

Report of the Head of Planning, Transportation and Regeneration

Address 11 BELMONT ROAD UXBRIDGE

Development: Part change of use from restaurant (Use Class A3) to create 2 x 1-bed and 1 x 2-bed self contained flats (Use Class C3)

LBH Ref Nos: 34940/APP/2018/346

Drawing Nos: Location Plan (1:1250)
020217/01 Rev. A
020217/02
Design and Access Statement
Planning Statement

Date Plans Received: 30/01/2018 **Date(s) of Amendment(s):**

Date Application Valid: 30/01/2018

1. **SUMMARY**

The applications seeks planning permission for a part change of use from restaurant (Use Class A3) to create 2 x 1-bed and 1 x 2-bed self contained flats (Use Class C3) and is identical to that previously considered under an appeal against non determination of application reference 34940/APP/2017/593. The Inspector dismissed the appeal given that in the absence of an appropriate mechanism to secure the 'car free' restriction, the proposal would generate additional demand for on-street parking to the detriment of highway safety. This current application is supported by a draft unilateral undertaking to secure the car free restriction. Accordingly, the application is recommended for approval subject to the completion of the S106 agreement.

2. **RECOMMENDATION**

A) That the Council enter into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

1) Restriction on any future resident to obtain on-street car parking permits

B) That in respect of the application for planning permission, the applicant meets the Councils 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 22nd November 2018, delegated authority be given to the Head of Planning and Enforcement to refuse planning permission for the following reason:

'The scheme, by reason of the absence of a legal agreement to preclude future occupants of all units from obtaining parking permits for the adjacent Controlled Parking Zone, would have an adverse impact on the local highway and traffic

conditions, and be prejudicial to the free flow of traffic and highway and pedestrian safety. The scheme would thereby fail to comply with policies AM7 and AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012). '

E) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement 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 RES3 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 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number 020217/02 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 H16 Cycle Storage - details to be submitted

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for 3 cycles have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (2016).

4 NONSC Non Standard Condition

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from road and rail and noise from the commercial kitchen have been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet an acceptable internal noise design criteria to guard against external noises. It is good practice to have a scheme satisfying or exceeding the standards laid by BS 8233: 2014 - Guidance on sound insulation and noise reduction for buildings. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by (road traffic) (rail traffic) (air traffic) (other) noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

5 NONSC Non Standard Condition

Development shall not begin until a scheme for protecting the proposed development from vibration has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of land separation, vibration control techniques and other measures, as are agreed by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by vibration in accordance with policy OE5 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

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

2 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).

3 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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.

BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.8	(2016) Heritage assets and archaeology
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF12	NPPF - Conserving & enhancing the historic environment

4 I47 Damage to Verge - For Council Roads:

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

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

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

5 I15 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 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.

6 170 LBH worked applicant in a positive & proactive (Granting)

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.

7 173 Community Infrastructure Levy (CIL) (Granting Consent)

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillingdon.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

3. CONSIDERATIONS

3.1 Site and Locality

The site is located within the busy Uxbridge Town Centre area and lies on the edge of the Northern part of the Old Uxbridge/Windsor Street Conservation Area, forming part of a designated secondary shopping frontage containing Barclays Bank and opposite W H Smith, the bus terminal and Uxbridge Metropolitan & Piccadilly Line Station. The site is located on the North-Western side of Belmont Road and is bound to the North-West by Bennets Yard, and to the North-East by an Access Road. The site has a PTAL of 6. Planning permission was granted for the erection of two storey building for use as an A3 restaurant in 2013.

3.2 Proposed Scheme

The application seeks planning permission for a part change of use from restaurant (Use Class A3) to create 2 x 1-bed and 1 x 2-bed self contained flats (Use Class C3).

3.3 Relevant Planning History

34940/APP/2017/593 (Prezzo/Ostler - Development In Former Car Park) 11 Belmont Road
Part change of use from restaurant (Use Class A3) to create 2 x 1-bed and 1 x 2-bed self contained flats (Use Class C3)

Decision: 05-10-2017 Not Determined **Appeal:** 05-10-2017 Dismissed

Comment on Relevant Planning History

34940/APP/2017/593 - Part change of use from restaurant (Use Class A3) to create 2 x 1-bed and 1 x 2-bed self contained flats (Use Class C3) was considered under a appeal against non determination. The Council raised the following objections:

1. The proposal fails to provide sufficient off street parking provision which meets the council's approved parking standards to service the proposed dwellings. The development would therefore lead to additional on street parking to the detriment of public and highway safety and contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The proposal would provide an indoor living area of an unsatisfactory quality for future occupiers, with poor outlook to the proposed habitable rooms, which would be dominated by the side wall of the adjoining property at 9 Belmont Road and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. The proposal is thus contrary to Policies BE19 and BE21 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 3.5 of the London Plan (2016), the Council's adopted Supplementary Planning Document HDAS: Residential Layouts and the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016).

An appeal was subsequently dismissed. The Inspector concluded that the proposal would be acceptable with regard to living conditions. However, he concluded with regard to highways, in the absence of an appropriate mechanism to secure the 'car free' restriction, I find the proposal would generate additional demand for on-street parking to the detriment of highway safety." Accordingly, the appeal was dismissed on the basis, that no S106 planning obligation was agreed for car-free development.

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.HE1 (2012) Heritage

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
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.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.8	(2016) Heritage assets and archaeology
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
NPPF12	NPPF - Conserving & enhancing the historic environment

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **7th March 2018**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

9 neighbouring properties were consulted by letter dated 2.2.18 and a site notice was displayed at the front of the site which expired on 6.3.18.

1 letter of objection has been received raising the following concerns:

1) Parking Standards application - no parking available on the property which is understandable but if approved, it should be made clear legally, through ownership of the properties, that they cannot use the existing resident parking around the area which is already full, particularly in Redford Way. The local Church, ChristChurch may also experience parking issues on their adjacent private land. I would clarification on how this would be enforced through legal property contracts as I can see later down the line, people trying to park on street, including their visitors.

2) Pollution - the entrance to the property and some windows in the property are located directly

overlooking (at low level) highly noisy, polluted and smelly with exhaust fumes from the buses that stop opposite and cars that drive slowly past. Other "housing" properties tend to be much higher away from exhaust fumes, e.g. Travelodge and the new serviced apartments on Bakers Yard. What air pollution testing has taken place to ensure public health and current UK and EU air pollution standards not exceeded?

3) Whilst not material, the owners have failed to address existing environmental and ASB issues on their property under application - and for over one year now. There is a pending resident inquiry to the council asking for serious graffiti across a large part of the building to be removed.

4) Designing out Crime and Disorder/light pollution - the properties will have windows backing onto the dark and narrow alleyways and yards behind the High Street which have been given recent lighting upgrades by the Council to reduce ASB. For a new property owner, these lights are likely to be rather bright as they are within metres of the proposed new windows. For existing residents, assurances are required that there will be no changes to public lighting in these alleyways and local vicinity as they have sought to design out crime and disorder in the area.

5) Amenity space & interior lighting - given the strange configuration of the properties and their windows there is no amenity space and it may present low level interior lighting given proximity to the adjacent properties in the daytime.

6) Refuse disposal and collection - the location will result in refuse vehicles parking on double yellow lines on Belmont Road and by a very bus stop and high street route to collect rubbish from the premises. It must be made clear that bins cannot be placed on any public highways or the private / public paths and alleyways adjacent to the property.

7) Public Health/Smoke Free/Noise - the proposed flats are located within just a few meters of at least 3 designated smoking areas including the outside of Prezzo's restaurant, the rear of Ask restaurant and Whelans Bar so it is very likely cigarette smoke will enter rooms on a regular basis given wind conditions. Whelans Bar, which has already received complaints about their noise, is open until the early hours over the weekend and the properties will be within direct earshot of this Public House. Noise and smoke reduction measures will be required to ensure any residents can sustain a good quality of life living in the premises, if approved.

Internal Consultees

Conservation Officer:

No objection in terms of potential impact on the Old Uxbridge Windsor Street Conservation Area,

Access Officer - No response received,

EPU (Comments from previous application):

EPU:

The Environmental Protection Unit examined the application for planning consent above. We would like to comment as follows:

Sound insulation scheme

The Environmental Protection Unit did not receive sound insulation scheme or an acoustic report in support of this application. Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from road and rail and noise from the commercial kitchen. This department believes that a design which includes positioning a bedroom right above a commercial kitchen raises many questions in terms of sound insulation and potential nuisance. We

need a full test of the sound insulation properties between the Ground Floor Commercial kitchen and the proposed residential bedroom. These details need to be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet an acceptable internal noise design criteria to guard against external noises. It is good practice to have a scheme satisfying or exceeding the standards laid by BS 8233: 2014 - Guidance on sound insulation and noise reduction for buildings. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by (road traffic) (rail traffic) (air traffic) (other) noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

Vibration protection scheme

Development shall not begin until a scheme for protecting the proposed development from vibration has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of land separation, vibration control techniques and other measures, as are agreed by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by vibration in accordance with policy OE5 of the Hillingdon Unitary Development Plan

Control of plant/machinery noise Scheme for noise control

The proposed development requires a comprehensive scheme for the control of noise emanating from the site and/or to prevent already existing noise sources - plant/machinery, from causing nuisance to current or future occupiers of the property. The future occupiers of all habitable areas of the development shall meet the internal noise criteria for dwellings. An Environmental Noise Survey will need to be carried out by a suitably qualified acoustic consultant and must be carried out to the standards laid out in BS 4142: 1997 (Method for rating industrial noise affecting mixed residential and industrial areas). 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 surrounding area in accordance with policy OE1 of the Hillingdon Unitary Development Plan.

Highways Officer:

The application has been reviewed by the Highway Engineer, with reference to the appeal decision, who is satisfied that the proposal (subject to the recommended cycle provision and condition) would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3, 6.9, and 6.13 of the London Plan (2016).

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The re-use of previously developed land in town centres for new housing in mixed use schemes is consistent with both national and local planning guidance.

The National Planning Policy Framework (NPPF) seeks to significantly boost the supply of housing. Paragraph 50 supports the delivery of a wide choice of high quality homes,

widening opportunities for home ownership and the creation of sustainable, inclusive and mixed communities. London Plan Policy 3.3 recognises the need for more homes in London in order to promote opportunity and provide a real choice for all Londoners. For Hillingdon, the London Plan sets a housing delivery target of a minimum of 5,593 new homes between 2015 and 2025 (559 per annum). Local Plan Policy H1 seeks to maximise the supply of additional housing in the borough and states the Council will meet and exceed its minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies. Policy at local, regional and national levels therefore acknowledges the need to provide new homes. It is considered that the nature and deliverability of the proposed development within Uxbridge town centre would contribute positively and actively to meeting the overall housing requirement for Hillingdon over the Local Plan period.

Policy H4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) is relevant. This policy seeks to encourage additional housing in town centres. The supporting text states:

"The Council recognises the importance of residential accommodation in town centres as a part of the overall mix of uses which is necessary to ensure their vitality and attractiveness. Such housing offers particular advantages in terms of accessibility to town centre facilities, employment opportunities and public transport.

Policy H8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) is also relevant to the current proposal in that it states that a change of use from non residential to residential will only be permitted if:

- (i) a satisfactory residential environment can be achieved;
- (ii) the existing use is unlikely to meet demand for such.
- (iii) the proposal is consistent with the other objectives of the plan.

The re-use of previously developed land in town centres for new housing in mixed use schemes is consistent with both National, London Plan and local planning guidance. Subject to satisfactorily addressing heritage, transportation and amenity issues, no objections are raised to the principle of the proposed development.

7.02 Density of the proposed development

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

The density matrix, however, is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the development harmonises with its surroundings and its impact on adjoining occupiers.

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

Policy BE4 reflects the relevant legal duties. Paragraph 64 of the NPPF (2012), states that 'Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area...' Furthermore paragraph 131 also refers to 'the desirability of new development making a positive contribution to local character and distinctiveness.' It is important the design of this addition sets a good design precedent for the future within the Conservation Area.

The proposal would not involve any external alterations to the building and as such the proposal would not have an adverse impact upon the architectural or historic character and appearance of the building or Conservation 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

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area' Policy BE4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that new development within or on the fringes of conservation areas will be expected to preserve or enhance the features, which contribute to the Conservation Area's special architectural or visual qualities. Policy BE4 reflects the relevant legal duties. Paragraph 64 of the NPPF (2012), states that 'Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area...' Furthermore paragraph 131 also refers to 'the desirability of new development making a positive contribution to local character and distinctiveness.' It is important the design of this addition sets a good design precedent for the future within the Conservation Area.

The proposal would not involve any external alterations to the building and as such the proposal would not have an adverse impact upon the architectural or historic character and appearance of the building or Conservation Area.

7.08 Impact on neighbours

Policies BE20, BE21 and BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

The application property is bounded by commercial uses and it is not considered that it would give rise to any issues which would be detrimental to the amenity of users of adjoining buildings.

7.09 Living conditions for future occupiers

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

alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. A two bedroom (3 person) flat is required to provide an internal floor area of 61 sq.m and a one bedroom 2 person flat is required to provide an internal floor area of 50 square metres which all 3 flats comply with.

The HDAS Residential Layouts notes that amenity space requirements can be relaxed for residential above commercial uses within a town centre, involving one or 2 bed units (such as are proposed in this application). Given the nature of the proposal no objection is raised in terms of absent external amenity space.

Concerns were raised during consideration of the previous application that the proposal would provide a poor outlook to the proposed habitable rooms, which would be dominated by the side wall of the adjoining property at 9 Belmont Road and would therefore give rise to a substandard form of living accommodation to the detriment of the amenity of future occupiers. However the Inspector confirmed in paragraph 16 of the appeal decision that:

"I am therefore satisfied those residents would have a reasonable outlook over the surrounding streetscape and that adjacent buildings would not appear unduly dominant or obtrusive."

Given that the plans are identical to those recently considered acceptable by the Inspector, a refusal reason based on the perceived poor outlook and standard of residential accommodation cannot be justified.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

Given that the application site is located within Uxbridge Town Centre which has excellent public transport it is considered appropriate to accept a car free scheme. The Highways Officer has raised no objection to the proposal subject to the completion of a S106 agreement to remove the right of the future occupants of the flats to apply for a parking permit. The application is supported by a draft unilateral undertaking which is being progressed by the Council's Legal Department.

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

No accessibility issues are raised.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

The application site is located within Uxbridge Town Centre. The Council's EPU officer has confirmed in relation to the previous application that no objection is raised subject to the imposition of a condition requiring that development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from road, rail and air traffic, and other external noise sources has been submitted to and approved in writing by the Local Planning Authority.

7.19 Comments on Public Consultations

The comments are addressed in the sections above.

7.20 Planning obligations

This current application is supported by a draft unilateral undertaking to secure the car free restriction. Accordingly, the application is recommended for approval subject to the completion of the S106 agreement.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

CIL

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

The scheme would be CIL liable. Presently calculated the amounts would be as follows;

LBH CIL £ 25,469.22

London Mayoral CIL £9,972.49

Total CIL £35,447.71

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

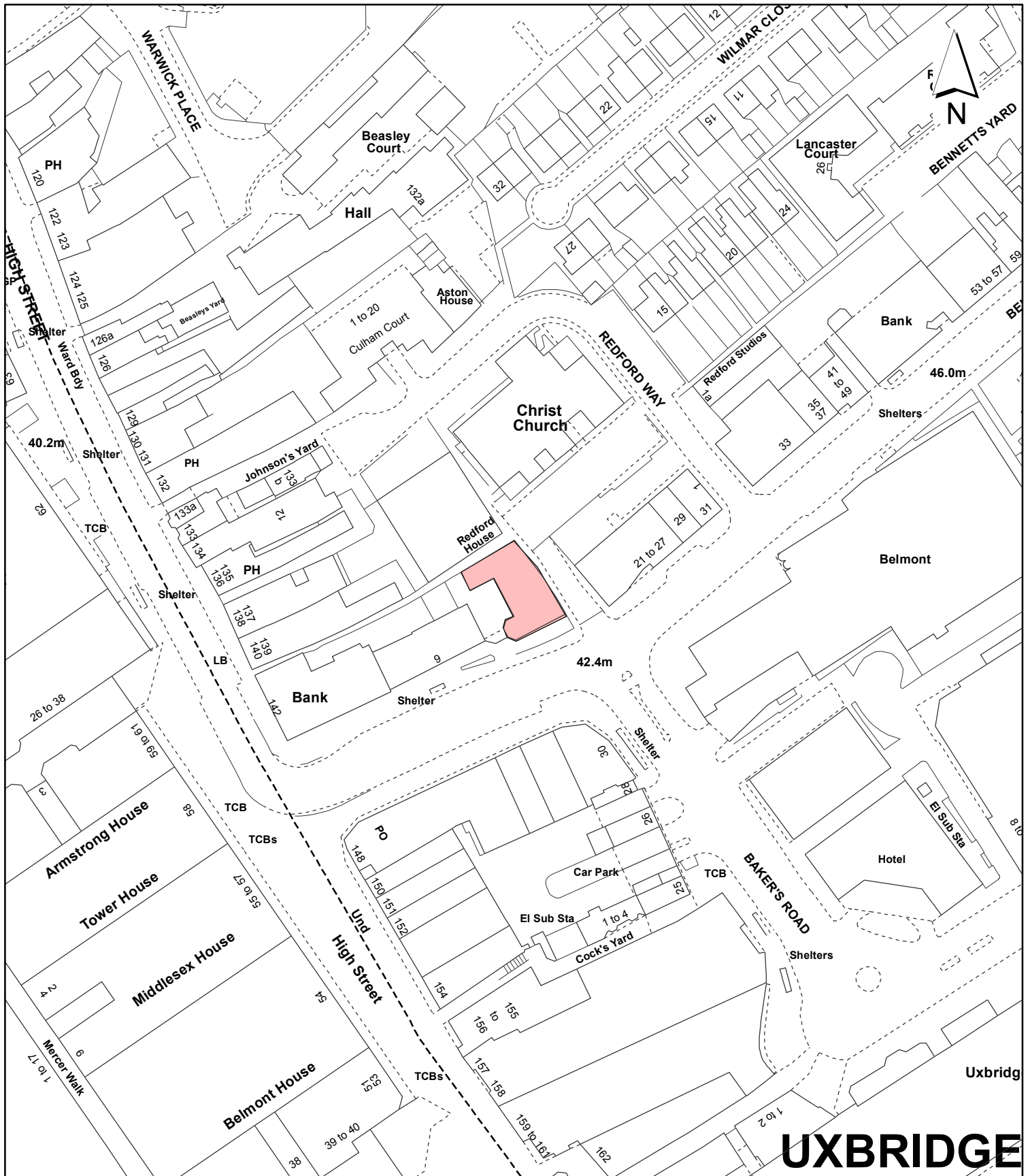
The application seeks planning permission for a part change of use from restaurant (Use Class A3) to create 2 x 1-bed and 1 x 2-bed self contained flats (Use Class C3) and is identical to that previously considered under an appeal against non determination of application reference 34940/APP/2017/593. The Inspector dismissed the appeal given that in the absence of an appropriate mechanism to secure the 'car free' restriction, the proposal would generate additional demand for on-street parking to the detriment of highway safety. This current application is supported by a draft unilateral undertaking to secure the car free restriction. Accordingly, the application is recommended for approval subject to the completion of the S106 agreement.

11. Reference Documents

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

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Notes:

 Site boundary

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Planning Application Ref:

34940/APP/2018/346

Scale:

1:1,250

Planning Committee:

Central & South

Date:

May 2018



HILLINGDON
 LONDON