

Report of the Head of Planning, Sport and Green Spaces

Address THE FORMER STAR PH, CORNER OF STAR ROAD AND UXBRIDGE ROAD HILLINGDON

Development: Erection of part 2, part 3 and part 4 storey building containing 14 residential units, a commercial unit at ground floor level with associated ground floor parking, access and landscaping.

LBH Ref Nos: 8057/APP/2017/2041

Drawing Nos: 2184 - 100 - REV - Site Location Plan and Block P
2184 - 101 - REV A - Proposed Site Plan
2184/100
2184/101
2184/110A
2184/111B
2184/112
2184/120
2184/121
2184/126
2184/128
2184/113A
DAS Burke Richards dated May 2017
RPS Surface Water Drainage Statement dated September 2016
Melin Sustainability Statement dated May 2017
RPS Transport Statement dated September 2016
REC Air Quality Assessment dated December 2014
POD Financial Viability Assessment dated July 2017

Date Plans Received: 06/06/2017

Date(s) of Amendment(s):

Date Application Valid: 19/07/2017

1. SUMMARY

Planning permission is sought for the erection of a part 2, part 3 part 4 storey building comprising 14 self-contained residential units (10 x 2 bedroom & 4 x 1 bedroom), on the site of a locally listed former public house, now demolished, located on the northwestern side of Uxbridge Road.

81 local residents and commercial premises were consulted. In total, 7 individual letters of objection have been received, objecting to the planning application, primarily on the grounds of over development of the site, loss of privacy, negative impact on existing retail units together with lack of parking and increased traffic generation.

The current proposal represents a cramped and incongruous form of development, which would be out of keeping with the character of the area and would be detrimental to the residential amenities of surrounding residents. The proposal would also fail to provide good environmental conditions for future occupants with a lack of appropriate usable amenity areas and landscaping. A legal agreement would be required to ensure a viability review mechanism and an appropriate CO2 reduction contribution. As no legal agreement has been entered into the application should be refused for this reason. Refusal is

therefore recommended.

2. **RECOMMENDATION**

1 NON2 **Inappropriate Development**

The proposed development, by reason of its overall scale, site coverage, design and layout, represents an over-development of the site, that would result in a cramped, unduly intrusive, visually prominent and inappropriate form of development, out of keeping with the character and appearance of the surrounding area. The proposal therefore fails to comply with paragraphs 56 to 68 of the National Planning Policy Framework, Policies 3.5 and 7.4 of the London Plan, Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2 NON2 **Amenity Space**

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 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".

3 NON2 **Amenity of Neighbouring Residents**

The proposed development, by virtue of its scale, bulk and proximity to the residential terrace on Butler Street would result in overlooking and would have an overbearing impact detrimental to the amenities of the neighbouring occupiers and therefore the proposal would be contrary to policies BE19 and BE21 of the Hillingdon Local Plan: Part 2 (November 2012).

4 NON2 **Section 106 Reason for Refusal**

The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of CO2 emissions and an affordable housing review mechanism). Given that a legal agreement to address this issue has not at this stage been offered or secured, the proposal is considered to be contrary to Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy 3.10 -3.13 and 5.2 of the London Plan (2016) and the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations.

INFORMATIVES

1 I52 **Compulsory Informative (1)**

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

2 I53 **Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE13	New development must harmonise with the existing street scene.
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H8	Change of use from non-residential to residential
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R16	Accessibility for elderly people, people with disabilities, women and children
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 6.10	(2016) Walking
LPP 6.13	(2016) Parking
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF10	NPPF - Meeting challenge of climate change flooding coastal
NPPF2	NPPF - Ensuring the vitality of town centres
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

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. 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.

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The scheme results in a number of fundamental planning concerns, including inappropriate development, lack of amenity space, poor residential amenity for future occupants and a lack of an appropriate provision of on site affordable housing. The Local Planning authority has taken into consideration the requirements of paragraph 186 and 187 of the National Planning Policy Framework (NPPF), however the extent of the issues with the proposed development are such that the Local Planning Authority does not consider there is any scope to achieve a sustainable development on the site without a fundamental redesign of the development requiring a new planning application. Accordingly, it is considered that the most appropriate way to achieve sustainable development at the site is to issue a timely decision informing the applicant of these fundamental planning concerns.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to the former Star Public House located on the northern side of Uxbridge Road. Whilst the address of the property is Uxbridge Road, the premises is set on Malborough Parade a slip road which runs parallel and in close proximity of Uxbridge Road. The public house, which was locally listed, together with ancillary outbuildings has now been demolished, leaving the site clear and boarded.

The site is bounded to west by a two storey office building, which has been vacant since July 2009. To the rear of the office building is a car park which contains 13 spaces. To the north and north east are two storey residential dwellings on Butler Street and Star Road.

Malborough Parade is a narrow single way carriageway with a footpath. A number of on-street parking spaces are available on the north eastern side of the carriageway. The parade and development on the southern side of Uxbridge Road opposite comprises mixed commercial/residential development.

The site is situated within a Developed Area and within the Hillingdon Heath Local Centre as identified in the policies of the Hillingdon Local Plan and the site has a Public Transport Accessibility Level (PTAL) score of 2.

3.2 Proposed Scheme

Planning permission is sought for the change of use of the site from a former public house (PH) to a mixed use development, involving the erection of a part 2, part 3 part 4 storey building with ground floor parking to provide 14 flats (10 x 2 bedroom and 4 x 1 bedroom) and a 70 sq m retail unit fronting Uxbridge Road.

The proposed mixed use development would have a frontage onto Star Road of approx. 45 metres, with the proposed development setback some 8.5 metres from the boundary with No.1 Star Road. The elevation fronting Star Road would be predominantly 3 storeys, with

the 4th storey element set back approx. The proposed development is reduced to 2 storeys adjacent to the northern end of the site. 2 external parking spaces and a Private Residents Garden is proposed adjacent to the boundary with No.1 Star Road. Vehicular access would be provided via an undercroft on the Star Road elevation with a total of 12 parking spaces proposed at ground floor level.

A previous scheme was refused due to concerns regarding the quality of internal living environment the applicant has advised that:

'Due to the requirement to protect the privacy of residents on Butler Street, all windows were omitted to the north west elevation, which was deemed an appropriate response to the reasons for refusal to the application submitted in 2014. As a result, the majority of the apartments were single aspect, which gave concern to internal daylight levels within the apartments and the consequently the quality of accommodation. In response to this, the communal corridor has been removed and replaced with an external walkway link, thus enabling windows to be placed to the north east elevation. These windows have been designed accordingly to ensure privacy to the residents of Butler Street is maintained through the use of obscured glazing (bottom section only) and natural light / ventilation is provided to the proposed apartments. These windows only affect bathrooms, utility rooms and kitchens.'

Officers consider this addresses previous reason for refusal relating to the quality of accommodation for future occupiers. However, officers consider there are significant issues that have not been addressed and on balance the application is recommended for refusal.

3.3 Relevant Planning History

8057/APP/2013/2836 The Star Ph Uxbridge Road Hillingdon
Demolition of two storey public house and associated outbuildings (Application for Prior Notification of Demolition)

Decision: 22-10-2013 Refused

8057/APP/2014/3338 The Star Ph Uxbridge Road Hillingdon
Erection of a part 2, part 3 and part 4 storey block containing 18 residential units and a retail unit with associated basement parking, accesses and landscaping.

Decision: 11-03-2015 Refused **Appeal:** 13-11-2015 Dismissed

8057/APP/2016/3671 The Former Star Ph, Corner Of Star Road And Uxbridge Road Hillingdon
Erection of part 2, part 3 and part 4 storey building containing 15 residential units, a commercial unit at ground floor level with associated ground floor parking, access and landscaping.

Decision: 05-01-2017 Refused

Comment on Relevant Planning History

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.CI1	(2012) Community Infrastructure Provision
PT1.E5	(2012) Town and Local Centres
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.H1	(2012) Housing Growth
PT1.H2	(2012) Affordable Housing
PT1.EM6	(2012) Flood Risk Management

Part 2 Policies:

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE13	New development must harmonise with the existing street scene.
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NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **17th July 2017**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

80 neighbouring residents were consulted on this application and a site notice was displayed between 16/06/2017 and 17/07/2017. 7no objections were received to the application which are summarised below.

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NEIGHBOURING RESIDENTS

- concern relating to car parking and traffic congestion;
- objection to the scale of the flats;
- proposal would have an overbearing impact on Star Road which is narrower than usual;
- the upper floor amenity space would result in overlooking into gardens and homes given the proximity of existing properties to the proposal;
- loss of natural daylight and sunlight;
- highways safety impact;
- 4 storeys is far too high for this location;
- second cars would inevitably be parked on Star Road which is congested and a narrow road, parking pressure will increase significantly; and
- the proposal will negatively impact local businesses.

A request was made by a Ward Councillor for the application to be heard at committee.

Internal Consultees

AIR QUALITY (Summary)

The application Site falls within the Uxbridge Road Focus Area therefore mitigation of emissions to the atmosphere associated with the proposed development is required.

The air quality assessment did not undertake an air quality assessment, using inadequate criteria to determine the need to undertake an assessment e.g. DMRB criteria which is suitable to motorway schemes only and other outdated guidance. In addition, no neutral assessment was undertaken as

required by the Mayor. Neither was a construction assessment undertaken.

SUSTAINABILITY

The submitted energy assessment is not sufficient to meet the improved requirements of the London Plan. The assessment shows a 35% reduction in CO2 but this is short of the zero carbon standards now required by the London Plan.

The Council accepted that the previous scheme, submitted in October 2016, did not have to abide by the improved standards because of lengthy pre-application discussions on that scheme.

This is a different scheme which I understand was not subjected to pre-app discussions. Unless there is a reasonable justification for this development still having to comply with previous pre-application advice, then the following comments are necessary:

The proposals do not demonstrate the necessary CO2 reduction as required by the London Plan (5.2).

The development does achieve the minimum 35% requirement and demonstrates the use of PVs in the development. However, the sustainability statement shows a 11.05tCO2 shortfall. Consequently this needs to be made up through an offsite contribution (Policy 5.2e).

If approved a S106 needs to include a payment of £19,890 for the Council's Carbon Offset Fund. If this is not accepted then the applicant is expected to:

- a) needs to provide a new energy strategy showing how the zero carbon standard is achieved; or
- b) the application is refused.

ACCESS

This proposal to construct 14 residential units should be revised to demonstrate compliance with the standards set out in Approved Document M to the Building Regulations (2015 edition). To this end, one units (10%) should be designed to meet the standards for an M4(3) dwelling, with the remaining 13 units designed to achieve an M4(2) standard home.

Particular attention should be paid to the entrance lobby arrangement within Wheelchair accessible flat, in addition to spatial requirements within the bedrooms, bathrooms and kitchen areas. The plans should be amended to demonstrate compliance with the technical specifications for an M4(3) dwelling. The same areas within all remaining dwellings should be designed to accord with the technical specifications of M4(2) for an Accessible and Adaptable dwelling.

HIGHWAYS

This application is for a housing development on the corner of Star Road (local road) and Uxbridge Road (classified road). The site has been the subject of a previous appeal for a previous residential scheme so certain precedents exist. The applicant also applied for pre-app advice and a car parking level of 1 space per flat was suggested. The site is on the corner of Blenheim Parade (Uxbridge Road Service Road) and Star Road both of which are one-way local roads.

There is already high levels of parking stress in the surrounding streets as many properties do not have off street car parking available and these streets are used by patrons and staff of local businesses.

The applicant has supplied a Transport Statement (TS) by RPS dated September 2016 in support of the application. The TS does not address the parking stress issue. The site has a PTAL of 2 which

is poor as it is a long walk to a railway station although local busses pass the site. Such a low PTAL value will rely on private car trips to and from the site. The current proposal is for 14 units (3x1+11x2) but the TS suggests 15 units. There is also a commercial unit of 70sqm at the ground floor and 15 car parking spaces although 2 of those spaces are sited in a private area at the side of the building with a separate access off Star Road. It is not clear from the TS whether the commercial unit will have any dedicated car parking on site.

The access to the new main private car park is off Star Road via a new crossover and undercroft. Given the previous applications where similar parking ratios were not queried I suggest the current car parking allocation is adequate. There are secure covered cycle parking spaces provided in the ground floor plans along with bin storage which is acceptable.

The TS (for 15 units) indicated a low level of trip activity which would have been similar to the previous PH use.

The proposed access is different to the existing vehicular access so re-instatement will be required. I am concerned about the above development in terms of the potential for additional parking stress that may occur but parking standards have been met. There are a number of conditions that should be applied namely reinstatement of highway and EVCP.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site lies within the Hillingdon Heath Local Centre as identified within the Hillingdon Local Plan. Whilst general policies are supportive of residential development in principle, this is subject to compliance with a number of detailed criteria.

The former use of the site was as a public house, the use has ceased and the site is now cleared. There are no Hillingdon Local Plan policies that prevent the loss of a public house. In addition, the proposal is consistent with Central Government advice contained in the NPPF, which encourages the re-use of previously developed land more efficiently. There is therefore no objection in principle to residential development on the site, subject to the proposal satisfying other policies within the Local Plan.

Table 8.1 of the Local Plan: Part 2 (November 2012) states that as well as providing local shops and services for people within walking distance, Local Centres provide a full range of essential shop uses and other local services for people who do not live or work near a Town Centre. Accordingly, they are, in principle, appropriate locations for retail outlets to serve people who would otherwise make longer trips to their nearest town centre or to a large free-standing store outside the Borough. The proposed development would provide a retail unit within a designated Local Centre, which would provide a retail offering to meet the needs to the local community. No objections are therefore raised to a retail use on this site.

7.02 Density of the proposed development

The site has an area of approximately 0.086 ha. The site is located in an area with a PTAL of 2. However, this is a mixed use development comprising elements of residential and commercial use. The Greater London Authority's London Development Database manual contains guidance on how to calculate the residential density for mixed use schemes. In accordance with this guidance, the residential element of the scheme is calculated as 0.3 ha and the density has been assessed on this basis.

Policy 3.4 of the London Plan (2016) seeks for new developments to achieve the maximum possible density which is compatible with the local context. Policy 3.4 of the London Plan seeks for new developments to achieve the maximum possible density which is compatible with the local context. Table 3.2 of the London Plan (2016) recommends that

for a PTAL of 2-3, in a suburban setting, a density of between 50-95 u/ha, (assuming 2.7-3.0 hr/unit) can be achieved for the application site.

The proposal seeks to provide 14 residential units. This equates to a density of 163 u/ha. The scheme is therefore far in excess of the density parameters for units per hectare in the guidelines set out within Table 3.2 density matrix of the London Plan (2016), (assuming a PTAL of 2 in a suburban setting).

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

See section of 'impact on the character and appearance of the area'.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), seek to ensure that new development complements or improves the character and amenity of the area, whilst Policy BE38 seeks the retention of topographical and landscape features and provision of new planting and landscaping in development proposals. The scale, bulk and siting of the buildings are key determinants in ensuring that the amenity and character of established residential areas are not compromised by new development.

London Plan (2016) Policy 7.1 sets out a series of overarching design principles for development in London and policy 7.6 seeks to promote world-class, high quality design and design-led change in key locations. In addition to Chapter 7, London Plan (2016) policies relating to density (3.4) and sustainable design and construction (5.3) are also relevant.

It is considered that a reduction in the scale, bulk and mass of the proposed development been secured as a means to attempting to address the refusal reasons outlined in Planning Decision Reference 8057/APP/2014/3338 dated 11 March 2015 and 8057/APP/2016/3671 dated 05 January 2017. To this end, the distance between the proposed development and the boundary with No.1 Star Road has been increased and there has been a reduction to 2 storeys on a section of the Star Road elevation. This proposal also reorganises windows and introduces a full height timber panels and 2 x 1 bedroom units are replaced a 1 x 2 bedroom duplex.

Despite the changes, there is concern in relation to this proposal in terms of its scale, bulk and massing. The linear unbroken mass along Star Road, the height of the proposal along Star Road is excessive and does not relate well to the modest 2-storey properties along Star Road. The proposed building is predominantly 3-4 storeys along Star Road, which should instead be 2-3 storeys, with the dominant element being 2 storeys in height to reflect the scale of the adjacent houses. As proposed it would have an overbearing impact on the streetscene along Star Road.

The applicant proposed to add an element of interest to the rear through the introduction of windows, an external walkway and amenity space at upper levels. However there is concern in relation to overlooking which is covered later in the report. The introduction of a frosted glass balcony to mitigate the overlooking would appear alien in this context and the introduction of windows does little to overcome the sheer scale of the proposal when viewed from Butler Street.

Notwithstanding the introduction of planters the majority of the site continues to remain covered by built development and hard surfacing. The residual areas will provide little usable amenity space with little opportunity for landscape enhancement.

Furthermore, the proposal for a crossover to accommodate two separate parking spaces off street is considered to harm the streetscene. Paragraph 4.34 notes 4.34 of HDAS (2006) As a general rule, car parking for flatted development should be accommodated off-street (curtilage / on the plot), out of sight and/or screened from the public realm and the street. Areas of car parking in front of new developments will be resisted by the Council.

Due to the predominantly three/four-storey height of the proposal, the limited size of the plot and distances of the proposed building from the site boundaries, the siting of the block forward of the return building line, together with the level of hard surfacing, it is considered that this scheme represents a cramped and incongruous form of development, out of keeping with the development density, character and appearance of the area.

Overall, it is considered that the proposal, given its scale, siting and site coverage would constitute an over-development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which would fail to respect the established character of the area. The proposal is therefore contrary to 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 BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), requires new residential developments to be designed so as to ensure adequate outlook for occupants of the site and surrounding properties. The proposed building would maintain a gap of 6-7 metres to the boundaries of the rear gardens of properties fronting Butler Street with a separation distance of 18 metres between the rear building line of the proposed development and the rear building line of the two storey residential properties on Butler Street. It is considered that the bulk and mass of the proposed development has been reduced adjacent to No.1 Star Road when considered against the previously refused scheme (Planning Decision Reference 8057/APP/2014/3338 dated 11 March 2015). To this end, the proposed development has been set in some 9 metres from the boundary with No.1 Star Road and there has been a reduction in the height of part of the development along Star Road to 1 storeys.

It thus continues to remain that the bulk and massing of the proposed building would produce an oppressive impact and have an adverse effect on the outlook of adjoining residents from their rear gardens, Furthermore, in the continued absence of appropriate soft landscaped boundary treatment, together with the proximity of the development to the boundaries of properties along Butler Street, the development cannot be effectively screened and softened to minimise the impact on its surroundings. It is therefore considered the close proximity of the buildings to the property boundaries coupled with a separation distance of some just 18 metres between the proposed development and the existing two storey dwellinghouses on Butler Street, will have an adverse effect on the amenities of adjoining residential properties, contrary to policy BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

In relation to privacy, Policy BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), requires new residential developments to be designed so as to ensure adequate outlook and privacy for occupants of the site. A distance of between 18 and 20 metres is maintained between the rear building line of the proposed development and the

rear windows of properties fronting Butler Street. It is noted that revised scheme proposed obscurely glazed windows on the ground, first, second and third floors on the rear (east) elevation of the proposed development. It is thus considered that concerns with respect to the loss of privacy to residents on Butler Street have been significantly reduced.

With respect to the privacy of residents on Star Road, a separation distance of 13-15.5 metres has been determined between the windows on the Star Road elevation of the development and the front elevation of the residential properties at 2-4 Star Road. Coupled with the windows on the Star Road elevation of the development, private balconies are also proposed for the use of the future occupants of the development. It is considered that the proximity of the windows and balconies on the Star Road elevation to the existing residential properties at 2-4 Star Road would lead to an unacceptable loss of privacy to adjacent properties. This is contrary to the provisions of Policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

In relation to daylight/sunlight, Policy BE20 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), seeks to ensure that buildings are laid out to provide adequate sunlight and preserve the amenity of existing houses. A daylight/sunlight assessment has been provided as part of this application which is outdated and refers to the incorrect scheme. This assessment has concluded that all windows and rooms to adjoining residential properties will retain good daylight and sunlight values with no noticeable change to the existing values and the assessment has concluded that the BRE guidelines will be satisfied. It is considered that the proposed development would not adversely affect daylight/sunlight to adjoining properties and the proposed development would satisfy the requirements of policy BE 20 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

The drawings illustrate shared amenity space at first floor level, this will result in direct overlooking into properties along Butler Street and is therefore inappropriate. Furthermore, should this be provided with obscure glazing, the quality of space would not be an attractive space but rather an oppressive space that could be used for storage. This proposal would be detrimental to the character and of the surrounding properties and is contrary to Policy OE1 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

The applicant has overcome previous reasons for refusal by providing obscurely glazed windows which serve secondary rooms the proposed units are proposed to be dual aspect units. It is considered that this layout is acceptable and overcomes previous reasons for refusal. However, there is concern relating to the quality of amenity space being provided on the terrace at upper levels.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

There is evidence of parking stress in the area due to pressures from the local retail units and local residents who often have no off-street parking available. The application is supported by a Transport Statement by RPS dated September 2016. The site has a PTAL of 2 (poor) which is a result of nearby bus services. This value will mean there will be a reliance on private cars for trip making.

The 2014 scheme for 18 units which went to appeal had 11 parking spaces (a deficiency of at least 7 spaces).

The Inspector concurred with the Council's view that this would lead to on-street parking, 'I would expect car ownership levels to exceed the number of spaces proposed. This would lead to parking on the adjacent highway which, at the time of my site visit, was heavily parked, with

cars on both sides of the road, even though it is narrow at this point. But the Inspector did

not consider the parking deficiency to be a reason to dismiss the appeal. In this regard the Inspector stated,

'From what I saw, I would not expect the additional onstreet parking that would result from the proposal to be at such a level that could not satisfactorily be accommodated within the surrounding streets.'

The Inspectors opinion do carry weight and are only 3 years old. It is considered that the 14 spaces could be allocated 1 per a unit and this combined with the commercial unit would result in a 1 space deficiency (hence any staff would need to park on street). This minor deficiency is considered acceptable in the context of the previous inspector's comments.

Secure cycle parking spaces are being provided which is considered acceptable.

The existing Star Road frontage will require alteration to accommodate the vehicular access to the parking area as well as the separate bank of 2 car parking spaces. The Transport Statement estimates the evening peak hour trips will be 3 two-way trips per hour which is likely to be similar to the previous use but the impact is not likely to be significant.

It is considered that the proposed development would not be detrimental to highway safety and would not have an undue impact on the free flow of traffic in the area.

7.11 Urban design, access and security

PRIVATE AMENITY SPACE

Policy BE23 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) requires the provision of external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings, and which is usable in terms of its shape and siting. Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document - Residential layouts, suggests that the following shared amenity space for flats

and maisonettes is provided:

1 bedroom flat - 20m² per flat

2 bedroom flat - 25m² per flat

Based on the current accommodation schedule, this would equate to a total of 330m² of shared and private amenity space for 14 residential units. The current development proposal would result in most of the site covered by the proposed built form and hard surfacing. A private residents garden area is proposed adjacent to the boundary with No.1 Star Road with a total ground area of approximately 99m². Access to this garden area from the upper floors would be via a stairway with the residents lift located on the Uxbridge Road end of the development. It is thus considered that poor connections exist between the interior of the building and the external garden space for disabled persons. The proposal is for 1 and 2 bedroom flats and there are not enough units to justify a play area using GLA guidance.

Although 8 of the units have individual balconies, the amenity space provision for each of the residential units falls substantially below local guidance.

It should be noted that when dismissing an appeal for an 18 unit scheme at this site in 2014 the Inspector said:

'The appellant indicates that the roof area could be used for a terrace and a nearby park could be accessible to residents. Firstly, I consider that the lack of on site garden areas for

use by many of the residents would be unacceptable as there is a requirement within the Council's policies and standards for a far greater provision. The proposal would not adequately cater for this need. In relation to the nearby park, whilst this is quite close to the appeal site, access to it would be difficult due to the need to cross roads, including the very busy Uxbridge Road and this would prove a deterrent for some. In relation to the use of the roof as a terrace, no details are shown and this could give rise to unreasonable levels of overlooking. I have considered the other examples of decision that have been drawn to my attention by the appellant. I do not have full details of these cases and so it is not possible to draw direct comparisons with those schemes; furthermore, I note that a number are not within the same borough. In these circumstances, I consider that the lack of usable amenity space results in accommodation that would be deficient for future residents, contrary to the aims of Policy BE23 of the LP.'

It is considered that the inability of the scheme to provide adequate amenity space and provide an appropriate balance between built form and soft landscaping is in direct conflict with Policy BE23 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and is indicative of the over-development of the site.

UNIT MIX

Saved Policies H4 and H5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), seek to ensure a practicable mix of housing units are provided within residential schemes. One and two bedroom developments are encouraged within town centres, while larger family units are promoted elsewhere. The proposed unit mix is 4 x 1 bedroom and 10 x 2 bedroom flats. This mix of units is considered appropriate for this location.

7.12 Disabled access

Policy 3.8 of the London Plan (2016) requires homes that are suitable for a range of needs. At least 10% of the dwellings are expected to be designed to meet the standards for an M4(3) dwelling, with the remaining 13 units designed to achieve an M4(2) standard home.

The application fails to provide appropriate circulation space within communal areas and within dwellings. The plans fail to demonstrate compliance with the technical specifications for an M4(3) dwelling and technical specifications of M4(2) for an Accessible and Adaptable dwelling.

7.13 Provision of affordable & special needs housing

The development would introduce a total of 14 dwellings, therefore triggering the affordable housing requirement threshold of 10 units as set out in London Plan (2016) policy 3.13. Policy H2 of the Hillingdon Local Plan: Part 1 (November 2012) relates to Affordable Housing with the Council seeking 35% of all new units in the borough delivered as affordable housing. A Financial viability Appraisal (FVA) has been carried out in support of this application. At the time of writing the committee report officers had not received a final written report from the independent viability consultants (this will be reported through the Committee addendum). However the site has an extensive planning history and based on this history officers are not expecting the development (based on the unit numbers and mix proposed) to be viable enough to provide affordable housing. Nonetheless had the application been recommended for approval officers would have insisted on a review mechanism and this would have needed to be secured through a legal agreement.

7.14 Trees, landscaping and Ecology

The development will result in a net reduction in garden space and associated wildlife. However, the incorporation of a green roof and green wall will offset some of the loss and is

therefore broadly supported in principle. However, the development needs a larger area put aside for green roofs and there is ample 'dead space' on the south west elevation for additional living walls/screens. The proposed measures, along with the suggested additional measures, in theory, should be free from disturbance and the threat of disturbance (i.e. removal of grassed areas for paved patios/driveways).

If planted appropriately, these measures should provide a long term suitable replacement for the loss of the garden space. However, the details in the supporting document are scarce and the proposals not sufficient. Furthermore, green roofs are extremely vulnerable to design changes and later involvement from developers.

It is considered that Ecology matters could be dealt with by way of condition subject to approval of the planning application. As the application is being recommended for refusal such conditions cannot be secured.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

The submitted energy assessment is not sufficient to meet the improved requirements of the London Plan. The assessment shows a 35% reduction in CO2 but this is short of the zero carbon standards now required by the London Plan. The sustainability statement shows a 11.05tCO2 shortfall. Consequently this needs to be made up through an offsite contribution of £19,890 (Policy 5.2e), in the absence of a legal agreement this is a reason for refusal.

7.17 Flooding or Drainage Issues

The Flood and Drainage Officer notes that the site lies adjacent to an area identified as risk from surface water flooding and therefore recommends the imposition of a condition to control surface water on the site. The drainage design would need to consider the prevention of water from entering the basement carparking on site.

Had the development been acceptable in other respects, it is considered that subject to appropriate conditions the proposal would comply with Policy EM6 (Flood Risk Management) of the Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policies OE7 and OE8 of the Local Plan Part 2 Saved UDP Policies (Nov 2012), Policies 5.12 and 5.13 of the London Plan (2016) and the NPPF.

7.18 Noise or Air Quality Issues

NOISE

In terms of noise, it is noted that the revised scheme has removed the proposed basement car park and thus the requirement for a vehicular lift. It is thus considered that any noise related matters could be dealt with by way of condition, subject to approval of the planning application. As the application is being recommended for refusal such conditions cannot be applied at this juncture.

AIR QUALITY

The application Site falls within the Uxbridge Road Focus Area therefore mitigation of emissions to the atmosphere associated with the proposed development is required.

The air quality assessment did not undertake an air quality assessment, using inadequate criteria to determine the need to undertake an assessment e.g. DMRB criteria which is suitable to motorway schemes only and other outdated guidance. In addition, no neutral

assessment was undertaken as required by the Mayor. Neither was a construction assessment undertaken. It is thus considered that any air quality related matters could be dealt with by way of condition, subject to approval of the planning application. As the application is being recommended for refusal such conditions cannot be applied at this juncture.

7.19 Comments on Public Consultations

7.20 Planning obligations

A legal agreement would be required to ensure a viability review mechanism and an appropriate CO2 reduction contribution. As no legal agreement has been entered into the application should be refused for this reason.

7.21 Expediency of enforcement action

Not applicable

7.22 Other Issues

None identified.

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

10. CONCLUSION

Planning permission is sought for the erection of a part 2, part 3 part 4 storey building comprising 14 self-contained residential units (10 x 2 bedroom & 4 x 1 bedroom), on the site of a locally listed former public house, now demolished, located on the northwestern side of Uxbridge Road.

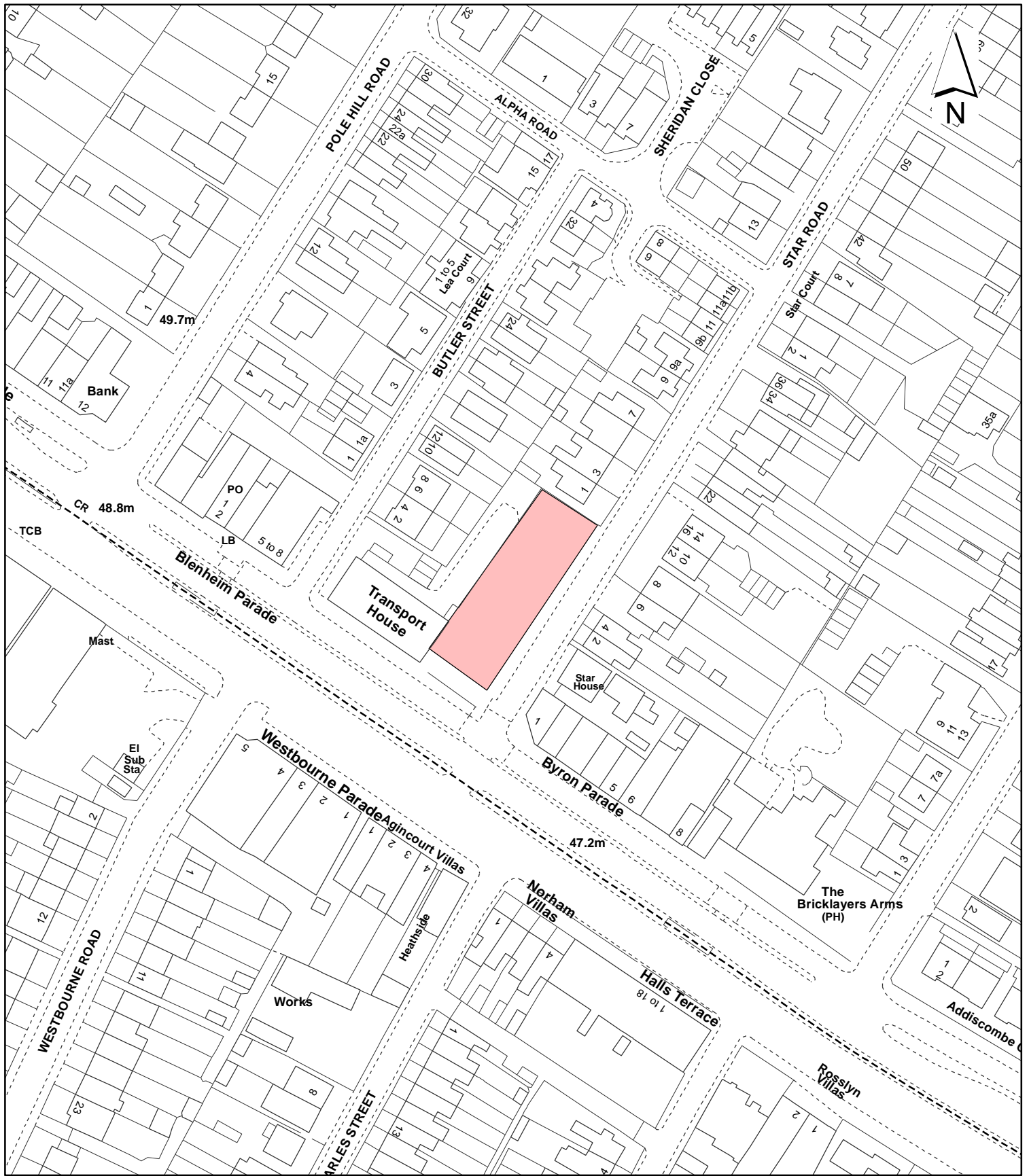
The current proposal represents a cramped and incongruous form of development, which would be out of keeping with the character of the area, in particular Star Road. The proposal would be detrimental to the residential amenities of residents of Star Road and Butler Street. The proposal would also fail to provide sustainable living conditions for future occupants with a lack of appropriate usable amenity areas and landscaping. A legal agreement would be required to ensure a viability review mechanism and an appropriate CO2 reduction contribution. As no legal agreement has been entered into the application should be refused for this reason. Refusal is recommended for these reasons.

11. Reference Documents

The Hillingdon Local Plan: Part 1- Strategic Policies (8th November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (2011)
National Planning Policy Framework (NPPF)
The Greater London Authority Sustainable Design and Construction (2006)
Council's Supplementary Planning Guidance - Community Safety by Design
Council's Supplementary Planning Document - Air Quality
Hillingdon Supplementary Planning Document: Accessible Hillingdon (January 2010)
National Planning Policy Framework (NPPF) (2012)

Contact Officer: Zenab Haji-Ismael

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Notes:

 Site boundary

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Site Address:

**The Former Star PH
 Corner of Star Road**

Planning Application Ref:

8057/APP/2017/2041

Planning Committee:

Major

Scale:

1:1,250

Date:

October 2017

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

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



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