

Report of the Head of Planning, Transportation and Regeneration

Address WONDER CAFE AND GRILL, UXBRIDGE ROAD HILLINGDON

Development: Demolition of existing Class A3 cafe and erection of building to comprise 13 residential units (Use Class C3) and two retail units (Use Class A1), with associated car parking.

LBH Ref Nos: 18635/APP/2018/2174

Drawing Nos: BRE Daylight Sunlight Study 170518 (1)
4006_180609_ D A Statement_C -Part I
4006_180609_ D A Statement_C-Part I
4006_180609_ D A Statement Appdx1. Part I
4006-P-A-000-P2-Areas - Ground first and second fl
4006-PEX-002-P2_Existing site section A - A and E
4006-PGE-201-P2_West East Elevation
4006-PGE-202-North South Elevator
Demolition plan
4006-PGS-301-P2-Section A-A and B- B
Existing Ground Floor Plan
Existing Cafe Elevation
Existing site plan
Ground Floor Plan
Level 1 and 2
Proposed site plan.
Roof Level
4006-PS-001-P2-Site location plan.
002 Hillingdon Cover Letter June 2018

Date Plans Received: 12/06/2018

Date(s) of Amendment(s):

Date Application Valid: 13/06/2018

1. SUMMARY

This application seeks planning permission for the demolition of the existing A3 cafe and erection of a three storey building to comprise 13 residential units (Use Class C3) and two retail units (Use Class A1), with associated car parking.

The current proposal represents a cramped and incongruous form of development, which would be out of keeping with the character and appearance of the area, detrimental to the residential amenities of the Ivy Cottages surrounding residents. The proposal would also fail to provide good environmental conditions for future occupants with a lack of useable amenity areas and landscaping.

Accordingly taking all matters into consideration the application is recommended for refusal.

2. RECOMMENDATION

This application would have been refused on the following grounds and these refusal reasons shall now be issued to the Planning Inspectorate in respect of the appeal against non-determination.

1 NON2 Character and Appearance

The proposed development, by reason of its overall size, scale, height, site coverage, design, layout and projection forward into the street scene along Uxbridge Road, 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 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 Urban Design

The proposed development by reason of extensive site coverage, proposed boundary treatments, poor quality ground floor frontage, hardstanding/parking within the curtilage of the site; fails to provide adequate soft landscaping or defensible space to mitigate against the impact of this development or provide any public realm improvements. This results in an unduly prominent and visually intrusive form of development, which would be detrimental to the visual amenities of the street scene and character and appearance of the wider area, contrary to Policies BE13, BE14, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts; Policies 3.5, 3.10, 3.11, 3.12, 3.13, 4.9, 6.1, 7.5 and 8.2 of the London Plan (2016); National Planning Policy Framework Chapters 2, 11 and 12 (2018)

3 NON2 Viable Commercial Units

The proposal fails to provide viable commercial units at ground floor level due to poor facade design and lack of presence, poor quality size and space with no waste storage. This results in a poor quality of commercial space which is potentially unviable with insufficient space for refuse storage contrary to Policy E5 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012); Policies BE1, BE19 and BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); and Hillingdon Design and Accessibility Statement (HDAS) - Supplementary Planning Document: Shopfronts (2006).

4 NON2 Impact on Ivy Cottages

The proposal, by reason of its size, bulk, design, height and proximity, with inadequate separation distances between the proposed development and the existing properties No.s 13 to 24 Ivy Cottages, would result in an overly and oppressive feature dominant feature that overshadows the adjoining properties which would be visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal would be contrary to policies BE20, and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Council's Supplementary Planning Documents HDAS Residential Layouts.

5 NON2 Living Conditions Future of Occupiers

The proposed development by reason of its size, design, layout, proximity to existing neighbouring residential dwellings at the Ivy Cottages and lack of separation distances, would result in an unsatisfactory standard of residential accommodation due to poor outlook and overlooking, which would fail to meet the needs of future occupiers contrary to Policy 3.5 and Table 3.3 of the London Plan (2016), The Housing Standards Minor Alterations to The London Plan (March 2016), Policies BE19 and H7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), the Mayor of London's adopted

Supplementary Planning Guidance - Housing (March 2016) and the Technical Housing Standards - Nationally Described Space Standard (March 2015).

6 NON2 Private Amenity Space

The proposal fails to provide amenity space of a quantity and quality commensurate to the size and layout of the proposals, resulting in an over-development of the site detrimental to the residential amenity of the future occupiers. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policies BE21 and BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012), the adopted Supplementary Planning Document HDAS: Residential Extensions and Policy 7.1 of the London Plan (2016).

7 NON2 Affordable Housing

The proposed development fails to make appropriate provision of on site affordable housing. The proposal is therefore contrary to Saved Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012); Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations and policies Policies 3.10 - 3.13 of the London Plan (2016); and National Planning Policy Framework, Para. 62 and 63 (2018).

8 NON2 Section 106

In the absence of a Section 106 legal agreement, this application has failed to mitigate the impacts of the development in respect of highways, affordable housing, carbon offset fund, and construction training. The proposal is therefore contrary to Policies 3.5, 3.10, 3.11, 3.12, 3.13, 5.2, 5.3, 5.6, and 8.2 of the London Plan (2016); Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012); Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); and the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations.

9 NON2 Refuse/Waste

The proposed design and layout fails to provide convenient and safe access for the collection of refuse, detrimental to residential amenity and highway safety, contrary to Policies BE19, BE23 and AM7(ii) of the Hillingdon Unitary Development Plan Saved Policies (2012), and guidance within the Council's Supplementary Planning Document on Residential Layouts.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

with alterations since 2011 (2016) and national guidance.

LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPG-AQ	Air Quality Supplementary Planning Guidance, adopted May 2002
SPG-CS	Community Safety by Design, Supplementary Planning Guidance, adopted July 2004
DAS-SF	Shopfronts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
BE1	Development within archaeological priority areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE14	Development of sites in isolation
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE4	New development within or on the fringes of conservation areas

H4	Mix of housing units
H5	Dwellings suitable for large families
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
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R1	Development proposals in or near areas deficient in recreational open space
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation leisure and community facilities
R6	Ancillary recreational facilities
LPP 2.13	(2016) Opportunity Areas and Intensification Areas
LPP 2.15	(2016) Town Centres
LPP 2.7	(2016) Outer London: Economy
LPP 2.8	(2016) Outer London: Transport
LPP 3.11	(2016) Affordable housing targets
LPP 3.13	(2016) Affordable housing thresholds
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 3.6	(2016) Children and young people's play and informal recreation facilities
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 4.12	(2016) Improving opportunities for all
LPP 4.4	(2016) Managing Industrial Land and Premises
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.15	(2016) Water use and supplies
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.21	(2016) Contaminated land
LPP 5.3	(2016) Sustainable design and construction
LPP 6.10	(2016) Walking
LPP 6.13	(2016) Parking
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.

LPP 7.2	(2016) An inclusive environment
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture
LPP 8.3	(2016) Community infrastructure levy
LPP 8.4	(2016) Monitoring and review
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 2	NPPF-2 2018 - Achieving sustainable development

3 159 Councils Local Plan : Part 1 - Strategic Policies

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

4 174 Community Infrastructure Levy (CIL) (Refusing Consent)

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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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 2012, Local Plan Part 1 (November 2012), Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

3. CONSIDERATIONS

3.1 Site and Locality

The site is located on the south west side of Uxbridge Road (A4020) opposite a major signalised intersection with Long Lane (A437) to the north. The site is bounded by Ivy Cottages, Nos. 13 to 24, to the immediate south west with additional residential properties to the south and north west. The existing site is triangular shaped comprising of a single storey building which is occupied by a cafe (Use Class A3) with an adjoining surface level car park.

The existing modest single storey building sits to the south of the plot and has a footprint of approximately 160 sq.m. The building is set back from the Uxbridge Road by between 11.5

metres to 5 metres; and from the south western boundary with Ivy Cottages it is set in by 5.1 metres to 4.5 metres.

The site is located in an area of mixed character with commercial uses mainly on the Uxbridge Road and residential on all other sides. To the west is a small retail parade and to the immediate southern boundary of the site is covered by TPO 264 and the land just to the north is covered by TPO 87.

The application site is located within the 'developed area' within an Air Quality Management Area, as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012), with a low Public Transport Accessibility Level of 2.

3.2 Proposed Scheme

The proposal involves the demolition of the existing A3 cafe building and the erection of a three storey building to accommodate 13 residential units, along with two A1 retail units at ground floor level and associated car parking.

The development would occupy the whole site up to the boundaries with the proposed 3 storey triangular building measuring 10.4 metres high, 46.15 metres in length and 23.51 metres at its widest point with the tip of the building forming to the north western end. At ground floor there would be two retail units fronting the Uxbridge Road providing a total of 90 sq.m of retail floorspace located in the south eastern corner of the plot. Adjacent to these units to the north would be the access and circulation space for the residential units above and adjacent to this would be the bin store and substation.

Thirteen residential units would be provided on the first and second floor. The proposed unit mix is as follows:

- 5 x 1 bed units (including 1 duplex unit)
- 6 x 2 bed units
- 2 x 3 bed units

The development proposes undercroft parking providing 20 car parking spaces comprising two disabled spaces and three active Electric Vehicle (EV) spaces and a further three passive spaces, 10 cycle parking spaces in a cycle store at ground level with 8 spaces at the end of each corridor on the first and second floor, giving a total of 26 cycle spaces.

3.3 Relevant Planning History

18635/A/80/0687 Wonder Cafe' And Grill Uxbridge Road Hillingdon

Kitchen extension and toilet block. Also relaxation.

Decision: 29-04-1980 Approved

18635/APP/2002/764 Wonder Cafe' And Grill Uxbridge Road Hillingdon

ENCLOSURE OF EXISTING FRONT TERRACE TO ENLARGE RESTAURANT AND REBUILD OF ENTRANCE LOBBY

Decision: 17-07-2002 Approved

18635/G/98/3062 Wonder Cafe' And Grill Uxbridge Road Hillingdon

Installation of advertising banner on front elevation of roof of single storey building

Decision: 18-09-1998 ALT

18635/PRC/2017/239 Wonder Cafe And Grill, Uxbridge Road Hillingdon

Demolition of existing A3 building and construction of C3 residential building to provide 14 (2 x studio, 4 x 1 bedroom, 4 x 2 bedroom, 2 x 3 bedroom) residential units to include affordable housing

Decision: 01-06-2018 OBJ

18635/PRE/2002/94 Wonder Cafe' And Grill Uxbridge Road Hillingdon

TP PRE CORRES: ADVERTISEMENT HOARDING

Decision:

Comment on Relevant Planning History

There are no planning applications directly relevant to this proposal.

However formal pre-application was provided under ref:18635/PRC/2017/239, relating to the re-development of the application site in line with the current planning application. Whilst there was no in principle objection to the redevelopment of the site, the council confirmed that the proposal, which involved 13 units as submitted, would be unacceptable and would not be supported for various reasons set out within that report. The report concluded that the site is severely constrained because of its proximity to the dwellings on Ivy Cottages and any future proposal must be significantly revised.

4. Planning Policies and Standards

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (2016)
National Planning Policy Framework (2018)
Hillingdon Supplementary Planning Document: Accessible Hillingdon
Hillingdon Supplementary Planning Document: Residential Layouts
Hillingdon Supplementary Planning Guidance - Community Safety by Design
Hillingdon Supplementary Planning Guidance - Noise
Hillingdon Supplementary Planning Document - Air Quality
Hillingdon Supplementary Planning Document - Planning Obligations

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.EM6 (2012) Flood Risk Management

PT1.BE1 (2012) Built Environment

PT1.EM1 (2012) Climate Change Adaptation and Mitigation

PT1.H1 (2012) Housing Growth

PT1.H2 (2012) Affordable Housing

PT1.HE1 (2012) Heritage

Part 2 Policies:

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

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5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **1st August 2018**

5.2 Site Notice Expiry Date:- **3rd August 2018**

6. Consultations

External Consultees

36 surrounding property owners/occupiers were consulted on 09.07.2018 and multiple site notices were displayed near to the entry and along the frontage on 13.07.2018.

A petition in Objection to the proposal has been submitted with 107 signatories. The justification detailed for the objection include: the impact on safety and congestion; the impact on local residents and the necessity of this development and its value to the local community.

IVY COTTAGES RESIDENTS ASSOCIATION (ICRA):

A detailed 26 page document was submitted in objection to the proposal, which has been summarised as follows:

- Ivy Cottages is a historic hamlet located just off the Uxbridge Road, close to the Hillingdon Fire Station and Hillingdon Hospital. The cottages date back to the 19th Century providing historic significance.
- Development represents a significant impact on our community; increasing safety risk, reducing the quality of our lives and impacting on the environment, not only during the construction phase but for the life-time of the building.
- Developer's failed to consult ICRA, evidenced through their complete lack of appreciation for the historic nature of the Ivy Cottages.
- The proposal is objected to on the grounds of: height, proximity, loss of privacy and loss of daylight; safety; and character and environmental concerns.
- Proposal represents overdevelopment of the site.
- Question the necessity of the development of this site and its value (lack of) to the local community.
- Height of the proposed development is out of character with the immediate area and also significantly higher than the surrounding properties.
- Photograph taken at 8am shows the shadow that is already cast by the boundary fence which is just 1.77 metres high, the proposed building height would be 10.4 metres high.
- Proximity and loss of privacy - the separation distances ranges from 8 - 18 metres, this distance should be at least 21m. The proposed scale combined with the close proximity will impose on the Cottages.
- Despite the submission, each of the cottages contains at least one bedroom facing the proposed development.
- Plans propose, 38 beds facing 13-24 Ivy Cottages, this would result in a considerable loss of privacy to the residents. The 3rd Floor level would actually look down into the first-floor rooms of 13-24 Ivy Cottages, all of which are either bedrooms or bathrooms, exacerbated by the proposed inclusion
- Such close proximity of the development to the boundary line and existing fence confirms over-development.
- Loss of daylight - 4.4.1 of the "Daylight and Sunlight Study" states that "All windows pass both the total annual sunlight hours test and the winter sunlight hours test (annual probable sunlight hours between 21 September and 21 March) with the exception of isolated windows at 19 to 23 Ivy Cottages". Appendix 2 of the same document evidences that all windows from 13 to 24 Ivy Cottages suffer loss of Vertical Sky Component. The Ivy Cottages Residents assert that this loss of daylight constitutes a degradation in the residents' quality of life. A photograph has been provided indicating the proposed height of the development and which demonstrates the existing substantial daylight received and the material loss of daylight to all of the existing cottages.
- Safety - access to Ivy Cottages numbers 13-24 is very constricted. There is concern that the proposed building would have a detrimental effect on the sight line and therefore safety of pedestrians and cars coming in and out, evidenced by photographs.
- Closing off the primary entrance to the Wonder Cafe and using the Ivy Cottages access, via the private road, will cause additional stress on access and safety issues with the number of pedestrians that daily cross the car park at peak times.
- Wonder Cafe opens between 7am and 3pm, concentrating the movements in and out of the car park outside of the peak pm time. The proposed development would result in additional movements at all times.
- The proposed development is dependent on bi-directional access over the private road, owned and maintained by Ivy Cottages, and the residents have not granted access rights to this proposed development.
- Strong concerns over the servicing of the site by council and emergency vehicles as no dedicated spaces have been provided for these purposes. Lack of provision of spaces for retail again indicates over-development.
- No parking has been proposed for the shops, this would lead to more parking in the residents private road car park. There are presently 33 vehicles belonging to the residents of Ivy Cottages, currently only 28 cars can be parked on the Ivy Cottages private road, which is equal to only 0.85 per

household.

- The development introduces the potential for 38 additional people (number of beds) however only provides for 20 car spaces. Furthermore, the parking spaces which would be provided are only 1.686 metres wide. The standard allowed by the NCP is 2.4 metres per space, therefore the proposed space provision only caters for 14 parking spaces. At a ratio of 1.5 spaces per unit this would only meet the standards for 9 units, meaning that the parking provision is inadequate.
- As the parking is insufficient for the residents, and none has been provided for retail, nor for service vehicles this again points to over-development.
- The cycle parking provision is also inadequate, with only 10 bicycle spaces provided within a store which would be too small to even accommodate that many to an acceptable standard.
- Construction of the proposed development would also create further issues to the Residents, preventing emergency vehicles from accessing the site.
- The Ivy Cottages were built during the 1870s to 1890s and are a beautiful example of Victorian farm cottages built with the historic London stock brick. This group of 24 cottages are unique within Hillingdon and the Ivy Cottages Residents are passionate about preserving the character and close spirit of this local community.
- Development represents a severe degradation of this special place, fails to protect the historic value of the area. Out of keeping within the area and result in a negative visual impact. Contrary to Policy BE13.
- Infringement of historic restrictive covenant on part of the site which was originally part of no.11 Ivy Cottage. It is an illegal development.
- Proposed balconies will attract detritus to the detriment of the area.
- Reduction of the number of trees and greenery, contradictory to the feel of the cottage garden aesthetic of the cottages.
- Concerns about the environmental impact of the proposed development, in terms of the increased emissions, and increased light and noise pollution.
- Additional vehicle movements within a condensed space, plus the additional services dwell time will increase the carbon monoxide emissions. 16 young children living in Ivy Cottages would be adversely affected by pollution.
- Proximity of the proposal will dramatically increase light pollution due to 26 habitable rooms lighting, security lighting plus communal area lighting of halls, pathways and car park being visible to Ivy Cottage residents from their lounges, bedrooms, and kitchens.
- Significant increase in air pollution will result from air conditioning units, extractor fans and whatever activities may be undertaken by the retail units.
- Increase in noise pollution having up to 38 new residents and ancillary developments such as AC units.

26 objections have been received from local residents which echo the objections detailed above. These are summarised as follows:

- Loss of Privacy
- Overlooking
- Overdevelopment
- Size, scale and height - all excessive
- Environmental pollution
- Loss of sunlight/daylight
- Overshadowing
- Adverse effect on house values
- Legality of the development/ restrictive covenants
- Wholly inappropriate and over-development
- Retail units can only add to the existing traffic and pollution
- Out of keeping with the character of the area
- Proximity/ Overbearing

- Too high
- Adverse impact on pedestrian safety - access/egress and restricting sight lines to and from the site and residents of Ivy Cottages
- Permanent claustrophobic atmosphere
- Noise, Air and Light Pollution
- Developer assuming rights and use of a private road which is totally unacceptable. No right of way
- Affect house prices
- The number of existing cafe customers has been over-estimated and misrepresented as it closes no later than 4pm
- The expected new vehicle usage/trip figures have been underestimated to appear favourable
- The low number of trips estimated do not align with the expectation of 20 cars for these new residences.
- No parking provision for the proposed retail units
- Development will exacerbate an already difficult parking situation
- Given the size of nearby residential developments, at St Andrews and others in the area, do not believe this will have much impact on housing availability, but it will undoubtedly be significantly detrimental to residents lives
- Increase congestion
- Concerned about the servicing of the site by refuse/waste and emergency vehicles - as no space provided for these services.
- Parking overspill impacting on local residents; disruption and safety during construction
- No need for 2 retail outlets since for most of the past 5 years there have been empty retail units in Crescent Parade
- The cafe has provided the local community unity and joy - should remain
- Degradation of character of the Ivy Cottages, contrary to Policy BE13 of the Hillingdon Local Plan: Part Two - Saved Unitary Development Plan Policies (November 2012)
- Concerns during the construction phase - noise, pollution etc.
- Great opportunity to develop something that would improve the look of the surrounding area and add value to the borough, however, cramming 13 flats and 2 retail units across 3 stories onto a small plot that is so close to other properties, which have significant historical value, is not the solution.
- With the size of the development at St Andrews and others in the area, do not believe this will have much impact on housing availability, but it will undoubtedly be significantly detrimental to our lives.

MET POLICE (DOCG)

I request a SBD accreditation condition. I also request that two changes be made:

1. The courtyard have a gate installed to prevent access to non residents. This is vital and I would object to this proposal if this were not allowed.
2. The "visitor" cycle stands out on the street are removed and they are likely to be misused, targeted and targeted by criminals.

TFL:

After reviewing the case documents, TfL makes the following comments.

1. A car parking provision of 20 is excessive, above London Plan standards and this must be reduced in order to conform with NDLP standards, policy T6.1 for residential parking which states that the maximum car parking provision for outer London PTAL 2 is up to 1 space per unit.
2. The site is adjacent to the Long Lane bus stop (stop UL). The bus stop operates 9 buses per hour during the morning peak and every 6-10 minutes from 09:00 to 21:00. Therefore, no construction fixture or structure should overhang the carriageway in order to facilitate safe operation of this bus stop and the wider bus network.
3. Cycle Parking provision for both long stay and short stay conform with the minimum standards set out in the London Plan.
4. End of journey facilities (shower and changing) must be made available for employees of the retail units, in order to promote travel by sustainable modes and this should be secured by condition.

5. TfL requests that a Construction Logistics Plan (CLP) be submitted prior to construction commencing on site, secured through a legal agreement, in accordance with the London Plan policy 6.14 Freight in order to mitigate the impacts of congestion on the local highway network.

In conclusion, TfL objects to the application due to excessive car parking provision proposed which is contrary to London Plan standards, therefore the applicant must amend the proposals for the issues raised satisfactorily.

Internal Consultees

URBAN DESIGN & CONSERVATION:

Concerns regarding the layout, separation distance and proximity to existing residential dwellings has not been addressed. The design is considered incongruent with the townscape setting - the roofscape and materials needs to be considerably redesigned. Lack of activity and appropriate interface with the ground floor/ public realm level. And setback from the street/ back of pavement is inadequate for the proposed uses.

Recommendation is refusal.

HIGHWAYS:

Site Characteristics

The site is situated on the Uxbridge Road (A4020) at a major signalised intersection with Long Lane (A437). Both roads are designated as 'Classified' within the Council's road hierarchy. The site envelope consists of an existing 'Cafe and Grill' (A3 Use Class) enterprise with a private adjoining car park. The location exhibits a below average PTAL rating of 2 which encourages dependency on the private motor vehicle but is within reach of a reasonable level of local bus services

Parking Provision

Residential

The proposal seeks to replace the existing cafe and adjacent car park with a flatted residential development consisting of 13 residential units comprising of 5x1, 2x3 and 6x2 bedrooms. A small quantum of A1 retail (GIFA 114m²) is also proposed.

Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP policy and emerging Development Management Policy DMT 6 state that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

The parking standard for the C3 uses indicates a maximum requirement of 19-20 spaces. A quantum of 20 spaces is proposed which conforms to the standard. This level of provision will reduce the potential for any undue parking displacement from occurring within the adjacent roadway serving 'Ivy Cottages' which is residential in nature.

Within the proposed parking quantum there is a requirement for electric vehicle charging points (EVCPs) in line with London Plan 2016 (LP 2016) standards for this C3 use which would equate to 4 EVCPs for 'active' provision with a further 4 spaces acting as 'passive' provision for future activation. The applicant has indicated a provision of 3 spaces rather than 4 for each provision hence this should be uplifted accordingly and secured via planning condition.

It is noted that the layout of parking spaces as shown within the Transport Assessment (TA) differs from the submitted proposal plan. Although 20 parking spaces are depicted on both, the plan used within the TA indicates a relocation of one space toward the frontage of 'Retail unit 1' in order to facilitate vehicle turning manoeuvres within the site envelope. This relocation potentially obscures physical access into unit 1, hence this detail should be resolved as a matter of course.

A 10% quantum of disabled compliant parking provision must be provided in line with the Saved UDP standard. 2 are proposed which is therefore considered acceptable.

There should also be a minimum of 15 secure and accessible cycle spaces provided in accordance with the Council's UDP standard. A figure of 26 (long stay) and 8 (short stay) is proposed and therefore considered acceptable in quantum and location terms. Motor cycle/scooter parking should also be provided to a level of 1 per 20 parking spaces allowing conformity to accepted standards. This standard is exceeded with 2 spaces indicated which is welcomed.

A1 Retail

The applicant has not indicated a specific on-plot parking provision for the retail element. There would normally be a requirement of several spaces to be provided in order to accord with the Saved UDP standard. However due to the small scale of the retail element combined with the existing retail/commercial mix of the locality, it would be expected that the user profile related to the proposal is likely to be based on linked trips to the site given these established and comparable use attractions. This would inherently reduce the potential for any new vehicular activity generated by the proposal. Even if this were not to be the case, the small scale of the proposal limits the potential for measurable detrimental highway related impacts.

In terms of cycle parking there should be a provision of at least 3 spaces (not indicated) which can be reallocated from the residential provision, which generously exceeds minimum standards, by way of planning condition.

Trip Generation/ Vehicular Access Arrangements

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policy (November 2012) requires the Council to consider 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.

The proposal would effectively reduce peak traffic generation as compared to the extant A3 cafe use and would not be expected to exceed 4 vehicle (two-way) movements during the peak morning and evening hours as compared to up to 18 'cafe' related movements. This reduction is clearly welcomed given the highly trafficked nature at this signalised junction of the Uxbridge Road which exhibits capacity issues during these times. The highway impact of the proposal is therefore considered marginal in generation terms and can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

In terms of vehicle access arrangements, it is agreed that the existing central access into the site envelope from the Uxbridge Road signal installation should be made redundant as the utilisation of the access off 'Ivy Cottages' downstream of the signals is the preferred option on road safety grounds. In addition there is highway safety benefit from the sufficient turning space within the site arrangement which would allow vehicles using the site to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds. Visibility sight-line requirements at the proposed access location conform to the Department for Transport's Manual for Streets standard (circa 2007) standard which is welcomed on safety grounds.

The closure of the central access carriageway crossing would need to be undertaken to an appropriate Council standard under a S278 (Highways Act 1980) agreement and at the applicant's expense.

Operational Servicing Requirements

A site management regime should ensure that waste collection distances do not exceed a distance of 10m from the collection point in order to conform to good practice and that servicing would occur directly from the new access road with refuse collection from the public highway (with refuse vehicles pulling in to the mouth of the existing access for 'Ivy Cottages').

It is noted that the '10m' distance parameter is technically exceeded when viewing the position of the proposed bin store however this can be overcome by applying an internal site management regime that would arrange the movement of bins to a closer refuse 'pick up' point to the refuse vehicle. This would need to be secured via a suitable planning condition.

Given the status and heavily trafficked nature of the Uxbridge Road and the need to ensure minimal impact on the free flow of highway traffic, the above arrangements are considered borderline acceptable. A servicing/delivery plan would also need to be secured via planning condition to ensure that internal and external site conflicts are avoided/minimised.

Conclusion

The application has been reviewed by the Highway Authority who are satisfied that the proposal

(subject to the aforementioned planning conditions) would not exacerbate congestion or parking stress, and would not raise any measurable 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).

OFFICER COMMENTS:

The Transport Assessment refers to the submitted site plan in both the body of the report and within Appendix A. At Appendix B vehicle tracking and a swept path analysis is provided which in one particular case switches the location of one parking space to the front access of the proposed retail unit. As the highways engineer has confirmed this would be unacceptable, however it also shows the correct plan and layout demonstrating that a medium sized vehicle can enter and leave the site in forward gear. Therefore the site layout as submitted is acceptable as submitted in this regard. In addition if the application was recommended for approval then the proposed conditions would have been included.

TREES/LANDSCAPE:

This site is occupied by a cafe and informal car park on the west side of Uxbridge Road, opposite the junction with Long Lane. The triangular plot is situated among residential properties, including Ivy Cottages to the rear, with a local shopping parade to the east. There are no TPO or Conservation Area designations affecting the site.

Comment:

A tree report by Crown Consultants has identified and assessed the condition and value of three trees on the site. There are no 'A' or 'B' grade trees which might constrain development. T2, an ash is rated 'C', as is T1, an elder. The remaining specimen, T3, is a 'U' grade specimen, which should be removed. According to the proposed layout, all of the trees will be removed to facilitate the development. The built development is indicated following the back edge of the footway with a large car park, for 20 cars, ranged along the rear boundary. The car park layout is unacceptable and should be broken up into smaller lengths interspersed with tree planting for the benefit of the proposed residential site users and the existing residents who overlook the site. A minimal amount of soft landscaping is hinted at along the Uxbridge Road frontage.

Recommendations:

Unacceptable. The proposal fails to satisfy saved policies BE23 and BE38.

ENVIRONMENTAL PROTECTION UNIT (EPU):

Most of these factors I feel can be dealt with by way of condition and suggest the following should you be mindful to grant the application:

Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w+Ctr}$ dB of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and

thereafter be permanently retained.

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

Prior to [commencement] [use] of the development, details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

Before the development hereby approved commences, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall comprise such combination of measures for controlling the effects of demolition, construction and enabling works associated with the development as may be approved by the Local Planning Authority. The CEMP shall address issues including the phasing of the works, hours of work, noise and vibration, air quality, waste management, site remediation, plant and equipment, site transportation and traffic management including routing, signage, permitted hours for construction traffic and construction materials deliveries. It will ensure appropriate communication with, the distribution of information to, the local community and the Local Planning Authority relating to relevant aspects of construction. Appropriate arrangement should be made for monitoring and responding to complaints relating to demolition and construction. All demolition, construction and enabling work at the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the LPA.

Reason: To safeguard the amenity of surrounding areas in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

OFFICER COMMENTS:

The proposed conditions would have been included if the application was recommended for approval.

ACCESS OFFICER:

I have considered the detail of this planning application and deem there to be no accessibility issues raised by the proposal. However, the following Condition should be attached to any grant of planning permission:

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

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

FLOODS AND WATER MANAGEMENT:

The proposed discharge rate is not sufficient and the applicant should utilise the Proforma on the Council website and achieve greenfield run off rates. The proposal for underground tanks is the

lowest option in the SuDs Hierarchy and more sustainable options should be considered. For flats roofs a living roof should be considered in order to provide some green infrastructure as well as planting at a ground level integrated with the drainage along with rain water harvesting and reuse.

OFFICER COMMENTS:

The above comments are noted and this has therefore been included as a reason for refusal.

WASTE STRATEGY:

The plan shows no provision for the storage of waste and recycling arising from the commercial units. Commercial waste must be stored separately from residential waste. - The bin store is more than 10 metres from the indicated vehicle stop point. If the intention is for personnel to present the bins for collection, then the collection point should be indicated on the plan. - The proposed stopping point for the vehicle is not suitable for bulk bins to be lifted due to the vehicle being half on the road and half on the pavement. The surface over which the bins are pulled and lifted should be smooth, and step free.

OFFICER COMMENTS:

The above comments are noted and this has therefore been included as a reason for refusal.

AIR QUALITY:

Comments

The development is within an Air Quality Focus Area, as defined by the GLA. The map indicating the pollution concentrations along this road in 2013 is attached, this is taken from the latest GLA LAEI modelling (2016). This indicates areas of pollution close to, and above, the recommended limits within proximity to the development. In addition the development is within close proximity to a busy road junction which could exacerbate the levels of pollution further by slower moving traffic.

nb - Air Quality Focus Areas are defined as places where reductions in pollution emissions should be prioritised.

Pollution levels decrease with height, as indicated within the air quality assessment where the residential units start on Storeys 1 and 2. The assessment states it is air quality neutral in terms of building emissions, this is on the proviso of the installation of Ultra low NOx gas boilers and that these are the only energy generation associated with the development. In terms of transport emissions no air quality neutral assessment has been undertaken as the development is predicted to reduce the traffic associated with the current use of the site.

However, the assessment also states it is "widely acknowledged that there is no safe level of exposure to air pollution" (para 3.2, Air Quality Assessment). As the development is bringing sensitive receptors into an area identified as requiring improvement ie an Air Quality Focus Area, all effort should be made to protect future occupiers from poor air quality and the development should contribute to an improved environment.

The Mayor of London Sustainable Design and Construction Guidance states "Developers should maximise the contribution the building's design, layout and orientation make to avoiding the increased exposure to poor air quality and therefore these elements need to be considered at the initial design stage" therefore consideration should be given to moving the building facade further from the pollution source, ie the Uxbridge Road, in addition the use of green planting/walls and screens should be considered to further form a barrier between the road and the residential elements.

The London Plan seeks to ensure development is at least air quality neutral and in this regard the energy provision for the site should meet the standards set out in the Mayor of London Sustainable Design and Construction Guidance.

In terms of transport emissions the air quality assessment notes a reduction in emissions due to a decrease in vehicular activity with the proposed development. However given its location further effort should be made to promote the use of alternative modes of travel and for the promotion of zero emissions vehicles for new occupiers.

The above concerns should be secured by condition:

Condition - Low Emission Strategy (LES)

No development should take place until a low emission strategy has been submitted for approval. The LES should include, but not be limited to:

how the design of the building has been prioritised in terms of the protection of future occupiers from pollution sources ie consideration given to provide set back from the road and the provision of green infrastructure to act as a barrier;

the energy sources for the development to be Ultra NOx boilers and comply with the standards set within the Mayor of London Sustainable Design and Construction; a travel plan strategy for the promotion of the use of zero emission vehicles for future occupiers.

Reason: to comply with the London Plan Policy 7.14 and the Local Plan Part1 Policy EM8

OFFICER COMMENTS:

The proposed conditions would have been included if the application was recommended for approval.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within an established residential area which is not subject to any special designations or constraints that would restrict or prohibit development.

The site is considered to represent 'brownfield' land as it has been partially built upon through a combination of the existing building and hardstanding. The National Planning Policy Framework (NPPF) sets out a series of overarching core land use planning principles. One of these principles states planning should 'encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;'

The site is not within any specially designated area or sensitive area in terms of environment and ecology. It is therefore considered that it should not be regarded as possessing high environmental value.

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 Core Strategy 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. 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.

However notwithstanding the above, any proposal must also be in accordance with the development plan unless material considerations indicate otherwise. There is no in principle objection to the redevelopment of this site to provide a mixed use development but any such proposal must comply with all other relevant Local, Regional and National Policy.

The sites lies opposite the Crescent Parade, Long Lane/Uxbridge Road retail parade. The proposals have some potential to provide linked trips to this retail parade, however the

opportunities are limited due to the need to cross the busy Dual Carriageway of Uxbridge Road. Whilst the principle of retail use is not in itself an unacceptable proposal, Policy E5 of Local Plan Part 1 states 'Local parades will be protected, enhanced and managed to ensure they meet the needs of the local community and enhance the quality of life for residents, particularly those without access to a car.'

To this end, the provision of 2 x A1 retail units of sub-standard sizing, with no on-site parking, no on-site refuse facilities and no indicative layout to demonstrate they are capable of accommodating a viable retailer (which will require back of house facilities for each unit) fails to provide viable commercial units, contrary to Policy E5 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012); Policies BE1, BE19 and BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); and Hillingdon Design and Accessibility Statement (HDAS) - Supplementary Planning Document: Shopfronts (2006).

7.02 Density of the proposed development

London Plan Policy 3.4 seeks to maximise the potential of sites, compatible with local context and design principles in Policy 7.1 (Design principles for a compact city) and with public transport capacity. Boroughs are encouraged to adopt the residential density ranges set out in the Density matrix (habitable rooms and dwellings per hectare) and which are compatible with sustainable residential quality.

Table 3.2 of the London Plan recommends that for a PTAL of 2-3, in an urban setting, a range of 200-450 habitable rooms per hectare (hr/ha) with a density of between 70-170 u/ha, assuming 2.7-3.0 hr/unit can be achieved.

The total area of the site is 0.09ha, with the site having a current PTAL of 2 within a suburban setting. The proposed scheme would provide 13 units which equates to a unit density of 144.44 units per hectare (u/ha) and a habitable room density of 400 habitable rooms per hectare (hr/ha) with a figure of 2.77 for habitable rooms per unit (hr/u). Therefore in density terms the proposal complies with London Plan Policy 3.4.

Density however is simply an indication and whilst the proposal may fall within the numerical sums, it is necessary to consider this in the context of all other relevant policies and site context.

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

The site is not located in a conservation area or an archaeological priority area and does not contain any listed buildings.

7.04 Airport safeguarding

There are no airport safeguarding issues arising from this development as its maximum height sits below the criterion.

7.05 Impact on the green belt

The site does lie within or near the Green Belt.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Local Plan: Part 1 (November 2012) requires all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods. Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 (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 of merit and provision of new planting and landscaping in development proposals.

Policy BE13 states that new development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the local planning authority considers it desirable to retain or enhance.

The NPPF (2018) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

London Plan 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 policies relating to density (3.4) and sustainable design and construction (5.3) are also relevant.

This is a very restricted plot which is enclosed on all sides, in particular by the main Uxbridge Road to north east and by the existing residential dwellings comprising of nos.13-24 Ivy Cottages, to the south west. Notwithstanding the assertions made within the application submission, the proposal represents an entirely inappropriate development which is poorly designed and considered wholly unacceptable in this location.

The existing single storey building is modest in size at approximately 160 sq.m and sits to the south of the plot such that existing site layout features an open aspect for the existing residents of Ivy Cottages. The building is set back from the main Uxbridge Road by 11.5 metres reducing down to 5 metres and from the south western boundary with Ivy Cottages it is set in by 5.1 metres to 4.5 metres.

In complete contrast the proposal would involve a large three storey building which would occupy almost the entire footprint of the site with built form which would leave the site devoid of any soft landscaping. Given the layout and footprint of the proposed development, the new building would be seen as an incongruous addition which would project forward of surrounding building lines and therefore fails to respect the context of the Uxbridge Road. In addition the proposal would also involve the introduction of a 2.8 metre high brick wall as a boundary treatment running the entire length of the western boundary with the Ivy Cottages. The development results in an unduly intrusive development in the street scene and the surrounding area, which is exacerbated by the proposed boundary treatments and lack of landscaping provision around the site.

The Council's Supplementary Planning Document (SPD) on Residential Layouts sets detailed guidance aimed at avoiding developments which are overdominant or which cause unacceptable levels of overlooking or overshadowing. The SPD states that in order to protect against potential over domination, a minimum distance of 15m should be maintained between adjoining two or more storey buildings. Furthermore, a distance of 21m should be retained in order to ensure there is no unacceptable overlooking. The guidance confirms that a 45 degree angle principle will be applied, taken from windows about ground floor level, when determining overlooking distances and when considering daylight and sunlight issues. The proposal represents an over-development of the site which falls significantly short of the required separation distances with the existing Ivy Cottages, ranging from 16 metres to just 8 metres. Furthermore the immediate surrounding residential dwellings are all traditional two storey in height with pitched roofs and the proposed height given the lack of separation results in an overbearing development.

Overall, it is considered that the proposal, given its size, scale, height, siting, site coverage, inadequate separation distances and projection forward into the street scene; 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.

In addition whilst the principle of the reintegration of commercial use is supported at ground floor level fronting Uxbridge Road, the proposed design is wholly unacceptable. The proposed design and lack of setback from the street/pavement would result in a lack of activity and appropriate interface with the ground floor/ public realm level. Indeed the submitted plans clearly illustrate that the design and development has been laid out as a residential scheme on a residential grid, given that there is no distinction between the residential units and the proposed ground floor commercial units. The proposed elevation confirms that the glazing elements and window openings all follow the pattern of the residential scheme. The proposed ground floor commercial frontage, by reason of its overall design, lack of details with regard to materials and the division, size and position of the windows, would appear visually at odds and out of keeping with existing shop frontages in the locality.

This is contrary to Hillingdon's HDAS Supplementary Planning Document - Shopfronts (2006), which states attractive and well cared-for shop fronts are of great importance to the quality of shopping streets, and at the same time contribute significantly to the commercial success and appeal of the businesses located behind them. An attractive trading environment enhances the status of its wider area and the demand for property, increasing both its capital and rentable value. Shops and their frontages have the role not only to address the public realm in an attractive way, but also contribute to making area active, pleasant to walk in, vibrant and safe. The function of shops is not only strictly related to the activity of selling goods: window shopping contributes to the vibrancy and activity of streets and places, and the way shop fronts are designed and displayed contributes to the character of the environment. For these reasons, the quality and appearance of these shopping environments contribute more than anything else to shape the visitors' perception of a town and the whole Borough and influence the perception of residents and investors.

Therefore it is considered that the proposal fails to provide viable commercial units at ground floor level due to poor facade design and lack of presence, poor quality size and space with no waste storage. This results in a poor quality of commercial space which is potentially unviable with insufficient space for refuse storage contrary to Policy E5 of the Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012); Policies BE1, BE19 and BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012); and Hillingdon Design and Accessibility Statement (HDAS) - Supplementary Planning Document: Shopfronts (2006).

7.08 Impact on neighbours

Policies BE20 and BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to prevent developments which would be detrimental to the amenity of nearby occupiers by way of their siting, bulk, proximity or loss of light.

Policy BE24 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that new developments do not have adverse impacts on the amenity of existing residential properties due to loss of privacy.

The Council's Supplementary Planning Document (SPD) on Residential Layouts sets out more detailed guidance aimed at avoiding developments which are overdominant or which cause unacceptable levels of overlooking or overshadowing. The SPD states that in order to protect the daylight and sunlight available to adjoining properties, and to protect against potential over domination, a minimum distance of 15m should be maintained between adjoining two or more storey buildings. Furthermore, a distance of 21m should be retained in order to ensure there is no unacceptable overlooking. The guidance confirms that a 45 degree angle principle will be applied, taken from windows about ground floor level, when determining overlooking distances and when considering daylight and sunlight issues.

The proposed development would have a significant adverse impact on the neighbouring amenity on the Ivy Cottages nos.13 to 24. Despite the assertions made within the submission, there are existing bedroom windows on both the main rear elevation and on the rear outriggers, such as nos. 18, 23 and 24. In addition there are also habitable windows on some of the converted garages and extensions at ground floor. These are detailed within the Appendix C of the submission by the Ivy Cottages Residents Association and noted during the officer's site visits. Therefore the separation distances with the existing Ivy Cottages, range from 16 metres to just 8 metre, well below the required standards. Furthermore it is also clear that some of the residents of the Ivy Cottages have gardens and outdoor amenity spaces directly adjoining the application site, again contrary to the applicant's submission.

The proposed 2.8 metre brick wall boundary treatment running the entire length of the western boundary with the Ivy Cottages, would present a bleak enclosed outlook and is considered unacceptable. The overdevelopment and overbearing nature of the proposal is further emphasised with the proposed balconies directly overlooking the Ivy Cottages on both the first and second floor. Indeed the proposed design results in the introduction of a three storey elevation 46.15 metres in length and 10.5 metres in height covering the entire rear outlook from all of these Cottages with the addition of 8 new balconies and 28 habitable windows directly facing and overlooking the Ivy Cottages.

The proposal, by reason of its size, bulk, design, height, proximity, with inadequate separation distances between the proposed development and the existing properties at No.s 13 to 24 Ivy Cottages, would result in an overly dominant feature that overlooks the adjoining properties which create a visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity including a loss of privacy. Therefore the proposal would be contrary to policies BE20, BE21 and BE24 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Council's Supplementary Planning Documents HDAS Residential Layouts.

7.09 Living conditions for future occupiers

Policies BE20, BE21, BE23 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to safeguard the residential amenity of future and neighbouring occupants. The Council's Supplementary Planning Document (SPD) on Residential Layouts sets out more detailed guidance aimed at avoiding developments which would be detrimental to residential amenity.

Clearly the lack of separation distances, overlooking/loss of privacy aspects and the poor design demonstrated above would also be applicable to the future occupants of the proposed development. In addition to this the following is also applicable.

EXTERNAL AMENITY SPACE:

The Council's SPD for Residential Layouts provides standards on the amount of external amenity space that should be provided with all new residential developments. The required amount is based on the number of units provided by the development and the amount of bedrooms that they provide. This is set out in para. 4.17 and is as follows:-

20 m² per 1 bedroom unit.

25 m² per 2 bedroom unit.

30 m² per 3 bedroom unit.

As such, the proposed development should provide at least 310 m² of usable external amenity space.

The proposal does not provide any outdoor amenity space at ground level and instead proposes balconies and winter gardens, with a total floor area of just 83 m².

The proposal fails to provide amenity space of a quantity and quality commensurate to the size and layout of the proposals, resulting in an over-development of the site detrimental to the residential amenity of the future occupiers. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policies BE21 and BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012), the adopted Supplementary Planning Document HDAS: Residential Extensions and Policy 7.1 of the London Plan (2016).

INTERNAL LAYOUT:

Policy 3.3 of the London Plan (2016) sets out minimum Gross Internal Area (GIA) standards for new dwellings. These figures are informed by DCLG's Technical Housing Standards - Nationally Described Space Standard (March 2015).

The minimum GIA for a one bedroom, 2 person flat is 51.5m² or 59.5m² (over 2 storey - duplex unit).

The minimum GIA for a two bedroom, 3 person flat is 63m².

The minimum GIA for a three bedroom, 4 person flat is 76.5m².

The standards also set out minimum acceptable room sizes for single and double or twin bedrooms, confirming that at least 7.5 m² should be provided for a single bedroom and 11.5 m² should be provided for a double or twin bedroom.

The submitted plans confirm that minimum space standards are complied with for all flats.

It is therefore considered that the proposed development satisfies Policy 3.3 of the London Plan.

Notwithstanding the above, The Council's Supplementary Planning Document (SPD) on Residential Layouts states that in order to protect the daylight and sunlight available to adjoining properties, and to protect against potential over domination, a minimum distance of 15m should be maintained between adjoining two or more storey buildings. Furthermore, a distance of 21m should be retained in order to ensure there is no unacceptable overlooking. The guidance confirms that a 45 degree angle principle will be applied, taken from windows above ground floor level, when determining overlooking distances and when considering daylight and sunlight issues.

The separation distances between the proposed development and future occupants with the existing Ivy Cottages, would range from 16 metres to just 8 metre, well below the required standards. Furthermore the proposed design results in the introduction of a three storey elevation with proposed bedrooms on the first and second floor resulting in a total of 28 habitable windows and 8 new balconies directly facing and overlooking the Ivy Cottages. Therefore the proposal fails to provide adequate separation distances and requisite privacy for future occupants of the proposed development.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

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

Policy AM14 states that new development will only be permitted where it is in accordance with the Council's adopted Car Parking Standards.

The proposed development would provide a total of 20 car parking spaces in the undercroft for the residential element. Although no provision has been made for the commercial element, the council's highways engineer has stated that due to the small scale of the retail element combined with the existing retail/commercial mix of the locality, limits the potential for measurable detrimental highway related impacts. Therefore the car parking provision is considered acceptable.

10 cycle parking spaces in a cycle store at ground level with 8 spaces at the end of each corridor on the first and second floor, giving a total of 26 cycle spaces is proposed. In addition the plans also illustrate 'visitor' cycle spaces to the front of the site close to and overhanging the pavement fronting Uxbridge Road. If the application was recommended for approval then the location of the visitor cycle spaces would have been negotiated to alternative and more acceptable location within the site perimeter. However it is considered that the quantum provided is acceptable.

In addition motor cycle/scooter parking should also be provided to a level of 1 per 20 parking spaces allowing conformity to accepted standards and 2 spaces have been proposed which is acceptable.

The proposed development has been reviewed by the councils highways engineer and it is considered that on balance the proposal would be acceptable on highways/pedestrian safety grounds. It is considered the trip generation and vehicle /pedestrian movements would not be significantly more or worse than the existing arrangements and therefore the proposal is considered acceptable.

7.11 Urban design, access and security

DESIGN:

Issues relating to design are addressed in section 7.07 of this report. Notably, the principal Urban Design Officer has confirmed that there are a number fundamental objections in design terms and which have been detailed within this report.

ACCESS:

London Plan Policy 3.8(c) requires all new housing to be designed and constructed as accessible and adaptable. Development proposals should ensure, 10% of the residential units are constructed to meet the standards for Category 3 M4(3) dwelling, with all remaining units designed to the standards for Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions

shall remain in place for the life of the building.

The proposal would be required to accord with the above via an appropriate condition and is therefore considered acceptable.

SECURITY:

Secured by Design is now covered by Part Q of the Building Regulations which the development will be required to accord with. A Secured by Design condition would be attached should approval be granted.

It is noted that comments have been received from the MET Police who have recommend a SBD accreditation condition and also requested that two changes a made:

1. The courtyard have a gate installed to prevent access to non residents. This is vital as the officer has confirmed that if this was not implemented then there would be an objection to this proposal.
2. The "visitor" cycle stands out on the street are removed and they are likely to be misused, targeted and targeted by criminals.

If the application was recommended for approval then these matters could have been addressed by way of conditions and whilst these matters do not merit a refusal on their own grounds they do confirm the overall poor design and layout of the proposal.

7.12 Disabled access

The proposed development is designed to be accessible and inclusive from the parking arrangements, throughout the common parts of the building and with proposed units. Furthermore the Council's Access Officer has raised no objections to the proposal subject to the standard condition.

7.13 Provision of affordable & special needs housing

The new NPPF (2018) Paragraph 63 states:

" Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount."

The NPPF defines major developments for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. It is clear therefore that National Policy now states affordable housing on 10 or more is a reasonable requirement.

The Local Plan: Part 1 - Policy H2 (2012) states:

"Housing provision is expected to include a range of housing to meet the needs of all types of households and the Council will seek to maximise the delivery of affordable housing from all sites over the period of the Hillingdon Local Plan: Part 1- Strategic Policies. For sites with a capacity of 10 or more units the Council will seek to ensure that the affordable housing mix reflects housing needs in the borough, particularly the need for larger family units."

As such, in line with the Development Plan for the LB Hillingdon and National Policy, developers proposing 10 units or more should provide affordable housing subject to viability. In this instance a Financial Viability Assessment has been submitted and there is no provision for affordable housing, as the application submission asserts it is not viable.

No third party assessment arrangements were agreed with the applicant for this case. The applicant has submitted a Financial Viability Assessment (FVA) Report and officers have examined the report submitted. Officers obtained a cost estimate from a third party assessor, the Council's appointed external FVA consultant to review the applicant's submitted FVA Report. Despite many attempts to contact the applicant's agent, these were unsuccessful. Accordingly no agreement was obtained to pay the cost estimate of the Council's FVA Consultant reviewing the submitted FVA Report. Officers have concerns regarding the robustness of the report and in particular key inputs used to draw a conclusion that it is unviable for the development to make an affordable housing contribution. Officers are of the view that the development should be providing affordable housing, the details of this have not been negotiated in detail as the application has many refusal reasons. It is considered that lack of affordable housing should be a further refusal reason.

Therefore it is considered that the proposed development fails to make appropriate provision of on site affordable housing. The proposal is therefore contrary to Saved Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012); Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012); the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations and policies Policies 3.10 -3.13 of the London Plan (2016).

7.14 Trees, landscaping and Ecology

Policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

There are currently 3 trees located on site towards the southern end of the plot and which would all be removed to accommodate the proposed development. The proposal would involve a large three storey building which would occupy the whole site hard up against the site boundaries which would leave the site devoid of any significant soft landscaping and amenity space. Given the layout and footprint of the proposed development, the new building would be seen as an incongruous addition which would project forward along this part of Uxbridge Road which results in an unduly intrusive development in the street scene and the surrounding area, which is exacerbated by the boundary treatments and lack of landscaping provision around the site.

The councils tree and landscape officer has objected to the proposal stating that the car park layout is unacceptable and should be broken up into smaller lengths interspersed with tree planting for the benefit of the proposed residential site users and the existing residents who overlook the site. Therefore the proposal fails to satisfy saved policies BE23 and BE38.

7.15 Sustainable waste management

Policy 5.16 'Waste Net Self Sufficiency' of the London Plan (2016) sets out the Mayor's spatial policy for waste management, including the need to minimise waste and encourage recycling. This is supported by policy EM11 of the Local Plan Part 1 2012.

The swept path analysis along with the submitted plans confirm that the height of the proposed undercroft is just 2.86 metres high and 4.96 metres wide. Based on this height service vehicles will not be able to enter the site to collect refuse. The bin store is therefore more than 10 metres from the indicated vehicle stop point. Furthermore the waste management officer has objected and confirmed that the proposed stopping point for the vehicle is not suitable for bulk bins to be lifted due to the vehicle being half on the road and half on the pavement, as the surface over which the bins are pulled and lifted should be smooth, and step free.

In addition the plan shows no provision for the storage of waste and recycling arising from the commercial units which must be stored separately from residential waste.

The proposed design and layout fails to provide convenient and safe access for the collection of refuse, detrimental to residential amenity and highway safety, contrary to Policies BE19, BE23 and AM7(ii) of the Hillingdon Unitary Development Plan Saved Policies (2012), and guidance within the Council's Supplementary Planning Document on Residential Layouts.

7.16 Renewable energy / Sustainability

The NPPF encourages local planning authorities to adopt proactive strategies to mitigate and adapt to climate change, paragraph 148 supports the move to a low carbon future and seeks to increase low carbon energy. Policy 5.2 of the London Plan 2016 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean: use less energy;
2. Be Clean: supply energy efficiently; and
3. Be Green: use renewable energy.

Policy 5.2 of the London Plan (2016) also seeks new residential development to be zero carbon from 2016 and as per building regulations requirements for non-domestic buildings. A detailed energy assessment is required to demonstrate how the targets for carbon dioxide emission reductions have been met within the framework of the energy hierarchy.

Policy 5.3 of the London Plan 2016 seeks sustainable design and construction and for proposals to demonstrate that sustainable design standards are integral to the development.

Policy BE1 of the Local Plan Part 1 (2012) requires all new development to improve and maintain the quality of the built environment to create successful and sustainable neighbourhoods. All new developments should achieve a satisfactory assessment rating in terms of the latest Building for Life Standards. Proposals should also maximise the opportunities for all new homes to contribute to tackling and adapting to climate change and reducing emissions of local air quality pollutants.

Policy 5.6 of the London Plan (2016) seeks to ensure that new development evaluates the potential for connections to Combined Heat and Power (CHP) systems and states that major development proposals should select energy systems in accordance with the following hierarchy:

1. Connection to existing heating or cooling networks;
2. Site-wide CHP network; and
3. Communal heating and cooling.

The submitted energy statement submitted asserts that a a carbon reduction of 37% can be achieved for the residential units and of 38% for the retail units.

It is proposed that 100% of lighting shall be energy efficient LED complying with Building Regulations requirements. For the retail units LED lighting with photoelectric controls and a target average luminous efficacy of 110lm/W has been assumed. Display lighting has been assumed with a target average luminous efficacy of 40lm/W.

Gas combi boilers with flue gas heat recovery are proposed to provide the heating and hot water to the residential units. Radiators have been assumed with time and temperature zone control. It has been proposed that heating and cooling to the retail units is provided by air source heat pumps with an efficiency of at least 3.5. It is assumed the hot water will be provided by stand-alone electric water heaters.

Mechanical ventilation with heat recovery (MVHR) has been proposed for the residential units. MVHR utilises a single unit to control mechanical ventilation to the whole of the dwelling. It has been assumed the retail units will be naturally ventilated. The targeted air permeability value for the development is 4 m³/hm²@50Pa for the residential units and 10 m³/hm²@50Pa for the retail units.

To reduce overheating in the dwellings all windows will be fully openable.

12 PV panels (South facing, 30-degree tilt,) has been proposed at this stage. These are to be located on the flat roof and connected to the landlord's supply for the residential units.

The assessment highlights that at this stage a 37% carbon reduction can be achieved for the residential units and a 38% reduction for the retail units. This has been achieved through improvements to the fabric efficiency, energy reduction measures and provision of onsite low and zero carbon technologies in line with the energy hierarchy.

It is not possible at this stage to achieve London Plan reduction targets on site therefore it is proposed the shortfall (337.54 tonnes) is to be paid to the local authority.

7.17 Flooding or Drainage Issues

Government guidance requires that consideration be given to flood risk in the planning process. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in flood risk areas, it can be permitted provided it is made safe without increasing flood risk elsewhere.

The London Plan (2016) reiterates national policy guidance, and Policy 5.12 seeks to ensure development proposals comply with the flood risk assessment and management requirements set out in the NPPF and the associated technical guidance on flood risk over the lifetime of the development.

London Plan Policy 5.2 (2016) sets out that development should address the issues of flood resilient design and emergency planning. Development should remain safe and operational under flood conditions and buildings should be designed for quick recovery following a flood. Policy 5.13 of the London Plan (2016) seeks to ensure that Sustainable Urban Drainage Systems are included in development proposals.

Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding. The application is not located within a zone at risk of flooding, however due to the size of the development, it is necessary for it to demonstrate that it would incorporate sustainable drainage techniques and reduce the risk of flooding, in accordance with the requirements of Policies 5.11, 5.12 and 5.13 of the London Plan and the NPPF.

In addition the councils flooding and water management officer has confirmed the proposed discharge rate is not sufficient and the Proforma on the Council website should be completed and achieve greenfield run off rates. The proposal for underground tanks is the lowest option in the SuDs Hierarchy and more sustainable options should be

considered. For flats roofs a living roof should be considered in order to provide some green infrastructure as well as planting at a ground level integrated with the drainage along with rain water harvesting and reuse.

Whilst these concerns may not provide sufficient grounds to merit a reason for refusal and could be controlled by way of condition, it is considered that they do confirm the poor design approach and lack of due consideration to the layout and form of the proposed development.

7.18 Noise or Air Quality Issues

NOISE:

Paragraph 180 of the NPPF (2018) states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of conditions. According to the government's Noise Policy Statement for England (NPSE) of March 2010, these aims should be achieved within the context of Government policy on sustainable development.

Saved Policies OE1 and OE3 of the Local Plan (2012) seek to protect the environment from the adverse effects of pollutants and to ensure sufficient measures are taken to mitigate the environmental impact of the development and ensure that it remains acceptable. Saved Policy OE3 seeks to ensure that uses which have the potential to cause noise be permitted only where the impact is appropriately mitigated.

It is not considered that the proposed development would give rise to unacceptable levels of noise over and above that which would be expected from any residential development. The councils Environmental Protection Unit has reviewed the proposal and confirmed that subject to the imposition of certain conditions, the proposal would be considered acceptable and in accordance with adopted policies.

AIR QUALITY:

The NPPF, requires that "the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability."

London Plan (2016) Policy 7.14 (Improving Air Quality) states that development proposals should:

- Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings following the best practice guidance in the Greater London Authority and London Councils;
- Where biomass boilers are included, set out a detailed air quality assessment that should forecast pollutant concentrations. Permission should only be granted if no adverse impacts from biomass are identified; and
- Aim to be 'air quality neutral' and not lead to further deterioration of existing poor air quality (such as areas designated as AQMAs).

Local Plan: Part 1 (2012), strategic objective SO11 aims to: "address the impacts of climate change, and minimise emissions of carbon and local air quality pollution from new development and transport." and Policy BE1 (Saved UDP Policy 2012) states that "The Council will require all new development to improve and maintain the quality of the built

environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should, maximise the opportunities for all new homes to contribute to tackling and adapting climate change and reducing emissions of local air quality pollutants.'

Policy EM1 of Local Plan: Part 1 (November 2012) also requires that areas with high carbon emissions should be targeted for additional carbon reductions through low carbon strategies. Policy EM8 of Local Plan: Part 1 (November 2012) requires conformity with air quality management area policies.

In terms of transport emissions the air quality assessment notes a reduction in emissions due to a decrease in vehicular activity with the proposed development. However given its location further effort should be made to promote the use of alternative modes of travel and for the promotion of zero emissions vehicles for new occupiers.

The scheme has been reviewed by the council's specialist officer who has concluded, the air quality impacts are not considered sufficient to warrant a refusal; however, the proposals should provide continued betterment throughout the operational period and measures are still required to ensure air quality impacts are reduced as much as possible. It is not therefore considered that refusal on these grounds is warranted.

7.19 Comments on Public Consultations

Please see 'External Consultees' section of this report for consideration of comments from the public.

7.20 Planning obligations

Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the Local Planning Authority will, where appropriate, seek to supplement the provision of recreational open space, facilities to support arts, cultural and entertainment activities, and other community, social and educational facilities through planning obligations in conjunction with other development proposals.

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

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

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

Had this application been considered acceptable and recommended for approval the following Heads of Terms would have been sought:

- . Highways: S278/S38 agreement to secure highway works.
- . Affordable Housing

- . Construction Training
- . Permit free development
- . Off-site contributions to provide enhancements to local park (due to lack of amenity space on site)
- . Carbon offset fund
- . Monitoring contribution

As these HoT have not been agreed, it is deemed expedient to refuse this application for failure to secure adequate mitigation measures.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

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

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

Whilst there is no "in principle objection" to the redevelopment of the site, there are significant concerns and objections to the proposed development as submitted.

The height and massing of the block is considered to be out of scale with surrounding development and given the lack of set back from site boundaries, the extent of hard surfacing and siting of the building line, the development would result in a cramped, unduly intrusive, visually prominent and inappropriate form of development.

It is considered that the development would have adverse effects on the amenities of adjoining residential properties and the area due to the close proximity of building to the site boundaries, resulting in a loss of privacy to adjoining properties.

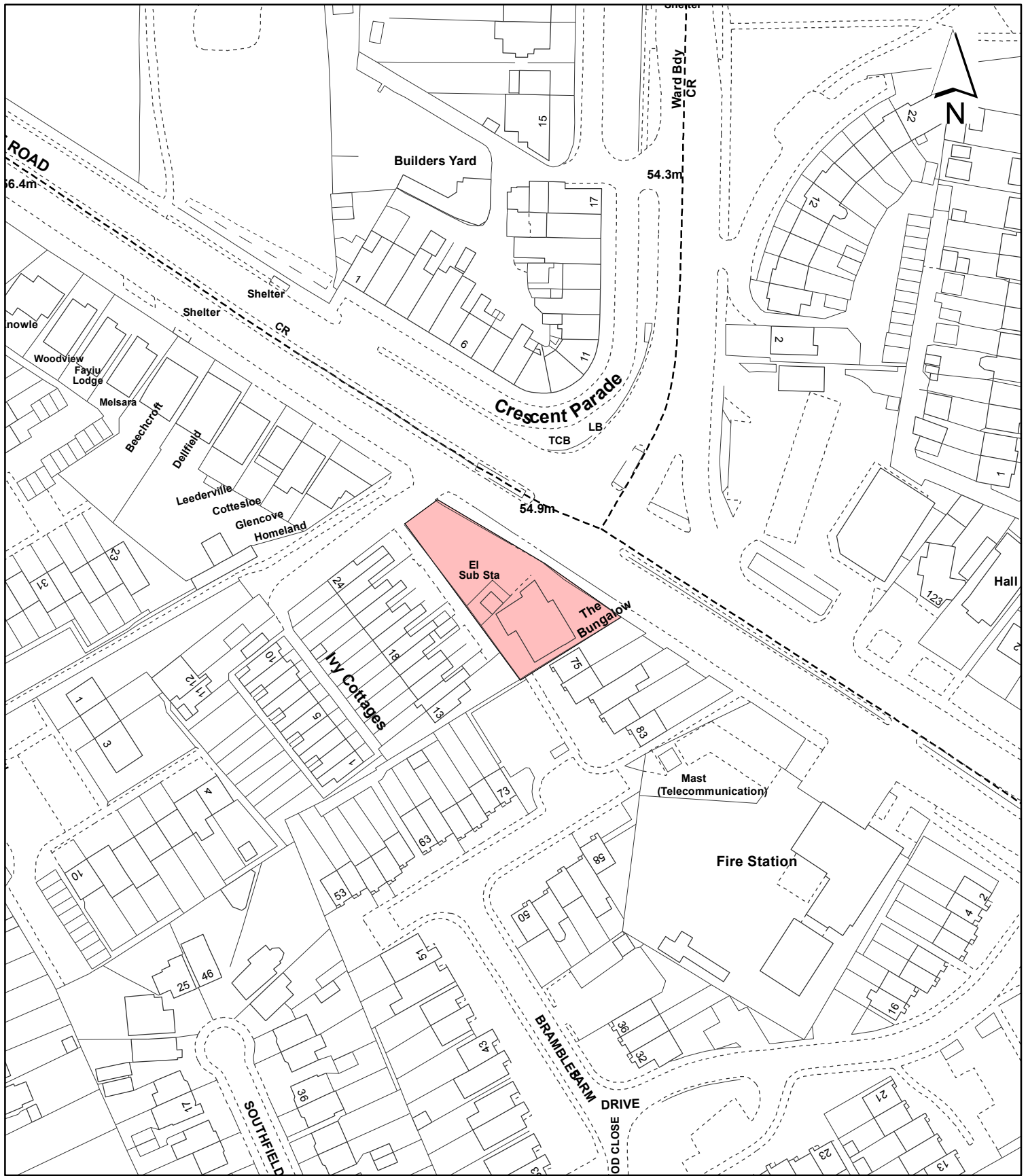
11. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan (2016)
National Planning Policy Framework (NPPF) (2018)
Hillingdon Supplementary Planning Document: Accessible Hillingdon
Hillingdon Supplementary Planning Document: Residential Layouts
Hillingdon Supplementary Planning Guidance - Community Safety by Design
Hillingdon Supplementary Planning Guidance - Noise
Hillingdon Supplementary Planning Document - Air Quality
Hillingdon Supplementary Planning Document - Planning Obligations
Draft London Plan (November 2017)
Planning Practice Guidance (online)
Draft Hillingdon Local Plan: Part 2 (Proposed Modification 2018)
Draft Hillingdon Site Allocations and Designations (Proposed Modification 2018)
London Plan SPG: Affordable Housing & Viability (August 2017)
London Plan SPG: Housing (March 2016)
London Plan SPG: Social Infrastructure (May 2015)
London Plan SPG: Crossrail Funding (March 2016)

London Plan SPG: Accessible London: Achieving an Inclusive Environment (October 2014)
London Plan SPG: The control of dust and emissions during construction and demolition (July 2014)
London Plan SPG: Town Centres (July 2014)
London Plan SPG: Use of planning obligations in the funding of Crossrail, and the Mayoral
London Plan SPG: Community Infrastructure Levy (April 2013)
London Plan SPG: Land for Industry and Transport (September 2012)
London Plan SPG: Play and Informal Recreation (September 2012)
London Plan SPG: Planning for Equality and Diversity in London (October 2007)
Draft National Policy Statement for Water Resources (November 2017)

Contact Officer: Hardeep Ryatt

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Notes:

 Site boundary

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Site Address:

**Wonder Cafe and Grill
 Uxbridge Road
 Hillingdon**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
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 Telephone No.: Uxbridge 250111

Planning Application Ref:

18635/APP/2018/2174

Scale:

1:1,250

Planning Committee:

Major

Date:

January 2019



HILLINGDON
 LONDON