

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 1-3 BAKERS ROAD UXBRIDGE

Development: Change of use of first floor from gymnasium to 1 x 2-bed and 1 x 1-bed self-contained flats (Use Class C3)

LBH Ref Nos: 72219/APP/2019/3340

Drawing Nos: Design and Access Statement
1612.2/OS
1612.2/A001
1612.2/A002
1612.2/A003
1612.2/A004
1612.2/A005
1612.2/A006
1612.3/A001
1612.3/A002
1612.3/A003
1612.3/A004
1612.3/A005
1612.3/A006
Noise Assessment Report
Air Quality Statement
Air Quality Assessment Report
Heat Recovery Ventilation Unit Manufacturer's Specification Sheets
Filter Unit Manufacturer's Specification Sheets

Date Plans Recieved: 10/10/2019 **Date(s) of Amendment(s):**

Date Application Valid: 10/10/2019

1. SUMMARY

This application seeks permission to change the use of part of the first floor of this 9 storey predominantly residential building at 1-3 Bakers Road, within Uxbridge town centre, from an ancillary, approximately 135sqm residents' gymnasium to 1 x 2-bed and 1 x 1-bed self-contained flats (Use Class C3).

There is no objection to the loss of the residents' gymnasium as there are a number of alternative gymnasiums in the town centre. The physical conversion works would be minimal and the units would provide suitable living accommodation. The original scheme provided 37 residential units which was car free and there is no objection to the two additional units also being car free, subject to a similar restriction on residents being able to apply for parking permits.

The units would provide two additional units of affordable housing which would be secured by a Deed of Variation of the original S106 Agreement, together with the restriction on parking permits.

2. RECOMMENDATION

That delegated powers be given to the Director of Planning and Community Services to grant planning permission, subject to the following:

That delegated powers be given to the Head of Planning, Transportation and Regeneration to GRANT planning permission subject to:

A. The Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:

- 1. 2 Units of Affordable Housing**
- 2. Parking Permit exclusion clause for all future residents**

B) That Officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.

C) If the Legal Agreements have not been finalised by 5th November 2020 (or such other timeframe as may be agreed by the Head of Planning, Transportation and Regeneration), delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse planning permission for the following reason:

'The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of the demands created by the proposed development (in respect of affordable housing and parking permit restriction) contrary to Policies DMT 2, DMT 6, DMH 7 and DMEI 14.'

D) That subject to the above, the application be deferred for determination by the Head of Planning, Transportation and Regeneration under delegated powers.

E) That if the application is approved, the following conditions be attached:

1 RES3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

2 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1612.3/A001, 1612.3/A002, 1612.3/A003, 1612.3/A004, 1612.3/A005 and 1612.3/A006 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

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

3 RES5 General compliance with supporting documentation

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

Noise mitigation [Noise Assessment Report]

Air quality mitigation measures [Air Quality Statement and Mechanical Ventilation and Filter Unit Manufacturers' Specification Sheets]

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

REASON

To ensure that the development complies with the objectives of Policies 7.14 and 7.15 of the London Plan (March 2016) and Policy OE1 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

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

5 NONSC Non Standard Condition

The noise level in rooms at the development hereby approved shall meet the internal noise levels specified in BS8233:2014 for internal rooms and external amenity areas.

REASON

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

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies

(September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMH 7

DMHB 11 Design of New Development

DMHB 16 Housing Standards

DMHB 17 Residential Density

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

DMTC 1 Town Centre Development

LPP 3.3 (2016) Increasing housing supply

LPP 3.4 (2015) Optimising housing potential

LPP 3.5 (2016) Quality and design of housing developments

LPP 7.14 (2016) Improving air quality

NPPF- 2 NPPF-2 2018 - Achieving sustainable development

NPPF- 5 NPPF-5 2018 - Delivering a sufficient supply of homes

NPPF- 11 NPPF-11 2018 - Making effective use of land

3 159 Councils Local Plan : Part 1 - Strategic Policies

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

4 170 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

5 147 Damage to Verge - For Council Roads:

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

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

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

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction.

Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

6 173 Community Infrastructure Levy (CIL) (Granting Consent)

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

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

3. CONSIDERATIONS

3.1 Site and Locality

The site is located at 1-3 Bakers Road, Uxbridge and comprises a 9 storey property which is predominantly residential, with retail units on the ground floor. The property sits on the north eastern side of Bakers Road, with Senator Court, an office building to the north west and a hotel to the south east.

The existing development gained planning approval in March 2013, and construction is complete and most of the building is occupied. The gymnasium at first floor level approved under the parent consent has not been fitted out.

The site adjoins the Old Uxbridge and Windsor Street Conservation Areas as well as an Archaeological Priority Area. The application site is located within Uxbridge town centre, and is located in close proximity to both the Uxbridge bus depot and the Uxbridge Underground Station. The site has an extremely high PTAL score of 6, reflecting its proximity to these transport nodes. A range of retail, commercial and office activities, commensurate with the town centre designation, are to be found in the surrounding area.

3.2 Proposed Scheme

The application seeks planning permission for a change of use of the front part of the first floor from an ancillary residents' gymnasium to 1 x 2-bed and 1 x 1-bed self contained flats (Use Class C3), adding to the three flats provided at the rear on this floor.

3.3 Relevant Planning History

72219/APP/2018/3436 1-3 Bakers Road Uxbridge

Change of use from retail (Use Class A1) to a flexible retail/office/restaurant/clinic/ health centre/gymnasium use (Use Classes A1/A2/A3/D1/D2)

Decision: 07-03-2019 Approved

72219/APP/2019/1742 1-3 Bakers Road Uxbridge

Removal of condition 9 of planning consent 72219/APP/2018/3436 dated 14/03/2019 (Change of use from retail (Use Class A1) to a flexible retail/office/restaurant/clinic/ health centre/gymnasium use (Use Classes A1/A2/A3/D1/D2))

Decision: 08-08-2019 Approved

72219/APP/2019/2553 1-3 Bakers Road Uxbridge

Removal of condition 7 (Glazing Details) and Variation of Condition 2 (approved plans) of planning permission Ref: 72219/APP/2018/3436 dated 14/03/2019 (Change of use from retail (Use Class A1) to a flexible retail/office/restaurant/clinic/ health centre/gymnasium use (Use Classes A1/A2/A3/D1/D2))

Decision: 25-09-2019 Approved

72219/APP/2019/295 1-3 Bakers Road Uxbridge

S106 Planning Obligation

Decision: 18-02-2019 NFA

72219/PRC/2016/173 1-3 Bakers Road Uxbridge

Part change of use of first floor from D2 (gymnasium) to 1 x 2 bed & 1 x 1 bed self contained residential units.

Decision: 23-03-2017 PRM

8218/APP/2011/1853 Norwich Union House 1-3 Bakers Road Uxbridge

Redevelopment of Norwich Union House to erect a 9 storey building comprising retail floorspace at ground floor level and 8 storeys of residential units (37 units) with associated gym, access and parking arrangements.

Decision: 13-03-2013 Approved

Comment on Relevant Planning History

The relevant planning history is listed above. It is noted that an application for pre-application advice was submitted under application reference 72219/PRC/2016/173 for the part change of use of first floor from gymnasium to 1 x 2 bed & 1 x 1 bed self contained residential units where no objection was raised.

It is noted that there was an original S106 with regard to the development approved under application reference 8218/APP/2011/1853. This secured a £161,729.60 payment in lieu of affordable housing. Although the existing units now provide affordable housing, they have not been secured in perpetuity by means of a S106 Agreement. A variation of the original agreement is required to secure the two additional units of affordable housing and the restriction on parking permits.

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 2019.

The Mayor has considered the Inspectors' recommendations and, on 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. The Secretary of State responded on the 13th March 2020 and stated that he was exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that modifications are required. These are set out at Annex 1 of the response, however the letter does also state that if the Mayor can suggest alternative changes to policies that would address the concerns raised, these would also be considered.

More limited weight should be attached to draft London Plan policies where the Secretary of State has directed modifications or where they relate to concerns raised within the letter. Greater weight may be attached to policies that are not subject to modifications from the Secretary of State or that do not relate to issues raised in the letter.

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.H1 (2012) Housing Growth

- PT1.H2 (2012) Affordable Housing
PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

- DMH 7
DMHB 11 Design of New Development
DMHB 16 Housing Standards
DMHB 17 Residential Density
DMT 2 Highways Impacts
DMT 6 Vehicle Parking
DMTC 1 Town Centre Development
LPP 3.3 (2016) Increasing housing supply
LPP 3.4 (2015) Optimising housing potential
LPP 3.5 (2016) Quality and design of housing developments
LPP 7.14 (2016) Improving air quality
NPPF- 2 NPPF-2 2018 - Achieving sustainable development
NPPF- 5 NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11 NPPF-11 2018 - Making effective use of land

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
5.2 Site Notice Expiry Date:- **27th November 2019**

6. Consultations

External Consultees

5 neighbouring properties were consulted by letter dated 17.10.19 and a site notice was displayed to the front of the site which expired on 18.11.19. No responses have been received.

Internal Consultees

Planning Policy Officer:

There is no in principle policy objection to the proposed loss of the 'D2 use' as it was provided for the use of residents and was not a leisure use available for public use or located at ground floor level. The provision of additional C3 affordable units is supported by Local Plan policies H2 and DMH 7.

Access Officer:

This change of use application has been assessed against the requirements of London Plan policy 3.8 (c). The proposed change of use, if granted, would require an internal fit out for which compliance with Section 4 of Approved Document M to the Building Regulations 2010 (2015 edition) would not be required.

It is for the reasons stated above that London Plan policy 3.8 (c) should not be applied.

Conclusion: No objection is raised from an accessibility standpoint

Conservation Officer:

Taking into account the nature of the development there are no conservation or urban design comments in this instance.

Highways Officer:

The application site is situated along Bakers Road in Uxbridge town centre. Bakers Road serves as Uxbridge bus station and also provides access to the Metrolink bus garage. It is important that any construction works associated with this development do not pose a risk to road safety or have a detrimental impact on bus operation. The Highway Authority has no objections to this development on the proviso that a Construction and Logistics Plan is provided. This should be secured by a suitably worded condition.

EPU:

I have read through the submitted acoustic report and the applicant has demonstrated sufficiently that the internal noise levels relevant to BS 8233: 2014 shall be achieved. The sound insulation scheme has detailed how the separating floor structure between the ground floor commercial units and residential apartments at first floor level are deemed satisfactory and will again achieve the standards stated in the BS8233.2014.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy DMCI 1 of the Hillingdon Local Plan - Development Management Policies (2020) specifically states that proposals involving the loss of an existing community facility will be permitted if:

i) The specific use is no longer required on-site. In such circumstances, the applicant must provide evidence demonstrating that:

- a) the proposal would not lead to a shortfall in provision for the specific use within the local catchment area;
- b) there is either no demand for another suitable social infrastructure use on-site, or that the site/premises is no longer appropriate for social infrastructure uses; and
- c) any replacement/relocated facilities for the specific use provides a level of accessibility and standard of provision at least equal to that of the existing facility.

ii) the activities carried out are inconsistent and cannot be made consistent with acceptable living conditions for nearby residents; and

iii) the redevelopment of the site would secure an over-riding public benefit.

The application demonstrates that the scheme would not lead to the loss of an existing 'D2' Use, as the space in question has never been fitted out as a gymnasium or exercise space, therefore this proposal would not constitute a loss of an existing D2 use. It is also important to note, that the proposed gymnasium was conditioned in the previous planning approval for the use of residents of this development only and was never intended to be for the use of the wider community. In addition to this, a gymnasium has opened on Bakers Road, directly opposite the development site and would therefore maintain the provision of a gymnasium facility for the residents, if so required. There are also a number of other gymnasiums in the area, easily accessible within walking distance. The planning policy officer has confirmed that there is no in principle policy objection to

the proposed loss of the 'D2' use as it was provided for the use of residents and was not a leisure use available for public use or located at ground floor level. The provision of additional C3 affordable units is supported by Local Plan policy DMH 7.

The proposal is therefore considered acceptable in principle in accordance with Policy DMCI 1 of the Hillingdon Local Plan: Part Two London Borough Of Hillingdon Local Plan Part 2 Development Management Policies (2020).

7.02 Density of the proposed development

Not relevant to the consideration of this development for the change of use of existing floor space.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The proposal does not introduce external alterations over that which has an extant planning permission.

7.08 Impact on neighbours

The proposal is not considered to give rise to any loss of residential amenity.

7.09 Living conditions for future occupiers

Policy DMHB 16: Housing Standards states:

All housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should meet or exceed the most up to date internal space standards, as set out in Table 5.1. A two bedroom (3 person) flat is required to provide an internal floor area of 61 m² and a one bedroom (2 person) flat is required to provide 50 square metres. With 73.2sqm and 64.5sqm being provided for the one and two bedroom units respectively, the proposal significantly exceeds these standards. Furthermore the units have an identical layout to the existing units above to ensure that there is vertical stacking of rooms and the habitable rooms would enjoy a satisfactory outlook and bedrooms are of a suitable size in accordance with the requirements of Policy 3.5 of the London Plan (2016). The proposed units would also have large winter garden type balconies along the frontage that wrap around at the sides which would provide each unit with in excess of 20sqm of external amenity space. The applicants have also submitted noise and air quality assessments that demonstrate that the future occupants of the properties would enjoy a satisfactory living environment.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2: Highways Impacts states:

Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrians are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access

roads; and

v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking states:

A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

The Council may agree to vary these requirements when:

i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or

ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

B) All car parks provided for new development will be required to contain conveniently located reserved spaces for wheelchair users and those with restricted mobility in accordance with the Council's Accessible Hillingdon SPD.

Given the town centre location, adjacent to multiple nodes of public transport and town centre facilities, the proposal is not considered to give rise to any parking or traffic concerns. This is confirmed by the Highways Officer who has advised that 'the application site is situated along Bakers Road in Uxbridge town centre. Bakers Road serves as Uxbridge bus station and also provides access to the Metroline bus garage. It is important that any construction works associated with this development do not pose a risk to road safety or have a detrimental impact on bus operation. This could be secured by a suitably worded condition.'

A S106/Deed of Variation is required to ensure that as with the original scheme, any lease or tenancy agreement relating to the new units contains a clause prohibiting residents from obtaining entitlement to a Residents Parking Permit within the Uxbridge North and Uxbridge South Parking Management Scheme which covers the Town Centre and adjoining residential areas.

The Design and Access Statement also states that occupiers will be given access to the existing cycle store on the ground floor.

On this basis, the Highway Engineer raises no objections to the proposal on highway grounds.

7.11 Urban design, access and security

Relevant issues are addressed in the sections above.

7.12 Disabled access

The Council's Access Officer has confirmed that there are no accessibility concerns raised by this application.

7.13 Provision of affordable & special needs housing

Although this is a stand alone application and Policy DMH 7 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) does state that in accordance with national policy, developments with a capacity to provide 10 or more units will be required to maximise the delivery of affordable housing, it does go on in Section D) to stipulate that the requirement for affordable housing will apply to:

iii) additional units created through or subsequently amended planning applications,

whereby the amount of affordable housing required will be calculated based on the new total number of units on the site.'

The applicant has agreed to the two additional units being provided as affordable housing which would be secured through the variation of the original S106 Agreement. Council Officers raise no objections to this approach.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

No noise or air quality issues are raised.

7.19 Comments on Public Consultations

The issues raised are addressed in the sections above.

7.20 Planning obligations

The proposal was previously the subject of a S106 agreement. With the provisions of this application a variation of this agreement is required to ensure the provision of affordable units and that occupiers of the proposed units would be prevented from applying for parking permits.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues raised.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposal would provide two additional units of affordable housing which provide a good standard of residential accommodation and would have an identical layout as compared to other residential units within this flatted block.

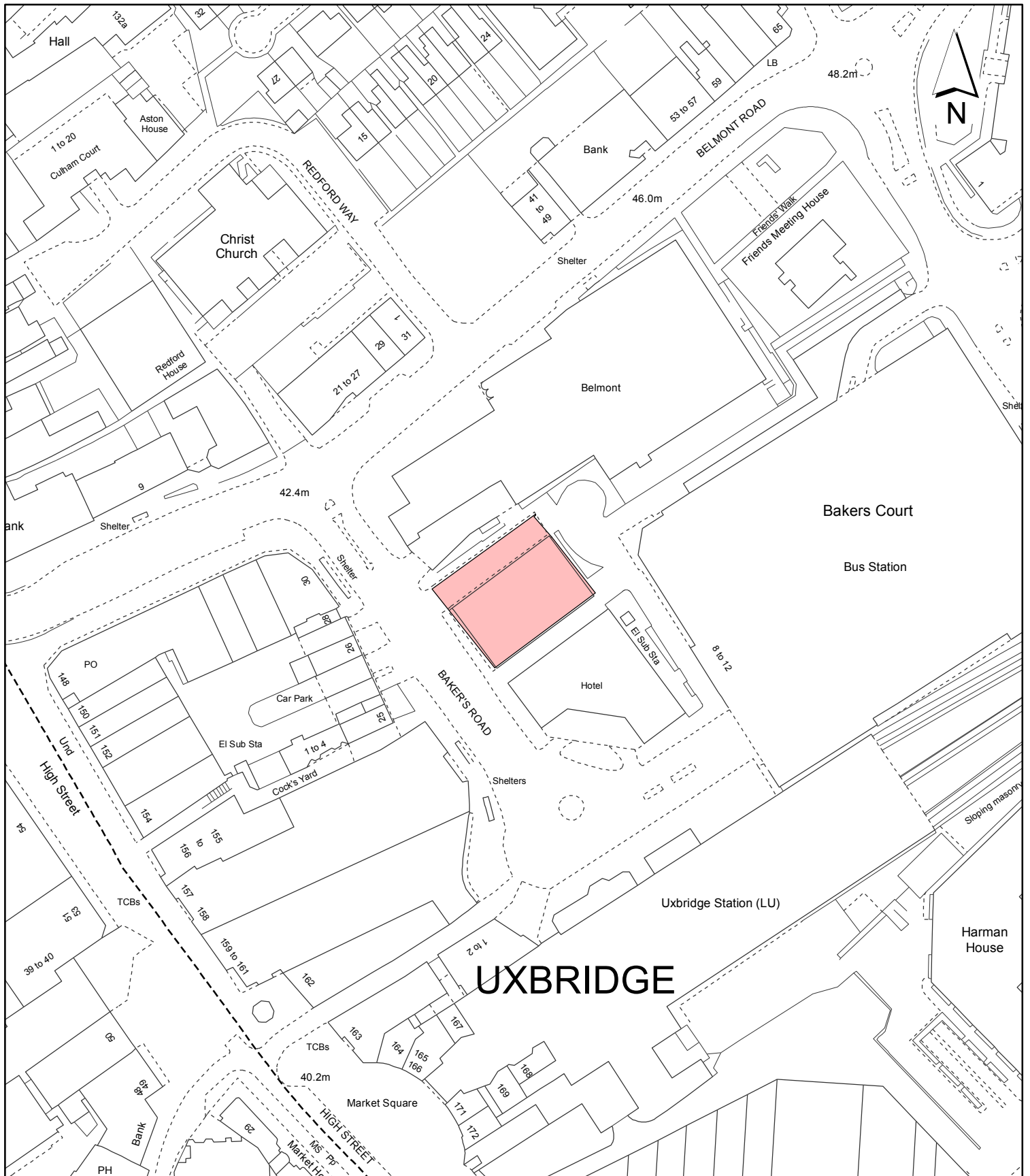
Subject to conditions and a Deed of Variation/S106 Agreement to ensure that the affordable units would be provided in perpetuity and that occupiers would be prevented from applying for parking permits, the scheme is considered acceptable.

11. Reference 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)
National Planning Policy Framework

Contact Officer: Richard Phillips

Telephone No: 01895 250230



UXBRIDGE

Notes:

 Site boundary

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Site Address:

**1 - 3 Baker's Road
 Uxbridge**

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

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

Planning Application Ref:
72219/APP/2019/3340

Scale:
1:1,250

Planning Committee:
Central & South

Date:
August 2020

