To the rear of the site is a single storey detached building used as a health and fitness studio.

Two parking spaces currently exist within the site.

The primary retail area of the town centre is opposite the site to the south east, on the south western side of Bakers Road and the south eastern side of Belmont Road whilst the secondary retail frontage is located adjacent to the site to the south west of Redford Way. The edge of the secondary area also corresponds to the eastern edge of the Old Uxbridge/Windsor Street Conservation Area. The site also forms part of an Archaeological Priority Area. To the north east of the site, opposite Belmont Road is a footpath, beyond which is the Grade II listed Society of Friends Meeting House and a small landscaped garden area.

The area immediately surrounding the site is mixed in character comprising commercial premises to the south-east and north-east in Belmont Road and residential properties to

the rear in Bennett's Yard. Also to the rear of the site is Christ Church located in Redford Way.

The site has a Public Transport Accessibility Level (PTAL) score of 6a on a scale of 1 to 6, where 6 represents the highest level of accessibility.

### **3.2 Proposed Scheme**

The full planning application proposes the demolition of all buildings within the site and their replacement with a 6-storey building comprising a mixed-use car free development providing 33 apartments (Use class C3), three ground floor commercial units with a combined floor area of 335 square metres are proposed that would operate within the A1-A5 Use Classes. Associated storage and cycle parking is proposed. No affordable housing would be provided.

The commercial units will be laid out within the ground floor of the proposed building overlooking Belmont Road and Redford Way on the return frontage. The three stores will have a floor area of 124m<sup>2</sup>, 119m<sup>2</sup> and 98m<sup>2</sup> respectively, a combined area of 335m<sup>2</sup>. The commercial units will be served directly from Belmont Road. No car parking is provided for the the commercial element of the scheme however 14 cycle spaces are provided. The bin store will be located to the rear of the retail units and would be accessed off Redford Way. No details were provided of anticipated staff numbers.

2 residential units are proposed on the ground floor to the rear of the commercial units and fronting Redford Way. The remaining 31 residential units are located on upper (1st-5th) floors with their access from Redford Way. All but eight of the flats will be single aspect, orientated to either overlook Belmont Road, Redford Way or Orchard Place. Of the 33 flats proposed, 21 will be one-bed, 11 will be two-bed and 1 will be three-bed. The proposal is for a car free development save for 2 disabled parking spaces. Secure and covered cycle storage for each apartment will be provided with 48 no. cycle parking spaces available for future residents on the ground floor of the building together with 14 spaces for future employees of the retails units.

Refuse will be collected from the kerb-side on-street, as per the current refuse collection procedure for the existing building and local area.

In total 416m<sup>2</sup> of combined communal and private amenity space would be provided at roof terrace level or in the form of private balconies.

### **3.3 Relevant Planning History**

#### **Comment on Relevant Planning History**

The most relevant planning permission for the application site is planning application ref: 45222/APP/2014/2740 for Outline planning application (matters of landscaping and appearance reserved) for the erection of a 7 storey building comprising of 36 apartments (Use class C3), 138 square metre commercial unit (Use Class A1-A5) and 284 square metre retail unit and associated storage and cycle parking spaces. The application was refused for the following reasons:

1. The proposed development would constitute an over-intensive use of the site and by reason of its scale, massing, height, design and orientation the building would appear overly dominant, visually intrusive and incongruous within the streetscene and would adversely affect the character of the area. As such, the development would adversely harm the character and appearance of the area and would thereby be contrary to the National

Planning Policy Framework, Policies 7.1 and 7.4 of the London Plan (March 2015), Policies BE13 and BE26 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the Council's Supplementary Planning Document - Residential Layouts.

2. The development by virtue of its siting, bulk and design would result in an unacceptable loss of residential amenity to adjoining residents by reason of, actual and perceived, loss of privacy and loss of outlook. As such, the development would be contrary to Policies BE21 and BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the design principles contained within the Council's adopted Supplementary Planning Document: "Residential Layouts".

3. The applicant has failed to demonstrate that a significant number of the proposed flats would be afforded an adequate level of privacy as to provide a good standard of residential accommodation for its occupiers and the layout are not acceptable against the standards set out in Supplementary Planning Document: "Residential Layouts". As such, the development results in a poor standard of accommodation to the detriment of its future occupiers and is contrary to Policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the design principles contained within the Council's adopted Supplementary Planning Document: "Residential Layouts".

4. The proposal does not make adequate provision for external amenity space, or suitable convenient access to the amenity space for all residents, which would be prejudicial to the residential amenities of the future occupiers of the proposed development, contrary to Policy BE23 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the design principles contained within the Council's adopted Design Guide 'Residential Layouts and House Design'.

5. The development would result in inadequate provision of disabled car parking to deal with the demands of the proposed development, which are unlikely to be addressed by public transport capacity and would be likely to cause on-street parking, to the detriment of the highway. As such, the development would provide an inadequate living environment for future occupiers, contrary to Policies 3.8 and 6.13 of the London Plan (March 2015), the Accessible London Supplementary Planning Document 'Achieving an Inclusive Environment' (October 2014) and the Council's Supplementary Planning Document 'Accessible Hillingdon' (May 2013).

6. The application has failed to demonstrate that the development would include sufficient measures to minimise emissions of carbon dioxide, including provision of a 40% reduction in carbon dioxide emissions through on site renewable energy generation, in accordance with the Mayor's Energy Hierarchy. The proposal is therefore contrary to the National Planning Policy Framework, Policy 5.2 of the London Plan (March 2015) and Policy PT1.EM1 of Hillingdon Local Plan Part 1.

7. The proposed development fails to make appropriate provision of on site affordable housing. The proposal is therefore contrary to Saved Policy R17 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and policies Policies 3.10 -3.13 of the London Plan (March 2015).

Outline Planning Permission (LBH Ref: 45222/APP/2009/379 for Additional two storeys to existing building to provide 9 residential units comprising of 5 x one-bedroom, 3 x two-bedroom and 1 x three-bedroom flats, three storey side stairwell extension and alterations

to existing detached outbuilding, involving demolition of part front entrance/gym (Outline application for approval of access, appearance, layout and scale.) Granted 29 March 2012), reserving matters of Landscaping.

A reserved matters application with Ref. 45222/APP/2015/1005 was submitted together with the current outline application in compliance with conditions 2 and 7 (Landscaping) of the above permission (45222/APP/2009/379). Granted permission on 14/05/2015.

#### **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.EM6 (2012) Flood Risk Management

Part 2 Policies:

NPPF National Planning Policy Framework

LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

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

SPD-NO Noise Supplementary Planning Document, adopted April 2006

SPG-AQ Air Quality Supplementary Planning Guidance, adopted May 2002

SPG-CS Community Safety by Design, Supplementary Planning Guidance, adopted July 2004

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -  
(i) Dial-a-ride and mobility bus services  
(ii) Shopmobility schemes  
(iii) Convenient parking spaces  
(iv) Design of road, footway, parking and pedestrian and street furniture schemes

AM14 New development and car parking standards.

AM15 Provision of reserved parking spaces for disabled persons

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes

AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities

BE1 Development within archaeological priority areas

BE10 Proposals detrimental to the setting of a listed building

BE13 New development must harmonise with the existing street scene.

BE14	Development of sites in isolation
BE18	Design considerations - pedestrian security and safety
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.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE4	New development within or on the fringes of conservation areas
H4	Mix of housing units
OE1	Protection of the character and amenities of surrounding properties and the local area
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE5	Siting of noise-sensitive developments
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R1	Development proposals in or near areas deficient in recreational open space
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
R6	Ancillary recreational facilities
LPP 1.1	2011) Delivering the strategic vision and objectives for London
LPP 2.1	(2011) London in its global, European and UK context
LPP 2.15	(2011) Town Centres
LPP 2.16	(2011) Strategic Outer London Development Centres
LPP 3.10	(2011) Definition of affordable housing
LPP 3.11	(2011) Affordable housing targets
LPP 3.12	(2011) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
LPP 3.13	(2011) Affordable housing thresholds
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.6	(2011) Children and young people's play and informal recreation (strategies) facilities
LPP 3.7	(2011) Large residential developments



- LPP 3.8 (2011) Housing Choice
- LPP 3.9 (2011) Mixed and Balanced Communities
- LPP 4.7 (2011) Retail and town centre development
- LPP 4.8 (2011) Supporting a Successful and Diverse Retail Sector
- LPP 5.1 (2011) Climate Change Mitigation
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.10 (2011) Urban Greening
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.21 (2011) Contaminated land
- LPP 6.13 (2011) Parking
- LPP 6.9 (2011) Cycling
- LPP 7.1 (2011) Building London's neighbourhoods and communities
- LPP 7.14 (2011) Improving air quality
- LPP 7.2 (2011) An inclusive environment
- LPP 7.21 (2011) Trees and woodland
- LPP 7.3 (2011) Designing out crime
- LPP 7.4 (2011) Local character
- LPP 7.5 (2011) Public realm
- LPP 7.6 (2011) Architecture
- LPP 7.8 (2011) Heritage assets and archaeology
- LPP 8.2 (2011) Planning obligations
- LPP 8.3 (2011) Community infrastructure levy

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

**5.1** Advertisement Expiry Date:- **29th January 2016**

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

## **6. Consultations**

### **External Consultees**

A total of 34 neighbouring properties were consulted. In all 7 objections were received. Objections have been raised on the following grounds:

1. Detrimental impact in highways in the area owing to increased parking on street that will result from the development.
2. Difficulty for fire engines and refuse trucks to go down local road which will be congested from increased parking demand.
3. The proposal's would be too tall and imposing.

### **Internal Consultees**

FLOOD WATER MANAGEMENT OFFICER

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly

demonstrate how it manages water:

The scheme shall follow the strategy set out in 'Flood Risk Assessment' and 'Surface Water Drainage Strategy', produced by XXXdated XXXRef or Revision XXXand demonstrate ways of controlling the surface water on site by providing information on:

a) Suds features:

- i. incorporating sustainable urban drainage in accordance with the hierarchy set out in Policy 5.15 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,
- ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change,
- iii. overland flooding should be mapped, both designed and exceedance routes above the 100, plus climate change, including flow paths depths and velocities identified as well as any hazards, ( safe access and egress must be demonstrated).

b) Receptors

- i. Capacity demonstrated for Thames Water foul and surface water network, and provide confirmation of any upgrade work required having been implemented and receiving watercourse as appropriate.

c) Minimise water use. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- i. incorporate water saving measures and equipment.
- ii. provide details of water collection facilities to capture excess rainwater;
- iii. provide details of how rain and grey water will be recycled and reused in the development.

d) Long Term Management and Maintenance of the drainage system.

- i. Provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime. Including appropriate details of Inspection regimes, appropriate performance specification, remediation and timescales for the resolving of issues. Where there is overland flooding proposed, the plan should include the appropriate actions to ensure the safety of the users of the site should that be required.
- ii. Where the maintenance will not be the responsibility of an individual householder, the details of the body legally responsible for the implementation of the management and maintenance plan must be provided.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012) Policy 5.12 Flood Risk Management of the London Plan (July 2011) and National Planning Policy Framework (March 2012) and the Planning Practice Guidance (March 2014). To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2015), and conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2015).

SUSTAINABILITY OFFICER

The energy strategy for this application is particularly weak. There is limited supporting information beyond generic statements and no details required by the London Plan 5.2 (i.e. baseline CO2 and kWh data).

The energy strategy needs to be far more comprehensive and must clearly set out what renewable

technology will be used and where.

Officer Note: Please see Renewable Energy' section explaining that this matter can be dealt with by condition.

#### HIGHWAYS

- a. The site has excellent public transport accessibility (PTAL = 6a).
- b. The development is proposed to be car free except for the provision of two disabled car park spaces. A s106 legal agreement, to restrict eligibility of residents to parking permits within Uxbridge North Controlled Parking Zone, will be required.
- c. The proposed provision for 60 cycle parking is acceptable.
- d. It is recommended that the footway alongside the site on Redford Way be widened leading up to the Bennets Yard footpath. This would improve pedestrian and highway safety by allowing provision of pedestrian visibility splays to be included, at the three car park spaces. This will require some changes to the layout of the cycle storage facility.
- e. Highways agreements (s278 / s38) will be required for adoption and highway construction works including reinstatement of existing vehicular crossovers / construction of new crossovers.

#### ACCESS OFFICER

The proposal is for a mixed use development of retail and 35 residential apartments that include the redevelopment of both the retail and office building.

The Design & Access Statement reports on the provision of free accessible parking bays. The documentation makes reference to London Plan policy 3.8, however other than a reference to a passenger lift serving all floors, no other details have been provided on how the policy requirements would be met.

10% of the proposed residential unit should meet the standards for M4(3) Category 3 - wheelchair user dwellings, with all remaining units designed to the standards for Category 2 M4(2) - accessible and adaptable, as set out in ADM 2015.

Acceptable, subject to the following planning condition attached to any approval.

The development hereby approved shall ensure that 10% of the residential units are constructed to meet the standards for Category 3 M4(3) dwelling, with all remaining units designed to the standards for Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

#### REASON:

To ensure an appropriate standard of housing stock in accordance with London Plan Policy 3.8 d, is achieved and maintained.

#### URBAN DESIGN & CONSERVATION

Following various previous correspondence, the amended scheme as proposed would be considered acceptable.

#### EPU

With reference to this planning application I have no objections subject to the following conditions/informative respectively:

## 1. 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 noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.15.

## 2. Sound insulation /mitigation

The development shall not begin until a scheme for the control of noise transmission to the adjoining [dwellings] [premises] (commercial to residential) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

Informative: Sound insulation higher than the Building Regulations Approved Document E will be required e.g in the region of 55 to 60 dB Dntw

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

## 3. Air extraction system noise and odour

No air extraction system shall be used on the premises until a scheme for the control of noise and odour emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

### REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

## 4. Loading/unloading/deliveries

There shall be no loading or unloading of vehicles, including the collection [premises] [site]] shall not be used [for loading and unloading] [for loading and unloading in external areas] [delivery and the loading or unloading of goods] outside the hours of 8am and 6pm, Monday to Friday, and between the hours of 8am and 1pm on Saturdays. There shall be no deliveries on Sundays or Bank/Public Holidays.

REASON: To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Unitary Development Plan.

## 5. Noise affecting residential property

The rating level of noise emitted from the plant and/or machinery hereby approved shall be at least 5 dB below the existing background noise level. The noise levels shall be determined at the nearest

residential property. The measurements and assessment shall be made in accordance with British Standard 4142.

REASON: To safeguard the amenity of the surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Control of environmental nuisance from construction work ( Informative )

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

- (i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;
- (ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use "best practicable means" as defined in section 72 of the Control of Pollution Act 1974;
- (iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in "The control of dust and emissions from construction and demolition: best practice guidelines", Greater London Authority, November 2006; and
- (iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

## **7. MAIN PLANNING ISSUES**

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

The site is designated as a Developed Area within the Hillingdon Unitary Development Plan Saved Policies (September 2007) (UDP). The proposal site is located within the Uxbridge Metropolitan Centre.

The principle of flatted development on the application site has already been established by virtue of planning permissions granted for two additional floors to the existing building and a subsequent permission under the prior approval procedure for the conversion of the existing upper floors to residential use.

These are material considerations carrying considerable weight. Therefore, there is no objection in principle to the loss of the existing commercial and office units and their replacement with 33 apartments, subject to compliance with the various policies of the UDP.

Therefore, in land use terms, there is no objection in principle to the loss of the existing building and its replacement with 33 flats, provided the scheme complies with the various Saved Policies of the UDP.

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

Density guidelines are provided by the London Plan. These guidelines take into account public transport accessibility, the character of the area and type of housing proposed. The site has a PTAL score of 6a. Taking this into account, the London Plan density guideline is 215 to 405 units per hectare (u/ha) or 650 - 1100 habitable rooms per hectare (hr/ha), within a central setting with the highest PTAL.

The 33 units proposed would provide a residential density for the development of approximately 411 units per hectare or 1008 habitable rooms per hectare. The proposed scheme would fall within the London Plan table 3.2 Density matrix guidelines for the number of units in a central location.

Notwithstanding, consideration should also be given to the nature of surrounding land uses and the scale and massing of other development within the area. In this regard, the development is located within the Uxbridge Metropolitan Centre, while the remainder of the surrounding area comprises a mix of retail, offices and residential uses of up to four/ five/ six storey scale.

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

The Site is not located in a Conservation Area or near to a listed building.

### **7.04 Airport safeguarding**

No safeguarding issues arise from the proposed development.

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

The site is not located within or near the green belt.

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

Although the site is within the Uxbridge Metropolitan Centre, the site does not lie within any other specific policy designated area. However, it lies on the fringes of the Old Uxbridge/Windsor Street Conservation Area and the North Uxbridge Area of Special Local Character, and close to The Friends Meeting House, which is Grade II Listed building.

The site which currently comprises a rather tired and dated 2-storey commercial building constructed in the 1970s. A previous planning permission considered it acceptable to increase the height of the existing front building from two to four storeys.

The high quality contemporary design is considered to improve the appearance of the existing site.

The height and bulk of this current scheme can satisfactorily be accommodated in this urban location without appearing overbearing on the surrounding area. Indeed, the height bulk and massing are consistent with other recent developments considered acceptable in the immediate vicinity of the site.

The proposal is therefore considered to be consistent with Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the Council's Supplementary Planning Document - Residential Layouts.

### **7.08 Impact on neighbours**

Policy BE24 states that development should be designed to protect the privacy of future occupiers and their neighbours. The Council's Supplementary Planning Document HDAS: 'Residential Layouts' also provides further guidance in respect of privacy, stating that adequate distance should be maintained to any area from which overlooking may occur. In particular, that the distance between habitable room windows should not be less than 21 metres distance.

Reason for refusal 2 relating to the previous planning application (ref: 4522/APP/2014/2740) stated:

The development by virtue of its siting, bulk and design would result in an unacceptable loss of residential amenity to adjoining residents by reason of, actual and perceived, loss of privacy and loss of outlook. As such, the development would be contrary to Policies BE21 and BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the design principles contained within the Council's adopted Supplementary Planning Document: 'Residential Layouts'.

The current proposal has been reduced in scale and bulk. The rear most element of the

development has been reduced by 1 storey and set in from the boundary has been set in from the rear boundary by 1.35m. The overall height has also been reduced from 7 to 6 storeys. There is now a separation distance of approximately 16.5m, which is considered adequate to address this reason for refusal.

Therefore, with respect to privacy and overlooking it is considered that, on balance, the scheme would accord with Policy BE24 of the UDP Saved Policies and guidelines in the HDAS.

#### Sunlight

In relation to sunlight, Policy BE20 of the UDP seeks to ensure that buildings are laid out to provide adequate sunlight and preserve the amenity of existing neighbours. Due to the orientation of the site, and the size and siting of the proposed building, no significant loss of daylight and sunlight to adjoining properties would result from this development.

A sunlight/ daylight assessment was submitted in support of the scheme showing that all main habitable windows without overhanging balconies above pass the BRE Vertical Sky Component test. Likewise, all windows pass both the total annual sunlight hours BRE test and the winter sunlight hours BRE test as well all gardens meet the BRE recommendations as they either suffer no loss (ratio of 1.0) or achieve at least two hours sunlight on 21st March to at least 50% of their area.

The proposed development therefore satisfies the BRE daylight requirements and it is considered that the proposed block would be sited to avoid any undue loss of light or privacy of neighbouring properties on either side.

#### Outlook

In relation to outlook, Policy BE21 requires new residential developments to be designed to protect the outlook of adjoining residents. The design guide 'Residential Layouts' advises that for two or more storey buildings, adequate distance should be maintained between buildings or gardens to avoid over dominance. A minimum distance of 15 metres is required, although this distance will be dependent on the extent and bulk of the buildings.

Given the height and layout of the proposed block, and its distance to adjacent properties and garden areas to the north west (Orchard Way), it is considered that this would present a particularly dominant structure when positioned so close to the site rear boundary. Although proposed with a staggered building line it is considered that the proximity of the rear elevation would unpleasantly confine the outlook from the adjacent dwelling whilst the massing proposed would form a bleak and oppressive prospect, particularly from the garden areas of those properties in Orchard Way.

It is considered that the intervening foliage would sufficiently ameliorate any harmful effects. Given the character of this area, it is considered that the proposal would noticeably impair the outlook that adjoining residents might reasonably expect to enjoy.

It is therefore considered that the proposal would have a negative impact on the amenities of these properties.

It is therefore considered that, on balance, the proposal would not have an unacceptable impact on the amenities of the occupiers in Orchard Way in terms of impact on privacy, undue overlooking and loss of outlook and over-dominance, in accordance with Policies BE21 and BE24 of the UDP and the SPD HDAS: 'Residential Layouts'.

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

### **Unit Sizes**

The London Plan (March 2015) sets out minimum sizes for various sized residential units. The proposal is for 21 one bedroom flats, 11 two bedroom and 1 three bedroom flats. The applicant submitted plans with all unit sizes meeting the minimum floor space standards as set out above.

The application scheme proposes one-bedroom flats of between 50m<sup>2</sup> and 62m<sup>2</sup>, two-bedroom flats of between 62m<sup>2</sup> and 67m<sup>2</sup>, and the three-bedroom flats of 84m<sup>2</sup>. Although, these unit sizes vary, all of the units proposed meet or exceed the London Plan space standards.

### **Amenity Space**

Policy BE23 of the Unitary Development Plan requires the provision of external amenity space which is sufficient to protect the amenity of the development and surrounding buildings, and which is usable in terms of its shape and siting. In addition, the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document) Residential Layouts seeks to ensure that an adequate amount of conveniently located amenity space is provided in new residential developments.

The minimum requirement for private amenity space, as set out in the SPD, is 20sq metres for a 1 bedroom flat, 25sq metres for a 2 bedroom flat and 30sq metres for a 3 bedroom unit of shared amenity space. Therefore the proposed development for 21 one bedroom, 11 two bedroom units and 1 three bedroom unit would require 725sq metres of amenity space. The proposal provides approximately 416sq metres of amenity space in the form of balconies and two roof terraces designed specifically to benefit future residents. Whilst this represents a quite significant shortfall in amenity space provision it should be noted that the Council's Residential Layouts SPD allows a reduction of amenity space standards for residential development in town centres made up of predominantly 1 and 2 bed units. Furthermore Fasnidge Park is within approximately 495m from the site. It is considered that this is close enough to be utilised by future occupiers of the site should they wish to do so.

Overall, it is considered that the amended proposals meet with the aims and objectives of the Council's HDAS SPD and would provide an acceptable quality living environment for all of the proposed units, in accordance with Policies BE20, BE23, BE24, OE1 and O5 of the UDP, HDAS 'Residential Layouts' and 'Accessible Hillingdon' and the provisions of the London Plan.

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

The proposal for the site comprises predominantly one, two and three bedroom flats within a metropolitan town centre location with a PTAL score of 6 (excellent). The scheme does not provide for any car parking within the site.

The Highways Officer reviewed this proposal and considered that as the site is for 1, 2 and 3 bedroom flats within a highly accessible location, no objection was raised to a car free development.

Notwithstanding this, Policy 6.13 'Parking' of the London Plan (March 2015) states in para 6.44 that this policy requires that developments should always include parking provision for disabled people. This is reinforced in London Policy 3.8 'Housing Choice' with references to the 'Wheelchair Housing Design Guide' (WHDG) which requires one parking bay for every wheelchair accessible or easily adaptable home (so 10% of the total number of residential



units) including in car free development. Likewise, in accordance with the Lifetime Home Requirements, the Accessible London SPG 'Achieving an Inclusive Environment' (October 2014) and the Accessible Hillingdon SPD (May 2013) at least 10% of the residential units proposed would need to provide for one disabled parking space per unit and therefore 3 disabled parking spaces would be required.

Furthermore, in accordance with Para 6A.2 of the London Plan (March 2015) the non-residential elements of a development should provide at least one accessible on or off street car parking bay designated for Blue Badge holders, even if no general parking is provided.

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

Urban Design matters are discussed in detail under paragraph 7.07 of this report.

Security Issues have been incorporated into the design of the development and will be secured by a recommended condition.

The proposed layout and access are, on balance, considered acceptable.

#### **7.12 Disabled access**

Policy 3.8 of the London Plan and guidance within the HDAS - Accessible Hillingdon requires new residential developments to achieve Lifetime Homes Standards and for 10% of the units to be easily adaptable for wheelchair users. The scheme provides 10% of all units proposed in accordance with Part M4(3). This is considered acceptable. It should be noted that to ensure the wheelchair units are located adjacent to the wheelchair accessible parking bays a condition be imposed requiring that the 2 ground floor units be 2 of the 3 units required to meet the M4(3) standard.

The Access Officer is satisfied with the level of facilities provided including the internal layout of the units will ensure full compliance with part M4(3).

Subject to a condition to ensure compliance with Part M4(2) and M4(3) it is considered that the scheme accords with the aims of Policies 3.8 and 7.2 of the London Plan 2016, the Hillingdon Design and Access Statement (HDAS) Accessible Hillingdon and Policy AM15 of the UDP.

A condition is proposed to secure this provision.

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

In order to establish the level of planning contributions and affordable housing that can be supported by the proposed development the Council will take into account the economic viability of a scheme and the most effective use of public subsidy, as well as any particular costs associated with the development of the site. In such cases, the Council will request that the developer provides a financial appraisal of the scheme so that a fair contribution can be agreed.

The applicant's Financial Viability Assessments concluded that the current proposal could not support any affordable dwellings. The Council's independent consultants, GL Hearn, have concurred with the applicant's findings and consider that the proposed scheme to be only marginally viable due to the abnormal costs associated with redeveloping the site.

Whilst the proposal provides no affordable housing this is considered acceptable given the findings in relation to the viability of the scheme.

It is considered that the viability evidence submitted by the applicant presents a persuasive argument that the scheme should be accepted on financial viability grounds.

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

Policy BE38 of the Unitary Development Plan Saved Policies states, amongst other things that development proposals will be expected to retain and utilise topographical and landscape features of merit.

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

The applicant has provided plans showing the provision of separate storage of waste and recycling for the residential use with sufficient space for up to 30 x 1,100 litres Eurobins (with a total capacity up to 36,300 litres). The standing advice from Waste Services required 100 litres of storage for a 1 bedroom flat, 170 for a two bedrooms flat and 240 litres for a 3 bedroom flat, equating to a site wide provision of 7,460 litres. The refuse bins would be managed by an instructed building management team on days of refuse collection. Therefore, an acceptable level of refuse and recycling storage is considered to have been provided and no objection is raised in this regard.

A further 5m<sup>2</sup> of storage of waste and recycling for the community use with a total capacity up to 4,400 litres would be provided at ground floor level. The community refuse will be manually hauled to High Road from the rear of the community hall via the rear garden areas of the Cedars buildings in order for the refuse service to pick up within the required distance.

In this instance, an acceptable level of refuse and recycling storage is considered to have been provided for both uses and no objection is raised in this regard.

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

Sustainability policy is now set out in the London Plan (2016), at Policy 5.2. Parts C & D of the policy require proposals to include a detailed energy assessment. The 2016 London Plan requires major developments to demonstrate a 35% reduction from a 2013 Building Regulations compliant development.

It is considered that conditions securing the details and implementation of the sustainable design and construction and renewable measures, could satisfactorily address the issues relating to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions, in compliance with Policies 5.2, 5.13 and 5.15 of the London Plan (2016), Policy PT1.EM1 of Hillingdon Local Plan Part 1 and the NPPF.

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

The application site does not fall within a designated Flood Zone and the Floodwater Management Officer has reviewed the provided Flood Risk assessment and raised no objections to the proposal on the grounds of increased flood risk.

The Sustainability Officer has requested that a condition be attached in relation to sustainable water management at the site. With this condition attached, the proposed development is considered to comply with Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 Policies.

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

##### **Air Quality**

The proposals comprise 33 residential units and associated infrastructure. The site is located within an area identified as experiencing elevated pollutant concentrations. As such, the development has the potential to expose future users to poor air quality and cause impacts at sensitive locations during the operational phase. An Air Quality

Assessment was therefore required in order to determine baseline conditions, consider site suitability for the proposed end-use and assess potential impacts as a result of the development.

The assessment identified that potential impacts during the operational phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. An assessment was therefore undertaken to determine the potential for trips generated by the development to affect local air quality. This indicated that impacts are likely to be negligible throughout the operational phase.

The assessment concludes that the location is considered suitable for residential use without the inclusion of mitigation measures to protect future users from poor air quality. Based on the assessment results and the monetary contribution towards air quality monitoring, air quality is not considered a constraint to planning consent for the proposed development.

#### Noise

In terms of noise, the applicant has submitted a noise assessment to show the impact of this development proposal either in terms of the potential for impact on adjoining residential dwellings or to demonstrate that by introducing residential dwellings to the proposed locations it is possible to provide an acceptable level of residential amenity.

The noise report has been assessed by the Environmental Protection Officer and they have advised that, subject to the standard noise insulation and mitigation conditions set out in their consultation response, the development would be acceptable:

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

### **7.20 Planning obligations**

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

- i. necessary to make the development acceptable in planning terms
- ii. directly related to the development, and
- iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

In this instance, on the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, it is only considered reasonable to request contributions towards the following:

Non-monetary contributions:

. Highways Works S278/S38.

. A Servicing Management Plan is required to be submitted and approved in writing by the

LPA prior to first occupation. The Servicing Management Plan should detail how the development will be serviced and managed on a daily basis and to utilise joint servicing to minimise disruption along the adjacent highway.

. A full and formal Travel Plan with associated bond is required to be submitted and agreed in writing by the LPA before occupation of the development. Thereafter, the Travel Plan is required to be reviewed annually to monitor and if required, update and/or amend the document to the satisfaction of the LPA, in order that its aims and objectives are achieved.

. A restriction preventing future residents from applying for parking permits within the Parking Management Areas in the vicinity of the site.

Monetary contributions:

. Construction Training: either a contribution equal to the formula (£2,500 for every £1m build cost + number of units/160 x£71,675) or an in-kind training scheme equal to the financial contribution delivered during the construction period of the development with the preference being for an in-kind scheme to be delivered.

. Project Management & Monitoring Fee: a contribution equal to 5% of the total cash contributions secured from the scheme to enable the management and monitoring of the resulting agreement, is sought.

The proposal would also be liable for the London Borough of Hillingdon CIL and the Mayor of London's CIL, as the scheme provides 33 new residential units. This would be collected by the Council after implementation (if permission were to be granted) and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, or and indexation in line with the construction costs index.

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

None.

#### **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**

### **10. CONCLUSION**

The application is in outline form and proposes the erection of a 6 no. storey building comprising of 33 no. apartments (Use class C3), 335 square metres of retail units (Use Class A1-A5) and associated storage, cycle parking spaces and disabled parking spaces. The site is located within Uxbridge Town Centre and an Archaeological Priority Area as designated on the Proposals Map of the Hillingdon Unitary Development Plan Saved Policies with the Old Uxbridge / Windsor Street Conservation Area located 50 metres to the south west of the site and in close proximity of Uxbridge Underground Station.

The building would be of an appropriate design and scale that would not be out of character with the appearance of the area due to careful design and use of compatible materials that will ensure it is visually integrated in its surroundings. Furthermore it would

effectively address its location through the use of stepped taller elements and distinct stepped design which adds rhythm to the new urban edge whilst successfully and contextually distributing the scale and mass within the site.

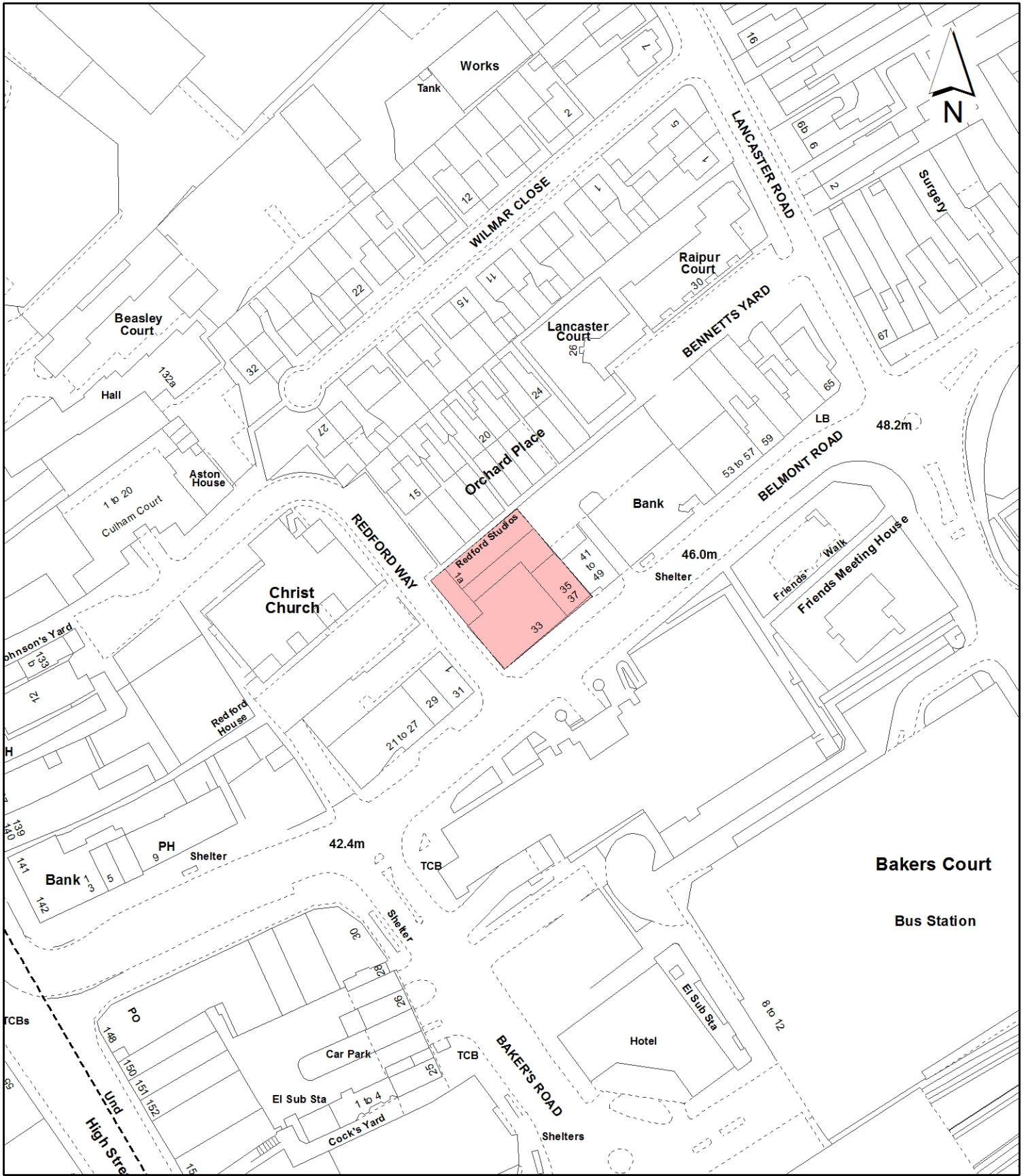
It is therefore recommended that planning permission be granted subject to conditions and the completion of a planning obligations under Section 106 of the Town and Country Planning Act 1990 to secure the items referred to in section 7.20 of the report.

## **11. Reference Documents**

Hillingdon Local Plan (November 2012);  
The London Plan (March 2016);  
National Planning Policy Framework;  
National Planning Policy Guidance  
Hillingdon Supplementary Planning Document: Affordable Housing  
Hillingdon Supplementary Planning Guidance: Noise;  
Hillingdon Supplementary Planning Guidance: Noise Air Quality;  
Hillingdon Design and Accessibility Statement: Residential Layouts (July 2006)  
Hillingdon Design and Accessibility Statement: Accessible Hillingdon (January 2010)  
GLA's Supplementary Planning Guidance - Housing;  
GLA's Supplementary Planning Guidance - 'Shaping Neighbourhoods: Play and Informal Recreation'

**Contact Officer:** Matt Kolaszewski

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**Notes:**

 Site boundary

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Site Address:

**33-37 Belmont Road**

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

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

Planning Application Ref:

**45222/APP/2015/4692**

Scale:

**1:1,250**

Planning Committee:

**Major**

Date:

**April 2017**



**HILLINGDON**  
 LONDON