

Item No.	Report of the Head of Planning, Transportation and Regeneration		
Address	THE FORMER STAR PH, CORNER OF STAR ROAD AND UXBRIDGE ROAD HILLINGDON		
Development:	Erection of a part 4, part 5 storey building accommodating 14 dwellings (9 x 1 bed, 3 x 2 bed and 2 x 3 bed flats) and commercial space, and the erection of a separate 2 storey building with roof accommodation to provide 2 x 3 bed houses, car and cycle parking and private and communal amenity space.		
LBH Ref Nos:	8057/APP/2019/3862		
Drawing Nos:	Design & Access Statement, Scheme B, March 2020 Viability Study dated November 2019 Air Quality Assessment, Rev. B Daylight and Sunlight Report, November 2019 Flood Risk Assessment and Drainage Strategy Rev. A, Volumes 1 to 3 Phase 1 Contaminated Land Assessment, Volumes 1 to 3 Statement of Community Involvement, November 2019 1664/21/B/11 Version 23 1664/21/B/12 Version 23 1664/21/B/13 Version 23 1664/21/B/14 Version 23 1664/21/B/15 Version 23 1664/21/B/16 Version 23 1664/21/B/17 Version 23 1664/21/B/18 Version 23 1664/21/B/01 Version 23 1664/21/B/02 Version 23 1664/21/B/03 Version 23 1664/21/B/04 Version 23 1664/21/B/05 Version 23 1664/21/B/06 Version 23 1664/21/B/07 Version 23 1664/21/B/08 Version 23 1664/21/B/09 Version 23 1664/21/B/10 Version 23 Transport Statement, November 2019 Energy and Sustainability Statement Covering Letter dated 25/11/19 Fire Safety Report dated 21/2/20		
Date Plans Recieved:	29/11/2019	Date(s) of Amendment(s):	09/03/2020
Date Application Valid:	02/12/2019		29/11/2019 26/05/2020

1. SUMMARY

This application is being reported to the Major Applications Planning Committee because a valid petition was received in support of the development. The application seeks planning permission for the redevelopment of a vacant site that was previously occupied by the former Star Public House, to provide a part 4, part 5-storey building comprising 14 units on Uxbridge Road and 2 x 3 bedroom semi-detached dwellinghouses on Star Road.

The proposal includes a commercial unit at ground floor level fronting Marlborough Parade (off Uxbridge Road) with access, car parking, cycle parking, amenity space and associated landscaping. Whilst the principle of development is considered acceptable, due to its height, scale and massing, the proposal would be visually intrusive and incongruous within its setting. The proposal is considered to be an overdevelopment of the site and for the reasons outlined within this report, it is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Reason for Refusal: Design

The proposed development, by virtue of its height, scale and mass would appear to be an incongruous form of development that fails to respond to its local context and would fail to respect the established pattern and scale of development within the streetscene so that it would not contribute positively to the area's character, contrary to Policy BE1 of the Local Plan: Part One (November 2012), Policies DMHB 11 and DMHB 12 of the Local Plan: Part Two - Development Management Policies (2020), Policy 7.6 of the London Plan (2016) and Paragraph 131 of the NPPF (2019).

2 NON2 Reason for Refusal: Planning Obligation

The proposed development, in the absence of a Section 106 legal agreement fails to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of Affordable housing, construction training, highways works, carbon offset, public open space, air quality contributions and Project Management and Monitoring). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part Two Development management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations, Policy DF1 of the London Plan Intend to Publish Version (2019), Policy 8.2 of the London Plan (2016) and paras 54-57 of the NPPF 2019.

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 Local Plan Part 1 (2012) and Part 2 (2020) 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.

DMAV 1	Safe Operation of Airports
DMCI 4	Open Spaces in New Development
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 1	Living Walls and Roofs and Onsite Vegetation
DMEI 10	Water Management, Efficiency and Quality
DMEI 11	Protection of Ground Water Resources
DMEI 12	Development of Land Affected by Contamination
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions

DMEI 9	Management of Flood Risk
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMH 7	
DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 13	Shopfronts
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 3	Road Safeguarding
DMT 4	Public Transport
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP 2.16	(2016) Strategic Outer London Development Centres
LPP 3.12	(2016) Negotiating affordable housing on individual private residential and mixed-use schemes
LPP 3.2	(2016) Improving health and addressing health inequalities
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.17	(2016) Waste capacity
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 7.13	(2016) Safety, security and resilience to emergency
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 7.8	(2016) Heritage assets and archaeology
LPP 8.2	(2016) Planning obligations
LPP 8.3	(2016) Community infrastructure levy
LPP 8.4	(2016) Monitoring and review

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 Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

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

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to the site of the former Star Public House located on the northern side of Uxbridge Road. Whilst the address of the property is Uxbridge Road, the site is set on Malborough Parade a slip road which runs parallel and in close proximity of Uxbridge Road. The former public house, which was locally listed, together with ancillary outbuildings were demolished in 2013, leaving the cleared site which has been boarded up.

The site is bounded to the west by Transport House, a two storey office building, to the rear of which and running along the full length of the north western side boundary of the application site is its car park containing 13 spaces. To the north and north east are two storey residential dwellings fronting Butler Street and Star Road and to the south east, on the opposite side of Star Road is Byron Parade, a three storey retail parade with residential use on the upper floors.

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

The site is situated within the Hillingdon Heath Local Centre as identified in the policies of the Hillingdon Local Plan and the site has a Public Transport Accessibility Level (PTAL) score of 2. It is also located within the Hillingdon's Air Quality Management Area and forms part of the Uxbridge Road Air Quality Focus Area.

3.2 Proposed Scheme

This application seeks planning permission for the erection of a part 4, part 5 storey building on Uxbridge Road to provide 16 dwellings and 111 sq.m of commercial space at

ground floor level with car and cycle parking and private and communal amenity space and the erection of 2 x 3 bed houses on Star Road with car parking, cycle parking and private amenity space. The application does not include affordable housing units.

This application follows a number of applications at the site. The key difference between this application and the previously refused schemes is that this application seeks to respond to the site's context by providing provide two separate buildings; a flatted development along Uxbridge Road and a pair of semi detached dwellings on Star Road.

Access

The two semi detached dwelling houses would be provided with an off street car parking space for each dwellinghouse. The pedestrian and vehicular access would be off Star Road measuring 3.2m for the flatted development. A new crossover along Star Road measuring 4.8m would be installed to serve the newly created semi detached dwellinghouses. The commercial unit at ground floor level would be accessed and serviced off Uxbridge Road.

Layout

The application has been split into two separate blocks. The pair of semi detached houses are situated on Star Road with off street car parking and private amenity space to the rear. A commercial unit measuring 111 sq.m is being provided along Uxbridge Road which includes storage, facilities and a refuse store.

The pair of semi detached dwelling houses would be in line with the neighbouring properties fronting star Road. The proposed block fronting Uxbridge Road would sit 4.7m in front of the building line along Star Road. The proposal includes a podium level communal terrace at first floor level above the undercroft car park.

The communal terrace would be screened upto 1.7m on the northern and eastern elevations and a 1m buffer barrier would be provided in front of the windows that back onto the communal terrace.

Design

The pair of semi detached dwellings along Star Road are designed to reflect the suburban context along Star Road whereas the flatted development seeks to reflect the urban environment along Uxbridge Road.

Car Parking

Overall 12 car parking spaces are being provided. 10 undercroft car parking spaces would be provided for the flatted development along Uxbridge Road and 1 off street car parking space would be provided for each of the houses on Star Road.

Cycle Parking

34 cycle parking spaces are provided across the development with 10 at ground floor level within the entrance hall and space for a further 16 cycle parking spaces would be provided within the car parking area and 4 cycle parking spaces for the commercial unit. Space for storing two cycles is available at each dwelling house.

Refuse and Recycling

There is an area available in front of each dwellinghouse for storing waste. Refuse and recycling is being provided within 10m of the public highway for the flatted development. Separate access is available along Marlborough Parade (off Uxbridge Road) for servicing the commercial units.

3.3 Relevant Planning History

8057/APP/2013/2836 The Star Ph Uxbridge Road Hillingdon

Demolition of two storey public house and associated outbuildings (Application for Prior Notification of Demolition)

Decision: 22-10-2013 Refused

8057/APP/2014/3338 The Star Ph Uxbridge Road Hillingdon

Erection of a part 2, part 3 and part 4 storey block containing 18 residential units and a retail unit with associated basement parking, accesses and landscaping.

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

8057/APP/2016/3671 The Former Star Ph, Corner Of Star Road And Uxbridge Road Hilling

Erection of part 2, part 3 and part 4 storey building containing 15 residential units, a commercial unit at ground floor level with associated ground floor parking, access and landscaping.

Decision: 05-01-2017 Refused **Appeal:** 21-12-2017 Dismissed

8057/APP/2017/2041 The Former Star Ph, Corner Of Star Road And Uxbridge Road Hilling

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

Decision: 03-10-2017 Refused **Appeal:** 29-08-2018 Dismissed

8057/APP/2019/3861 The Former Star Ph, Corner Of Star Road And Uxbridge Road Hilling

Erection of a part 3, part 4 storey building accommodating 10 dwellings (6 x 1 bed, 2 x 2 bed and 2 x 3 bed flats); 112 sq.m of commercial space at ground floor level with car and cycle parking and private and communal amenity space and erection of a 2 storey building with roof accommodation comprising 2 x 3 bed houses, car and cycle parking and private amenity space.

Decision:

Comment on Relevant Planning History

There is extensive history relating to this application which is listed above.

A separate application has been made alongside this application under planning ref: 8057/APP/2019/3861 which is also being presented to this committee.

The key differences between the applications is as follows:

- This application seeks to provide 16 units whereas the application under planning ref: 8057/APP/2019/3861 seeks to provide 12 units
- This application seeks to provide a part 4, part 5 storey building whereas the application under planning ref: 8057/APP/2019/3861 seeks to provide a part 3, part 4 storey building

Appeal Decision

Under application ref: 8057/APP/2017/2041 (03-10-17) planning permission was refused for the erection of a part 2, part 3 and part 4 storey building containing 14 residential units, a commercial unit at ground floor level with associated ground floor parking, access and

landscaping.

The previous application consisted of a single building across the length of the site which was considered to be a very monolithic built form, out of keeping with the suburban character of Star Road.

The previous proposal was considered at appeal and the Planning Inspector dismissed the appeal, noting the following:

'I recognise that on the opposite corner of Star Road and Marlborough Parade to the appeal site, as well as on the corner of Pole Hill Avenue and Marlborough Parade, there are buildings that are as equally large as that proposed. However, in both cases the bulk and mass of the buildings quickly returns to the scale of the smaller buildings adjoining these developments. This would not be the case for the development proposed which I have found would extend to a notable height for some distance along Star Road. I have found that, in relation to local context, the development would be out of keeping with and harmful to local character. Consequently, when considered in light of policy 3.4, the development would not be of an appropriate density.'

4. Planning Policies and Standards

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
West London Waste Plan (2015)
The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

Draft London Plan (Intend to Publish Version, December 2019)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the

Mayor on 8th October.

The Mayor has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.BE1 (2012) Built Environment
- PT1.CI1 (2012) Community Infrastructure Provision
- PT1.E1 (2012) Managing the Supply of Employment Land
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM11 (2012) Sustainable Waste Management
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM8 (2012) Land, Water, Air and Noise
- PT1.H2 (2012) Affordable Housing

Part 2 Policies:

- DMAV 1 Safe Operation of Airports
- DMCI 4 Open Spaces in New Development
- DMCI 7 Planning Obligations and Community Infrastructure Levy
- DMEI 1 Living Walls and Roofs and Onsite Vegetation
- DMEI 10 Water Management, Efficiency and Quality
- DMEI 11 Protection of Ground Water Resources
- DMEI 12 Development of Land Affected by Contamination
- DMEI 14 Air Quality
- DMEI 2 Reducing Carbon Emissions
- DMEI 9 Management of Flood Risk
- DMH 2 Housing Mix
- DMH 4 Residential Conversions and Redevelopment
- DMH 7
- DMHB 1 Heritage Assets

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 13	Shopfronts
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMHB 19	Play Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 3	Road Safeguarding
DMT 4	Public Transport
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LPP 3.12	(2016) Negotiating affordable housing on individual private residential and mixed-use schemes
LPP 3.2	(2016) Improving health and addressing health inequalities
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.17	(2016) Waste capacity
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 7.13	(2016) Safety, security and resilience to emergency
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 7.8	(2016) Heritage assets and archaeology

- LPP 8.2 (2016) Planning obligations
LPP 8.3 (2016) Community infrastructure levy
LPP 8.4 (2016) Monitoring and review

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **5th January 2020**

5.2 Site Notice Expiry Date:- **5th January 2020**

6. Consultations

External Consultees

The application was advertised between 12-12-19 and 05-01-20 by a site notice, 84 neighbouring notification letters and a press notice was published.

3 objections were received and 1 letter of support alongside a petition in favour of the development. The consultation responses are summarised below:

Objections

- Star Road is already extremely congested usually with cars parked both sides of the road. It's already a busy road due to the intersection at the bottom & in the morning the traffic is often backed up at least half way up the road. Having cars trying to exit the development in the morning rush hour will only add to the problems we already have, particularly as the exit will be near the bottom of the road. So cars trying to get out of the estate will have extreme difficulties.
- There is a distinct lack of parking in this plan for the number of dwellings and their guests. The build will take out an already established in-street parking bay for 8 cars reducing parking for the street already.
- We have issues on our road with people parking illegally and inconsiderately from the shops.
- Traffic is already terrible in Star Road as it is the only access point to turn right onto the Uxbridge road, therefore the increase in street parking will make the road even more dangerous.
- The plan needs to have less housing and more parking, to take into consideration the residents and their visitors, and the residents of the road.
- This development will cause lack of natural light to neighbouring properties.
- It still not explained how they were able to knock down the previous building. This is worse than the previous plan as it will house more residents with impact on the environment.

Officer comment: It is unclear which previous plan the neighbouring resident is making reference to. It is noted there is also a 12 unit scheme which is being considered alongside this application. The objections are addressed within the main body of the report.

Support

3 comments and a petition with 91 valid signatures support the application for the following reasons:

- The proposal would regenerate the parade and we would love to buy a flat here being close to family.
- At last this site has a meaningful purpose it will add to the street scene and provide much needed regeneration to this part of the town.
- This will allow the former Star Pub to be regenerated and provide vital homes and jobs for Hillingdon residents.

STATUTORY CONSULTEE COMMENTS

NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Heathrow Aerodrome Safeguarding

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development. However, we would like to make the following observations:

GLAAS

Thank you for your consultation of 05/12/2019 regarding the above application for planning permission. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England's Greater London Archaeological Advisory Service under their consultation criteria.

Internal Consultees

Planning Policy Officer

Principle of the loss of the public house appears to have been established through previous applications. Main policy issues appears to be the lack of affordable housing. It is noted that the FVA will be assessed independently however it is noted that the 'policy compliant' scheme is incorrect setting the requirement for affordable housing at 50% rather than 35%. It is also noted however that the scheme remains in deficit even in the absence of affordable housing which raises the question as to why such a scheme has been proposed. In terms of the proposed housing mix, this is not currently in conformity with policy DMH 2 which requires account to be taken of local need. The latest published SHMA shows that the greatest need is for three bed plus units and that the need for smaller one bed units is much more limited.

Flood Water Management Officer

There are no objections to the proposed development subject to the application of the Suds condition to confirm the detail. Please note that all green space should be maximised for integration in the drainage to minimise the need for a tanked system below the ground level car park.

Condition:

Prior to commencement, (excluding demolition and site clearance) a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how it, manages water and demonstrate ways of controlling the surface water on site by providing information on:

a) Suds features:

- i. incorporating sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.13 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,
- ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change. This rate should be presented per hectare as well as the total for the whole site.
- iii. where it is intended to have above ground storage, overland flooding should be mapped, both designed and exceedance routes above the 100, plus climate change, including flow paths depths

and velocities identified as well as any hazards, (safe access and egress must be demonstrated).
iv. Where infiltration techniques (soakaway) a site investigation must be provided to establish the level of groundwater on the site, and to demonstrate the suitability of infiltration techniques proposed on the site. (This should be undertaken at the appropriate time of year as groundwater levels fluctuate).

b) Minimise water use.

- i. incorporate water saving measures and equipment.
- ii. provide details of how rain and or grey water will be recycled and reused in the development.

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

- i. Provide a management and maintenance plan
- ii. Include details of Inspection regimes, performance specification, (remediation and timescales for the resolving of issues where a PMC).
- iii. Where overland flooding is proposed, the plan should include the appropriate actions to define those areas and actions required to ensure the safety of the users of the site should that be required.
- iv. Clear plans showing all of the drainage network above and below ground and the responsibility of different parties such as the landowner.

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

REASON:

To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to: Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy 5.12 Flood Risk Management of the London Plan (March 2016) and To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2016), and Conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016). National Planning Policy Framework (June 2019), and the Planning Practice Guidance (Flood Risk and Coastal Change March 2014).

Highways Officer

Local Plan Part 2 Policy DMT 6 requires that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

In order to comply with the adopted parking standard, the maximum on-plot requirement for the 14 flats would demand up to 1-1.5 spaces per unit (totalling a maximum of 21 spaces) with up to 2 spaces for each of the new housing units totalling 4 spaces. Hence for the whole residential element, 24 spaces could normally be sought in order to adhere to the maximum standard. 16 are proposed which equates to an approximate 1:1 parking ratio. The retail aspect would demand several on-plot spaces but none are proposed.

It is however acknowledged, that for the previously refused permission (which was not refused on highway grounds) a 1:1 residential parking ratio was in fact accepted with zero parking provision for a similar scale of retail. This view was influenced by an earlier 2015 application for 18 residential units refused partly on insufficient parking grounds (8057/APP/2014/3338), which was subsequently appealed and dismissed in the same year. The Inspectorate took the view that a provision of 11 on-plot parking spaces for 18 residential units was acceptable and would not result in any demonstrable harm to the local public highway. On the basis of consistency, the level of proposed provision for the residential with an absence of retail parking is therefore rendered acceptable.

Electric Vehicle Charging Points

Within the proposed parking quantum there is a requirement for electric vehicle charging points (EVCPs) to be provided in line with London Plan 2016 (LP 2016) standards for the proposed C3 use which would equate to 20% for 'active' provision with a further 20% acting as 'passive' provision for future activation equating to 5-6 spaces in total.

With this scale development it would be considered onerous to pursue the provision of the single 'active' space provision as it can be argued that an 'active' space would reduce 'real' on-plot parking provision as, in overall vehicle percentage terms, there are still far fewer electric/hybrid cars as compared to vehicles propelled by other fuels. This could in theory restrict/prevent the use of the 'active' bays for 'non-electrified' cars and more crucially lower any secured on-plot parking provisions which are a key consideration when determining a planning application.

However as there is a strong move toward hybrid and fully electrified vehicles which will only increase in time, it is considered more appropriate to encourage a 40% passive only provision resulting in 6 'passive' spaces. This would be secured via planning condition and 'active' provision would then evolve on a demand led basis. The scale of the commercial element does not demand a provision.

Cycling Parking Provision

There should be a minimum provision of 1 secure and accessible space for each of the 1-2 bedroom units i.e. 12 out of the 14 flatted units with 2 spaces for each of the remaining 2 three bedroom flats & two 3 bedroom house units in order to conform to the adopted minimum borough cycle parking standard. This has been demonstrated and in fact exceeded by the respective provision of 26 spaces for the flats and 2 spaces for each 3 bedroom house unit.

Four spaces for the commercial aspect have been indicated which is in conformity with the standard and is therefore considered acceptable.

Vehicular Access Arrangements

The principle of creating several (3) new vehicular access points onto Star Road is considered acceptable in principle and would be subject to the Council's carriageway crossing dimension and construction standards with separate and detailed applications being made post-permission under a S184 of the Highways Act 1980 agreement (or suitable alternative arrangement) at the applicant's expense.

Operational Refuse Requirements

Refuse collection is expected to be undertaken via Star Road. The designs should comply with the Council's 'waste collection' maximum distance parameter of 10m i.e. distance from a refuse vehicle to the point of collection and a maximum carrying distance from each dwelling not exceeding 30m. The applicant has demonstrated conformity to these parameters hence there are no further observations.

Retail Servicing

Given the relatively small scale of commercial outlet, there is no anticipated untoward highway burden expected with an estimated 2 'small van' deliveries per day.

Trees and Landscaping Officer

The site is a vacant plot at the junction of Star Road and Marlborough Parade, following the

demolition and clearance of the public house. The site is relatively level, with no remaining vegetation visible (from outside the site hoarding). This application follows the refusal (at Appeal) of two previous submissions, including application ref. 2017/2041. According to the D&AS, the application has been the subject of planning pre-application discussions. No trees, or other landscape features of merit, will be affected by the development. The current application seeks to develop a four-storey block of flats at the junction, with two three-storey houses to the north. Some soft landscape is proposed along the street frontage and at first floor level. Large balconies and a living (green) roof are proposed to mitigate the limited opportunities for landscaped amenity space. There is no objection to the application subject to a condition.

Access Officer

This proposal for a residential development raises a number of accessibility concerns. An assessment has been made against the requirements of 2016 London Plan policy 3.8 (c) and the emerging policy D5, which requires all new housing accommodation to be designed and constructed to meet the prescribed standards set out in Approved Document M to the Building Regulations 2010 (2015 edition). The Design & Access Statement (DAS) refers to the previous Lifetime Home standards, which should be amended to reference current standards. The DAS refers to a ground floor flat suitable for wheelchair users, which is not the case; this is shown on the first floor. Wheelchair access should not be dependent upon a working lift, so the required M4 (3) unit should be relocated to the ground floor. The alternative would be to provide two lifts to ensure a more reliable means of access and egress, at all times, for a resident wheelchair user. All the other nine flats should be designed to record with the standards for an M4 (2) dwelling, with particular attention should be paid to the entrance lobby arrangement within the flats, and to spatial requirements within the bedrooms, bathrooms and kitchen areas. The plans should be amended to demonstrate compliance with the technical specifications within Approved Document M to the Building Regulations (2015 edition). CONCLUSION: unacceptable. Revised plans which demonstrate that the prescribed standards referred to above can be successfully incorporated into the proposed building footprint should be requested. A revised DAS should also be submitted.

Access Officer - Amended Comments - June 2020

The content of the revised Design & Access Statement is noted. Concerning the provision of only one lift to the M4(3) unit on the first floor, I remain of the view that such provision would not achieve a dependable means of step free access for a resident wheelchair user. The Council's 'Accessible Hillingdon' SPD, and the Greater London Authority's Housing SPG both state that wheelchair user accommodation provided on floors above ground should be served by two lifts. However, should the Council be minded to approve the proposed scheme, a planning condition should be imposed requiring a term contract for the lift, in the event of a breakdown, to be returned to working order within a period not exceeding 12 hours. Conclusion: unacceptable.

Sustainability Officer

The energy strategy for the proposed development is not adequate. Firstly, the energy report identifies the onsite target is a 35% reduction in CO2 with the shortfall from the zero carbon requirement to be payable in an offset contribution. This is an incorrect approach. The development target is zero carbon with a minimum onsite saving of 35%. Applicants should therefore endeavour to get as close to zero carbon onsite before seeking an offsite contribution to make up for the shortfall.

In this instance, the applicant appears to have aspired to achieve only a 35% onsite reduction through minimal be lean (energy efficiency measures) and be green (low/zero carbon technology) measures.

Furthermore, there appears to be no linkage between the 'be green' energy solutions and that

actual design of the scheme. The energy solution is focussed around PVs, yet the elevations and roof plans do not show their incorporation.

It is entirely feasible that a scheme of this size can achieve a minimum of 35% reduction in Co2 onsite and could easily achieve much higher with more effort and a better understanding of the energy saving policies. Consequently, the following condition and S106 obligations are necessary to secure an improved approach to CO2 reduction;

Prior to above ground works, a detailed energy assessments shall be submitted to and approved in writing by the Local Planning Authority. The energy assessment shall demonstrate how the development will achieve a zero carbon target through the application of the London Plan energy hierarchy, Be Clean, Be Lean and Be Green in combination with any offsite contribution. The assessment shall provide full details of the measures to be incorporated into the development and their impact on the baseline development (2013 building regulation compliance) in terms of energy (KwHr) and CO2 (KgCo2). The scheme shall demonstrate how the applicant has tried to achieve the full zero carbon onsite and to justify why a lower onsite saving is achieved if applicable.

The assessment shall provide full details of the plans and specifications of any low and zero carbon technology to be used including, for example, roof plans and elevations if PVs are selected.

Finally, the assessment shall clearly set out any shortfall in emissions below the zero carbon.

The development must proceed and be operated in accordance with the approved plans and specifications.

Reason:

To ensure the development contributes to a reduction in CO2 in accordance with London Plan Policy 5.2

S106 - The S106 must include a schedule requiring the applicant to pay £1800 for every tCO2/annum that is below the zero carbon target.

Air Quality Officer

The proposed development is located within the Uxbridge Road Focus Area where current high ambient annual mean values exceed the limit value to safeguard public health for nitrogen dioxide in this sensitive area.

Whereas the proposal is air quality neutral it originates NOx and PM2.5 emissions from associated activities at an equivalent damage cost of £6,419. The air quality report submitted to support the planning application recommends a Welcome Pack available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers. If this is implemented and secured via a Travel Plan condition, then a 10% discount is applied and a value of £5,777 is due towards the implementation of LBH Air Quality Action Plan.

Therefore, either a section 106 agreement with the LAP of £5,777 is to be paid to contribute to Hillingdon to deliver its air quality local action plan in this sensitive area, or the applicant will implement specific measures on/along the road network affected by the proposal that reduce human exposure to pollution levels (e.g. green walls along selected locations to be agreed with LBH Air Quality Officer).

The following Air Quality condition is required.

Condition Air Quality - Low Emission Strategy

No development shall commence until a low emission strategy (LES) has been submitted to and approved in writing by the Local Planning Authority. The LES shall be linked to and be consistent with the Travel Plan and also address the supply of energy to the proposed development. Any CHP or gas boiler will have to conform with the London Ultra Low NOx requirements. The measures in the agreed scheme shall be maintained throughout the life of the development.

Reason:

As the application site is within an Air Quality Management Area and Focus Area and to reduce the impact on air quality in accordance with policy EM8 of the Local Plan: Part 1 (November 2012), policy DMEI 14 of the emerging London Borough of Hillingdon Local Plan (part 2), London Borough of Hillingdon Air Quality Local Action Plan 2019-2024, London Plan Policy 7.14, and paragraph 170 of the National Planning Policy Framework (2019).

Focus Areas are areas within LBH Air Quality Management Area where current level of action is not sufficient to reduce current levels of air pollution below the standards set by Government to protect human health. Focus Areas are defined as areas where the air quality limits are exceeded, there is relevant public exposure and actions should be prioritised to achieve significant improvements in air quality.

Current poor ambient air quality within Uxbridge Road Focus Area at sensitive receptors means that current Local Authority air quality measures to improve air quality within this area need to be supported by the planning system and that additional efforts to improve air quality are required, as prescribed in the NPPF.

LBH requires new developments to incorporate air quality positive design measures from the outset and suitable mitigation measures to reduce pollution, especially in areas where the air quality is already poor (LBH Air Quality Local Action Plan 2019- 2024), namely Focus Areas.

Design Officer

Objection to the application - comments are incorporated and assessed within the main body of the report.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site lies within the Hillingdon Heath Local Centre as identified within the Hillingdon Local Plan.

Loss of Public House

Paragraph 92 of the NPPF states that in order to provide the social, recreational and cultural facilities and services the community needs, planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. The last known use of the site was as a public house falling into Use Class A3. The public house was demolished in 2013 and the site has remained vacant since then. The former public house was not listed as an asset of community value. It is considered that as no objections were previously raised to the loss of the public house use and given the number of years that the site has now remained vacant and boarded up with no viable Class A3 proposals being brought forward, no objections to the loss of the Class A3 use can reasonably be raised now.

Mixed Use Redevelopment

Paragraph 122 of the NPPF requires local planning authorities to support development that makes efficient use of land, taking into account the character of the area, local market conditions and the availability of infrastructure.

Paragraph 85 of the NPPF states planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Policy 3.3 of the London Plan (2016) recognises there is a pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford.

Table 3.1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) identifies Hillingdon Heath as being a local centre which typically serve a localised catchment often mostly accessed by walking and cycling and include local parades and small clusters of shops, mostly for convenience goods and other services.

Policy H1 of the Local Plan: Part One (November 2012) gives general support to housing provision to meet and exceed the Council's minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies.

Policy DMTC 3 of the Local Plan: Part Two (2020) notes the Council will protect and enhance the function of local centres and local shopping parades by retaining uses that support their continued viability and attractiveness to the locality they serve.

The application includes a commercial use at ground floor level measuring 112 sq.m which would fall into Use Classes A1-A4 or B1a. The commercial unit would contribute to the vitality and attractiveness of the parade which is a material consideration that weighs in favour of the development.

The proposed development would result in a net gain of 16 dwellings. National, regional and local planning policies encourage the effective use of previously developed land and there is therefore no in principle objection to the principle of a residential led re-development of the site, subject to the proposal satisfying other policies and development management criteria within the Local Plan. The development is considered to comply with Policies DMTC 3 of the Local Plan: Part Two (2020), Policy H1 of the Local Plan: Part One (November 2012), Policy 3.3 of the London Plan (2016) and the NPPF.

UNIT MIX

London Plan Policy 3.8 and the Mayor's Housing SPG promote housing choice and seek a balanced mix of unit types and sizes in new developments. In addition, London Plan Policy 3.11 accords priority to affordable family housing in residential development. Policy H4 of the Local Plan of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) provides that one and two bedroom development will be preferable in town centre locations.

The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly 3 bedroom properties. Applicants proposing residential schemes will be required to demonstrate that this need has been taken into account and provide a mix of housing units on site, in line with Policy DMH 2 of the Local Plan: Part Two (2020).

The proposal provides the following:

9 x 1 bedroom units
3 x 2 bedroom units
2 x 3 bedroom units; and
2 x 3 bedroom dwellinghouses.

25% of the proposed units are family sized which is considered acceptable in this location and the proposal accords with Policy DMH 2 of the Local Plan: Part Two (2020).

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2016) requires developments to optimise housing output for different locations taking into account local context and character, design principles set out in London Plan Chapter 7 and public transport capacity. Table 3.2 provides the density matrix in support of this policy. The site has a 'urban' setting with a PTAL rating of 2. According to the density matrix, the application should be within a density range of 55-145 u/ha or 200 - 450 hr/ha. Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2.

The application has a density of 160 u/ha and 469 hr/ha which exceeds the recommended guidance. In this context the density of the development would be inappropriate, exceeding the requirements of Table 3.2. The supporting text to the policy does suggest that the density requirements should not be applied mechanistically. Account should also be taken of other factors relevant to optimising potential, including local context. In relation to this context, the development would be out of keeping with and harmful to local character. Consequently, when considered in light of Policy 3.4 of the London Plan (2016) and Policy DMHB 17 of the Local Plan: Part Two (2020), the development would not be of an appropriate density.

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

The application does not lie within an archaeological zone, conservation area nor are there listed buildings in the vicinity of the application site.

7.04 Airport safeguarding

Policy DMAV 1 of the Local Plan: Part Two (2020) notes that the Council will support the continued safe operation of Heathrow Airport and RAF Northolt and will consult with the relevant airport operators on proposals in safeguarded areas. Proposals that may be a hazard to aircraft safety will not be permitted. NATS and Heathrow Airport Safeguarding have been consulted on this application and no safeguarding objections have been raised to this application and as such the proposal would not be detrimental to the safe operation of any airport.

7.05 Impact on the green belt

The application does not fall within land that is designated as Green Belt. As such, the proposal would not impact the Green Belt.

7.07 Impact on the character & appearance of the area

Paragraph 131 of the NPPF (2019) requires that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policy 7.6 of the London Plan (2016) requires new developments to be of the highest architectural quality and be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.

Policy D1B of the draft London Plan (2019) requires all development to make the best use of land by following a design led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most

appropriate form of development that responds to a site's context and capacity for growth.

Policy BE1 of the Local Plan: Part One (2012) requires 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.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) re-emphasises the importance of good design in new development by A) requiring all new buildings and extensions to be designed to the highest standards which incorporate principles of good design, such as harmonising with the local context by having regard to the scale, height, mass and bulk of surrounding buildings; using high quality materials and finishes; having internal layouts and design which maximise sustainability and the adaptability of the space; protecting features which contribute positively to the area and providing landscaping that enhances amenity, biodiversity and green infrastructure; B) avoiding adverse impacts on the amenity, daylight and sunlight of adjacent property and open space; C) safeguarding the development potential of adjoining sites and D) making adequate provision for refuse and recycling storage.

Policy DMHB 12 of the Local Plan: Part Two (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

As noted earlier in this report, under Appeal ref: APP/R5510/W/17/3191619 (29-08-18), in dismissing the appeal, the Inspector noted that 'the appeal site, being a corner plot addresses two streets which are different in character. Marlborough Parade is commercial in character and supports a number of commercial units, some with residential above. The height and scale of buildings varies but most are three storey blocks with some extending to four storeys. Together with Uxbridge Road, which Marlborough Place adjoins, being a wide road and heavily trafficked, the area has a busy, urban and commercial character. Contrasting with this is Star Road which is a quieter area of domestically scaled residential properties. The urban grain is finer with mostly semi-detached properties that front both sides of the street creating a pleasant suburban sense of place.'

Following the receipt of the Inspector's decision, the applicant has sought to address the previous reason for refusal by providing an urban flatted block on Uxbridge Road and two semi-detached dwellinghouses along Star Road. In terms of the building lines, the building line of the semi detached houses are broadly consistent with the houses along the western side of Star Road. The block fronting Uxbridge Road would sit forward of the building line along Star Road by approximately 4.5m. However as the front block turns the corner onto Star Road, the building drops down to 1 storey that provides undercroft car parking and communal podium amenity space and as such, it would not dominate the streetscene along Star Road as the previous scheme would have done.

The pair of semi detached dwellinghouses would be set off the side boundary with No. 1 Star Road by approximately 1m which is considered to accord with the character of the street scene and comply with Policy

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020). These properties include off street car parking on their front gardens which is considered acceptable given that a review of the streetscene along Star Road suggests that many of the front gardens are used to provide off street car parking.

The Council's Urban Design Officer has objected to the height, scale and mass of the flatted block fronting Uxbridge Road. As highlighted by the Urban Design Officer, it is

considered that the proposed building footprint would dominate the streetscene thus resulting in an over-development that fails to consider its impact on its setting, particularly in views looking south east along Uxbridge Road. The immediate context on this part of Uxbridge Road is of 2 and 3 storey buildings that sit quietly within the streetscene. It is acknowledged that there is a development on the corner of Butler Street fronting Uxbridge Road that is upto 4 storeys in height. There is no objection in principle to a building upto 4-storeys in height, subject to design considerations (the separate application under ref: 8057/APP/2019/3861 is for upto 4-storeys), however, a 5 storey building within the site's context would be visually prominent and would appear to be entirely at odds with the streetscene.

Following the Urban Design Officer's comments during the pre-application process, the scheme was amended so the proposed balconies are recessed and not projecting. The amendments improve the visual appearance of the proposed building however this does not overcome the overall concern regarding the height and scale of the proposed development. To ensure the development is of a high quality, details of external materials are required if the application is to be granted planning permission.

The proposal provides a commercial unit along Star Road which would provide an active frontage along Marlborough Parade which is supported. The residential access to the flatted development off Star Road has a commercial character and is not sufficiently legible as a residential entrance. If the application was considered acceptable, details of the proposed door, entrance canopy and lighting could have been required by condition to ensure the residential entrance is of a high quality that reflects the domestic nature of the use.

The proposed development due to its height, scale and mass along Uxbridge Road represents an over-development of the site and a building that would be visually prominent and incongruous when viewed against its immediate setting. The proposal fails to accord with the requirements of Policy BE1 of the Local Plan: Part One (November 2012), Policies DMHB 11 and DMHB 12 of the Local Plan: Part Two Development Management Policies (2020), Policy 7.6 of the London Plan (2016) and Paragraph 131 of the NPPF (2019).

7.08 Impact on neighbours

Policy BE1 of the Local Plan: Part One (2012) requires developments to be appropriately designed so developments do not adversely affect their surroundings or the local character.

Policy DMHB 11 of the Local Plan: Part Two (2020) requires that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

The nearest residential dwellings that could be affected by the development are:

- Nos. 2-12 Butler Street to the west;
- No. 1 Star Road to the north; and
- Nos. 2-4 Star Road to the east.

Daylight and Sunlight

The submitted daylight and sunlight report confirms that the proposal would have no impact on the daylight levels for the windows on the rear elevation of No.1 Star Road to the north of the site.

To the east of the site, the flatted block at Nos. 2 to 8 and the houses at Nos. 10 and 12 Butler Street, given the separation distances involved, would satisfy BRE guidance.

To the east of the site, are a group of semi-detached houses with front windows with a view of the site and upper floor flats in Byron Parade which look onto the site which have been included within the assessment. The daylight and sunlight report found that the only instances where BRE guidance was breached involved a relatively minor drop in daylight levels to two windows on the nearest first floor flat in Byron Parade and also a fairly minor reduction in sunlight levels to front windows at Nos. 2 and 4 Star Road. These are considered relatively minor breaches of the guidance and overall the scheme would achieve appropriate daylight and sunlight levels for its neighbours.

Overshadowing

The report also confirms that all neighbouring amenity areas will continue to receive at least 2 hours of sunlight across 50% of the garden area in accordance with BRE guidance.

Privacy

The proposed semi detached dwellinghouses are situated approximately 23m from facing windows at Nos. 6-12 Butler Street and as such the proposal complies with the Local Plan in this regard. Whilst the front windows are situated within 11.5m of the windows on Nos 6-8 Star Road, this is a typical across the street relationship where privacy is already compromised by passing pedestrians. On this basis, the proposal is considered acceptable. However, it is noted the proposal includes a roof terrace that would provide communal amenity space for future residents that could result in overlooking. The applicant proposes to provide a 1.7m privacy screen to mitigate against overlooking into the amenity spaces of Butler Street. Soft screening is also proposed between the area of amenity space and the northern boundary facing on the gardens of Star Road to mitigate against direct overlooking to amenity spaces and habitable rooms of the detached dwellings. The proposal is acceptable in principle subject to detail being provided by way of a condition if the application is to be recommended for approval.

7.09 Living conditions for future occupiers

The provision of good quality housing is a key aspect of the London Plan and Local Plan housing policies. Policy 3.5 of the London Plan (2016) requires the design of new housing developments to consider elements that enable the home to become a comfortable place of retreat. Policy DMHB 16 of the Local Plan: Part Two (2020) requires all housing development to have adequate provision of internal space in order to provide an appropriate living environment.

Table 3.3 of The London Plan (2016) specifies minimum Gross Internal Areas (GIA) for residential units. Paragraph 3.36 of the London Plan specifies that these are minimum sizes and should be exceeded where possible.

Paragraph 5.40 within the Local Plan: Part Two (2020) states that the Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook. Single aspect dwellings should be avoided.

The proposed units meet minimum space standards set out within Table 3.3 of the London Plan. Each unit is dual aspect (one unit has oriel windows to a 2nd bedroom, however, taking into account the uninterrupted light that would reach the window and general high quality of the internal living arrangements to the unit in question no concerns

are raised concerning us of the oriel window). The units fronting the roof terrace would be provided with a buffer of 3m between the unit and the roof terrace to mitigate against direct overlooking into the habitable room windows. It is unclear whether the proposal seeks to plant directly onto the roof terrace or whether a planter would be provided. Details of the buffer is required by way of a condition.

AMENITY SPACE

Policy DMHB 18 of the Local Plan: Part Two (2020) requires new developments to provide good quality and usable private outdoor amenity space in accordance with the standards set out in Table 5.3. Based on the schedule of accommodation proposed, the applicant is required to provide 435 sq.m of private amenity space. The application proposes to provide 458 sq.m of amenity space of which 292 sq.m would be private amenity space provided in the form of rear gardens, balconies and private terraces and 166 sq.m would be communal amenity space. The proposed quantum of amenity space is considered acceptable.

In terms of the quality of space, each unit would benefit from a balcony or rear garden. The proposed roof terrace would have a meaningful buffer between habitable room windows fronting the space and the terrace. Details of the proposed terrace including details of its management could be required by way of a condition to ensure it provides future residents with good quality amenity space if the proposal had of been recommended for approval. The proposal is considered to broadly comply with Policy DMHB 18 of the Local Plan: Part Two (2020).

PUBLIC OPEN SPACE

Policy DMCI 4 of the Local Plan: Part Two (2020) requires new major residential development to make provision for new open space or enhancements to existing open space which meets the needs of future occupiers of the development. Given the constraints of the site, the proposal cannot provide open space on site, therefore an off site contribution of £18,500 towards the enhancement of existing public open space in line with the requirements of Policy DMCI 4 of the Local Plan: Part Two (2020) is required.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Paragraph 109 of the NPPF (2019) notes development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy DMT 1 of the Local Plan: Part Two (2020) requires development proposals to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Local Plan: Part Two (2020) notes development proposals must ensure that safe and efficient vehicular access to the highways network is provided to the Council's standards.

Policy DMT 6 of the Local Plan: Part Two (2020) states that development proposals must comply with the relevant parking standards. For a development of this type it is required that the quantum of car parking provided is determined 'on an individual basis using a transport assessment and a travel plan, and in addition provision for taxi and bus/coach access and parking'.

In order to comply with the adopted parking standard, the maximum on-plot requirement for the 14 flats would demand up to 1-1.5 spaces per unit (totalling a maximum of 21

spaces) with up to 2 spaces for each of the new housing units totalling 4 spaces. Hence for the whole residential element, 24 spaces could normally be sought in order to adhere to the maximum standard. 16 are proposed which equates to an approximate 1:1 parking ratio. The retail aspect would demand several on-plot spaces but none are proposed.

Under appeal ref: APP/R5510/W/15/3095214 (13-11-15) an Inspector dismissed an appeal due to the site's design. On car parking, the Inspector noted:

"Eleven car parking spaces are proposed within the basement. The Council indicates that this is significantly below their maximum requirement of 1.5 per unit. They also add that the site is within an area of relatively low accessibility with a PTAL score of 2. Taking account of the number of residential units and the access to public transport here, I would expect car ownership levels to exceed the number of spaces proposed. This would lead to parking on the adjacent highway which, at the time of my site visit, was heavily parked, with cars on both sides of the road, even though it is narrow at this point.

There are no parking surveys submitted by either the Council or the appellants to support their cases. From my observations, whilst parking was heavy close to the site, spaces were available further from Uxbridge Road, within the surrounding area. From what I saw, I would not expect the additional onstreet parking that would result from the proposal to be at such a level that could not satisfactorily be accommodated within the surrounding streets. Therefore, this does not add to my concerns for highway safety."

The Inspector took a view that a car parking ratio of 0.61 per unit was acceptable in this location. This application provides a car parking ratio of 0.75 per unit. Officers also observed that during a site visit, Star Road was heavily parked on both sides. Notwithstanding the existing situation, officers consider the a reason for refusal based on a lack of car parking could not be sustained based on the Inspector's decision, the level of proposed provision for the residential with an absence of retail parking is on balance considered acceptable.

Within the proposed parking quantum there is a requirement for electric vehicle charging points (EVCPs) to be provided in line with London Plan 2016 (LP 2016) standards for the proposed C3 use which would equate to 20% for 'active' provision with a further 20% acting as 'passive' provision for future activation equating to 5-6 spaces in total.

With this scale development it would be considered onerous to pursue the provision of the single 'active' space provision as it can be argued that an 'active' space would reduce 'real' on-plot parking provision as, in overall vehicle percentage terms, there are still far fewer electric/hybrid cars as compared to vehicles propelled by other fuels. This could in theory restrict/prevent the use of the 'active' bays for 'non-electrified' cars and more crucially lower any secured on-plot parking provisions which are a key consideration when determining a planning application. However as there is a strong move toward hybrid and fully electrified vehicles which will only increase in time, it is considered more appropriate to encourage a 40% passive only provision resulting in 6 'passive' spaces. This could be secured via planning condition and 'active' provision would then evolve on a demand led basis.

There should be a minimum provision of 1 secure and accessible space for each of the 1-2 bedroom units. The proposal provides 26 cycle parking spaces for the flats and 2 spaces for each 3 bedroom house unit. Four spaces for the commercial aspect have been indicated which is in conformity with the standard and is therefore considered acceptable.

The principle of creating several 3 new vehicular access points onto Star Road is

considered acceptable in principle and would be subject to the Council's carriageway crossing dimension and construction standards with separate and detailed applications being made post-permission under a S184 of the Highways Act 1980 agreement at the applicant's expense should the application be approved.

Refuse collection is expected to be undertaken via Star Road and the proposal complies with the Council's 'waste collection' maximum distance parameter of 10m i.e. distance from a refuse vehicle to the point of collection and a maximum carrying distance from each dwelling not exceeding 30m.

In terms of servicing and deliveries, the proposal estimates 2 small van deliveries per day. Given the relatively small scale of commercial outlet and the nature of Marlborough Parade, there is no objection to the servicing and delivery arrangements.

7.11 Urban design, access and security

Design has been addressed in paragraph 7.07 of this report.

Security

Paragraph 7.13 of the London Plan (2016) requires development proposals to contribute to the minimisation of potential physical risks and include measures to deter crime and anti social behaviour. The Metropolitan Police has commented on this application noting a meeting was held with the Applicant and physical measures have been incorporated that design out crime. A secured by design condition has been recommended within the draft decision. The proposal accords with Policy 7.13 of the London Plan.

7.12 Disabled access

Policy 3.8 of the London Plan (2016) and the London Housing SPG together promote accessible design, whilst advocating a flexible approach on small scale developments. The Housing SPG clarifies that Policy 3.8 should be applied flexibly to ensure that residential or mixed use development is deliverable and notes that a lift may cause practical difficulties for small scale developments (where the depth and width of a plot and height restrictions may inhibit the overall floorplate and massing).

Policy 7.2 of the London Plan (2016) require all new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design.

The Access Officer has commented on the application and raised accessibility concerns; namely that the applicant has failed to provide two lifts to ensure a reliable means of access and egress, at all times, for resident wheelchair users. It is noted that paragraph 3.48A of the London Plan (2016) requires Boroughs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. Notwithstanding the Access Officer's objection to the lack of two lifts, officers consider that given the constraints of the site, the provision of one lift allows for step free provision which is considered acceptable in this instance. Had the application been considered acceptable, a lift management and maintenance plan and the provision of M4(2) and M4(3) dwellings would be secured by way of a condition.

7.13 Provision of affordable & special needs housing

Policy 3.12 of the London Plan (2016) states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes.

Policy H4 of the Intend to Publish Version of the London Plan (2019) sets a strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable

and advises of specific measures to achieve this aim. It states that affordable housing should be provided on site and that affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances.

Policy H5 of the Intend to Publish Version of the London Plan (2019) establishes the threshold approach to applications, and that where the development does not fall within a specific category, the threshold level of affordable housing on gross residential development is initially set at a minimum of 35 per cent.

Policy H2 of the Local Plan: Part One (2012) requires sites with a capacity of 10 or more units, to provide an affordable housing mix to reflect the housing needs in the borough, particularly the need for larger family units.

Policy DMH 7 of the Local Plan: Part Two (2020) requires major residential developments to maximise the delivery of affordable housing on site. A minimum of 35% of all new homes should be delivered as affordable housing with a tenure split of 70% Social/Affordable Rent and 30% Intermediate.

A financial viability assessment was reviewed by an Independent Surveyor who concluded the output of the scheme suggests an affordable housing contribution cannot be provided by the applicant. This position is consistent with previous appeal decisions for residential led developments at this site where Inspectors have accepted similar proposals would not be able to provide an onsite or offsite contribution towards affordable housing. The conclusion of the viability report is, on balance, considered acceptable subject to a review mechanism as a clause within the Section 106 legal agreement.

7.14 Trees, landscaping and Ecology

LANDSCAPING

Policy 3.5 of the London Plan (March 2016) requires that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces.

Policy 5.10 of the London Plan (March 2016) states that development proposals should integrate green infrastructure to contribute to urban greening, including the public realm.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context. Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Local Plan:Part Two (2020) notes all developments will be expected to retain or enhance the existing landscape, trees, biodiversity and natural features of merit. Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees.

The Trees and Landscaping Officer has observed that the site is relatively level, with no remaining vegetation visible. No trees, or other landscape features of merit, will be affected by the development. The current application seeks to develop a four-storey to five storey block of flats at the junction, with two two-storey houses to the north. Some soft landscape is proposed along the street frontage and at first floor level. Large balconies

and a living (green) roof are proposed to mitigate the limited opportunities for landscaped amenity space. A landscaping condition has been recommended to ensure landscaping buffers and proposed planting is suitable and appropriately managed.

ECOLOGY

Paragraph 170 of the NPPF (February 2019) states that planning decisions should contribute to and enhance the natural and local environment by amongst other criteria, minimising the impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Policy 7.19 of the London Plan (March 2016) states that development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Policy DMEI 7 of the Hillingdon Local Plan: Part Two (2020) requires the design and layout of new development should retain and enhance any existing features of biodiversity or geological value within the site.

It is noted the proposed roof plan suggests a green roof is proposed. Details of the proposed green roof would be required by way of a condition including a maintenance schedule to ensure it is delivered and appropriately managed for the lifetime of the development. If recommended for approval, a landscaping scheme would be secured by condition and would ensure that the proposal includes soft landscaping and improved green infrastructure provision to the benefit of biodiversity. Subject to this condition, the proposed development would not be contrary to Policy DMEI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), Policy 7.19 of the London Plan (March 2016) and the NPPF (February 2019).

7.15 Sustainable waste management

Policy 5.17 of the London Plan (2016) sets out the Mayors Spatial Policy for Waste Management including the requirements for new developments to provide appropriate facilities for the storage of refuse and recycling.

The highways officer has reviewed the waste management and recycling arrangements and considers the proposal is acceptable. Whilst there is no specific off street servicing arrangements proposed for the commercial unit, given its modest scale and the nature of Marlborough Parade, it is considered the proposal would not result in an adverse impact to local traffic flows or highways safety and it could be managed sustainably.

7.16 Renewable energy / Sustainability

Policy 5.2 of the London Plan (2016) requires developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

Be lean: use less energy

Be clean: supply energy efficiently

Be green: use renewable energy

Policy EM1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will ensure that climate change mitigation is addressed at every stage of the development process. This includes the reduction of carbon emissions through low carbon strategies and encouraging the installation of renewable energy to meet the targets set by the London Plan (2016).

Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that: A) All developments make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets; B) All major development proposals must be accompanied by an energy assessment showing how these reductions will be achieved; C) Proposals that fail to take reasonable steps to achieve the required savings will be resisted. However, if the Council is minded to approve the application despite not meeting the carbon reduction targets, then it will seek an off-site contribution to make up for the shortfall. The contribution will be sought at a flat rate at of £/tonne over the lifetime of the development, in accordance with the current 'allowable solutions cost'.

The Sustainability Officer has considered the merits of the proposal and notes that the submitted energy strategy for the proposed development is not adequate. Firstly, the energy report identifies the onsite target is a 35% reduction in CO₂ with the shortfall from the zero carbon requirement to be payable in an offset contribution. This is an incorrect approach. The development target is zero carbon with a minimum onsite saving of 35%. Applicants should therefore endeavour to get as close to zero carbon onsite before seeking an offsite contribution to make up for the shortfall.

In this instance, the applicant appears to have aspired to achieve only a 35% onsite reduction through minimal be lean (energy efficiency measures) and be green (low/zero carbon technology) measures. Furthermore, there appears to be no linkage between the 'be green' energy solutions and that actual design of the scheme. The energy solution is focused around PVs, yet the elevations and roof plans do not show their incorporation. The Sustainability Officer considers it is entirely feasible that a scheme of this size can achieve a minimum of 35% reduction in CO₂ onsite and could easily achieve much higher with more effort and a better understanding of the energy saving policies. Consequently, a planning condition and a clause within the Section 106 legal agreement are necessary to secure an improved approach to CO₂ reduction.

7.17 Flooding or Drainage Issues

Policy 5.13 of the London Plan (2016) states that development proposals should use sustainable urban drainage systems (SuDs) unless there are good reasons for not doing so and that developments should aim to achieve green-field run-off rates. Policy 5.15 goes on to confirm that developments should also minimise the use of mains water by incorporating water saving measures and equipment.

Policy DMEI 10 of the Local Plan: Part Two (2020) applications for all new build developments are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated in accordance with the London Plan Hierarchy.

The Flood and Water Management Officer has raised no objection to the proposed development subject to the applicant providing further details by way of a suitable condition to confirm the SuDS detail. It is expected that all green space would be maximised for integration in the drainage to minimise the need for a tanked system below the ground level car park.

7.18 Noise or Air Quality Issues

Noise

Policy 7.15 of the London Plan (March 2016) states that development proposals should seek to manage noise by:

- a. avoiding significant adverse noise impacts on health and quality of life as a result of new development;
- b. mitigating and minimising the existing and potential adverse impacts of noise on, from,

within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses;

c. improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity);

d. separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout - in preference to sole reliance on sound insulation;

e. where it is not possible to achieve separation of noise sensitive development and noise sources, without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through the application of good acoustic design principles;

f. having particular regard to the impact of aviation noise on noise sensitive development;

g. promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will seek to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.

The proposal seeks to provide noise sensitive development above a commercial unit on a local parade. To mitigate against the future noise causing noise and disturbance to future residents, a condition would have been attached that would limit the opening hours of the commercial unit and ensure noise mitigation measures and sound insulation would be provided in line with good acoustic design principles.

Air Quality

Policy DMEI 1 of the Local Plan: Part Two (2020) requires major development in Air Quality Management Areas to provide onsite provision of living roofs and/or walls. A suitable offsite contribution may be required where onsite provision is not appropriate.

The Local Plan recognises that living walls and roofs allow a number of environmental goals to be achieved in a relatively small space. They also remove particulates that improve local air quality. The Sustainability Officer has requested that a condition is added to the decision notice to ensure the proposal contributes to Air Quality enhancements.

Policy DMEI 14 of the Local Plan: Part Two (2020) requires development proposals to demonstrate appropriate reductions in emissions to sustain compliance with and contribute towards meeting EU limit values and national air quality objectives for pollutants. Developments are expected to be:

- Air quality neutral;
- include mitigation to ensure there is no unacceptable risk from air pollution to sensitive receptors; and
- actively contribute towards the continued improvement of air quality, especially within the Air Quality Management Area.

The application site falls within the Uxbridge Road Focus Area (FA), which is a zone identified by both the Greater London Authority (GLA) and London Borough of Hillingdon (LBH) as experiencing pollutant concentrations above the limit value to safeguard human health, with high density of population being exposed to such hazardous levels. GLA's mapping of annual mean levels of pollution for nitrogen dioxide are attached indicating

areas likely to be above the limit value set to protect the public.

As per the London Plan and London Borough of Hillingdon Local Action Plan, developments need to be neutral as minimum and contribute actively to reduce pollution in Focus Areas, contributing to the reduction of emissions in these sensitive areas.

Given the location of the application site within a FA and in the absence of suitable mitigation measures that in a quantifiable manner would demonstrate the additional traffic emissions would be removed, a S106 contribution is required. Therefore, a section 106 agreement with the LAP of £5,577 is to be paid for Hillingdon to deliver its air quality local action plan and or implement specific measures on/along the road network affected by the proposal that reduce vehicle emissions and or reduce human exposure to pollution levels, assuming no local network congestion would be exacerbated by the proposal. Subject to the inclusion of the clause within the legal agreement, the Air Quality Officer has raised no objection to this application.

7.19 Comments on Public Consultations

Consultation comments and objections have been addressed within the main body of the report.

7.20 Planning obligations

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

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

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

At a regional level, policy 8.2 'Planning Obligations' of the London Plan (2016) stipulates that when considering planning applications of strategic importance, the Mayor will take into account, among other issues including economic viability of each development concerned, the existence and content of planning obligations. It also states that development proposals should address strategic as well as local priorities in planning obligations.

Policy DMCI 7 of the Local Plan: Part Two (2020) seeks to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Planning obligations are sought on a scheme-by-scheme basis to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

Relevant Officers have reviewed the proposal, as have other statutory consultees. The comments received indicate the need for the following contributions or planning obligations to mitigate the impact of the development.

1. To secure all necessary highway works including written agreement from the Local Planning Authority; (Section 278);
2. Parking Permit exclusion clause for all future residents

3. Affordable housing review mechanism;
4. Construction Training: either an in-kind scheme delivered during the construction phase of the development or a financial contribution;
5. Air Quality: in line with the SPD and given the site is located in an air quality management area, a contribution in the sum of £5,577;
6. Carbon Fund: a contribution for a carbon fund to make up for the shortfall for this development and in order to make the development policy compliant (£1800 for every tCO2/annum that is below the zero carbon target);
7. Open Space Contribution of £18,500; and
8. Project Management and Monitoring Fee: a financial contribution equal to 5% of the total cash contributions towards the management and monitoring of the resulting agreement.

Although the application is recommended for refusal, the above identifies the level of obligations required and the contributions sought are deemed to be adequate and commensurate with the scale and nature of the proposed development.

Community Infrastructure Levy

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

7.21 Expediency of enforcement action

Enquiries were made to planning enforcement when the pre-existing building was demolished. However, there were no grounds for planning enforcement to initiate formal planning enforcement proceedings and the case was closed. There are no outstanding enforcement enquiries on this land.

7.22 Other Issues

Contaminated Land

Policy DMEI 12 of the Local Plan: Part Two (2020) requires proposals for development on potentially contaminated sites to be accompanied by at least an initial study of the likely contaminants. Conditions will be imposed where planning permission is given for development on land affected by contamination to ensure all the necessary remedial works are implemented, prior to commencement of development.

The applicant has provided a Phase 1 study of the site and provides a Preliminary Risk Assessment (PRA) and Conceptual Site Model (CSM), all of which is in accordance with the appropriate technical guidance. The PRA indicates the site is currently considered to represent a general risk of low to moderate risk to end users. However the likelihood of asbestos being detected increases the risk to end users to moderate. The CSM shows the site is situated above geological strata of the Boyn Hill Gravel Member which is defined as a Secondary A Aquifer. The report indicates the Environmental sensitivity of the ground water and surface water at the site is also considered to be at moderate risk.

The report outlined findings and observations which were recorded during a site walkover visit. It was noted that the site was overgrown open land with no evidence of external elevations of the former Star public house. However, parts of a wooden floor were evident within the footprint of the former building. The floor boards had been removed in places to reveal a water filled void space which will require further investigation to establish area and depth details, including the source and chemical composition of the liquid captured within the sub-floor structure.

There was also evidence of fly tipped materials and waste products at the site which will also require inspection during the proposed investigation works which are outlined within the phase 1 report. Therefore, a contaminated land condition is required to ensure all the necessary remedial works are implemented, prior to commencement of development.

Fire Safety

Policy D12 (Fire safety) of the Intend to Publish of the London Plan (2019) states that in the interests of fire safety and to ensure the safety of all building users, development proposals must achieve the highest standards of fire safety. In this regard an Outline Fire Strategy has been submitted as part of the application. It is considered that a condition should be added to any permission to secure the implementation of a Fire Strategy for all parts of the development in accordance with Policy D12 (Fire safety) of the London Plan - Intend to Publish (2019).

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

The proposal seeks to provide a residential led mixed use development of the site. The proposal provides a commercial use along Marlborough Parade which contributes to the vitality of the parade. The proposed development seeks to provide a part 4 and part 5 storey building whereas the surrounding context is characterised by 3 storey buildings. The proposal by reason of its site height, scale and design is an over-development of the site and it would result in an inappropriate development within its immediate context. Whilst weight has been attached to the provision of new homes, it is considered that the 4 additional units being proposed (as compared to the scheme being proposed within planning application 8057/APP/2019/3861) within a 5-storey building is a limited benefit which is outweighed by the harm due to the height and scale of development proposed.

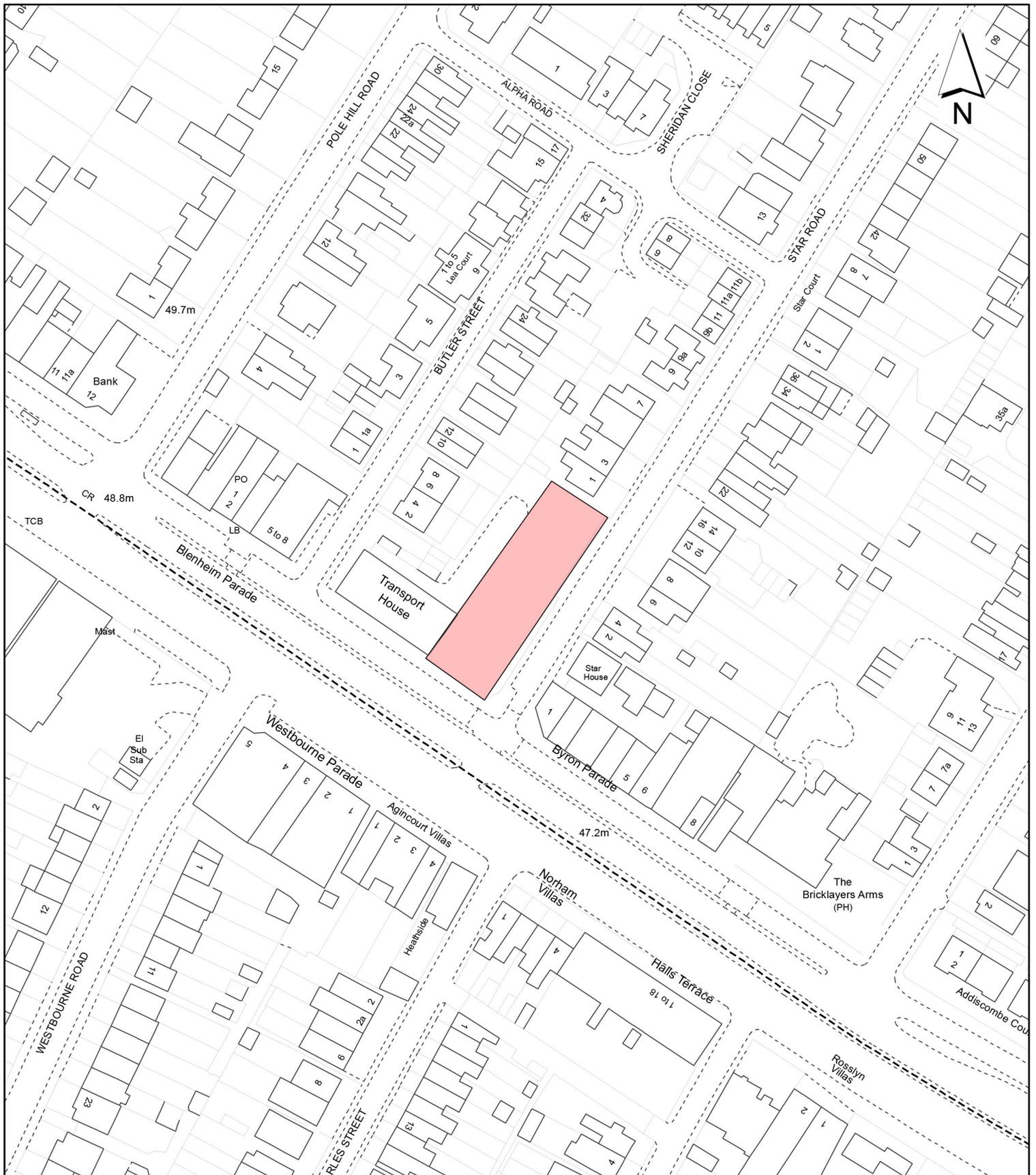
To enable the development to be delivered sustainably and in accordance with the requirements of the Development Plan, the application would need to be the subject of a legal agreement, and as no such legal agreement has been entered into, this forms the second reason for refusal. For the reasons outlined in this report, this application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 Site Allocations and Designations (2020)
Hillingdon Local Plan: Part 2 Development Management Policies (2020)
London Plan (2016)
London Plan Intend to Publish (2019)
National Planning Policy Framework (2019)

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Notes:

 Site boundary

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Site Address:

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

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

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
8057/APP/2019/3862

Scale:
1:1,250

Planning Committee:
Major

Date:
July 2020

