

## Report of the Head of Planning, Transportation and Regeneration

**Address** 163 HIGH STREET YIEWSLEY

**Development:** Addition of a storey to provide 5 flats with rooftop amenity space and associated works

**LBH Ref Nos:** 15348/APP/2021/615

**Drawing Nos:** 98-210 Rev. P02  
98-211 Rev. P02  
98-212 Rev. P02  
98-213 Rev. P02  
00-200 Rev. P02  
00-201 Rev. P02  
00-202 Rev. P02  
00-203 Rev. P02  
00-204 Rev. P02  
00-205 Rev. P02  
98-001 Rev. P01  
98-002 Rev. P01  
98-202 Rev. P02  
98-201 Rev. P02  
98-200 Rev. P02  
00-210 Rev. P02  
00-211 Rev. P02  
00-212 Rev. P02  
00-213 Rev. P02  
Design and Access Statement  
Planning Statement  
Transport Assessment Rev. B

**Date Plans Received:** 16/02/2021      **Date(s) of Amendment(s):**

**Date Application Valid:** 16/02/2021

### 1. SUMMARY

The application is seeking planning permission for the addition of a storey to provide 5 flats with rooftop amenity space and associated works. This application follows a previous application for a 2- storey addition to the property that was refused and subsequently dismissed at appeal.

This application is materially different to the previous proposal dismissed at appeal as it only seeks the addition of one further storey and the ground floor layout has also been amended so the car parking spaces can easily be used.

The proposal seeks to provide additional residential units on a brownfield site in a sustainable town centre location which weighs in favour of the development.

The proposed additional storey is considered an appropriate termination to the building subject to a condition that requires details of external finishes. The proposal would not harm the amenities of neighbouring properties and would not result in an adverse impact

on the local highway network.

For the reasons outlined within the report, this application is recommended for approval subject to planning conditions and a Section 106 legal agreement.

## **2. RECOMMENDATION**

**That delegated powers be given to the Deputy Director of Planning and Regeneration to grant planning permission, subject to the following:**

**A) That the Council enter into a legal agreement with the applicant under Section 106/Deed of Variation of the Town and Country Planning Act 1990 (as amended) to secure the following:**

- 1) Parking Permit exclusion clause for all future residents (other than blue badge holders); and**
- 2) 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.**

**B) That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement/Deed of Variation and any abortive work as a result of the agreement not being completed.**

**C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.**

**D) That if any of the heads of terms set out above have not been agreed and the Section 106 Agreement has not been finalised before within 6 months of the committee meeting, or any other period deemed appropriate that delegated authority be given to the Deputy Director of Planning and Regeneration to refuse the application for the following reason:**

**'The development has failed to secure obligations relating to a permit free development. The scheme therefore conflicts with Policies DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020); the adopted Planning Obligations Supplementary Planning Document (July 2014); Policies 8.2 of the London Plan (March 2016); Policy DF1 of the London Plan - Intend to Publish Version (December 2019); and paragraphs 54-57 of the National Planning Policy Framework (February 2019).'**

**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: 00-200 Rev. P02, 00-201 Rev. P02, 00-202 Rev. P02, 00-203 Rev. P02, 00-204 Rev. P02, 00-205 Rev. P02, 00-210 Rev. P02, 00-211 Rev. P02, 00-212 Rev. P02 and 00-213 Rev. P02 and shall thereafter be retained and 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 One (2012), Part Two (2020) and the London Plan (2021).

### **3 RES7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

### **4 RES9 Landscaping (car parking & refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
  
2. Details of Hard Landscaping/decking
  - 2.a Refuse Storage
  - 2.b Cycle Storage for 10 cycle spaces
  - 2.c Means of enclosure
  - 2.d Car Parking Layouts for 10 cars including details of electric vehicle charging provision for 2 spaces and passive provision for 8 spaces
  - 2.e External Lighting
  
3. Details of Landscape Maintenance
  - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
  
4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020).

#### **5 RES24 Secured by Design**

The dwelling site shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

#### **REASON**

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to ensure the development provides a safe and secure environment in accordance with policy DMHB 15 of the Local Plan Part 2 (2020) and Policies 7.1 and 7.3 of the London Plan (2016) .

#### **6 NONSC Refuse arrangements**

Notwithstanding the approved plans, prior to occupation, full detail of proposed refuse storage and a refuse management plan shall be submitted to and approved in writing by the local planning authority. This shall include details of refuse storage areas and arrangements for collection. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

#### **REASON**

To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part 2 (2020).

#### **7 NONSC Car Parking Management**

A parking management plan, including details of the allocation of vehicle parking spaces within the development and long term management responsibilities and maintenance schedules for all communal parking areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The parking management plan shall be carried out in accordance with the approved details thereafter.

#### **REASON**

To ensure that satisfactory off-street parking is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 (2020).

#### **8 NONSC M4(2) Dwelling**

The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

#### **REASON**

To ensure that an appropriate standard of housing stock, in accordance with London Plan policy 3.8 c, is achieved and maintained.

## 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 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.

DMCI 4	Open Spaces in New Development
DMCI 7	Planning Obligations and Community Infrastructure Levy
DMEI 10	Water Management, Efficiency and Quality
DMEI 12	Development of Land Affected by Contamination
DMEI 13	Importation of Material
DMEI 14	Air Quality
DMEI 2	Reducing Carbon Emissions
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMH 7	Provision of Affordable Housing
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
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 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking

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
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

**3**            I59                            **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

**4**            I15                            **Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

**5**            I47                            **Damage to Verge - For Council Roads:**

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

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

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

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.

## **6 170 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 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.

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

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at [planning@hillingdon.gov.uk](mailto: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](http://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**

163 High Street in Yiewsley comprises a three storey former office building which was converted to residential use.

The site is located on the junction of High Street and Trout Road opposite Gurnard Close. Adjacent to the site is a large Aldi store, to the north of the site is Cowley Retail Park and to the north west, Packet Boat Marina.

The application site is located within the Colne Valley Archaeological Priority Area, Yiewsley and West Drayton Town Centre and the West Drayton/Yiewsley Air Quality Management Focus Area.

#### **3.2 Proposed Scheme**

The proposal seeks to erect an additional storey to the existing roof of the building to create 5 residential units (4 x 2 bed and 1 x 1 bed) with rooftop amenity space, car parking,

cycle parking and associated works.

### 3.3 Relevant Planning History

15348/APP/2014/63 163 High Street Yiewsley

Change of use from office (Use Class B1a) to residential (C3) to provide 17 flats

**Decision:** 19-02-2014 PRN

15348/APP/2015/934 163 High Street Yiewsley

Erection of second and third floors above the existing building to provide 9 self contained units (6 x 2 bedroom and 2 x 3 bedroom flats and 1 x 2 bedroom duplex), including a roof garden, and the extension/over cladding of the lift and stair core areas

**Decision:** 03-09-2019 Refused **Appeal:** 18-02-2020 Dismissed

15348/APP/2015/934 163 High Street Yiewsley

Erection of second and third floors above the existing building to provide 9 self contained units (6 x 2 bedroom and 2 x 3 bedroom flats and 1 x 2 bedroom duplex), including a roof garden, and the extension/over cladding of the lift and stair core areas

**Decision:** 03-09-2019 Refused **Appeal:** 11-05-2018 Invalid Appeal

#### Comment on Relevant Planning History

The most relevant planning history is referenced above.

In 2014, under planning ref: 15348/APP/2014/63 Prior Approval consent was granted for the change of use from office (Use Class B1a) to residential (C3) to provide 17 flats, with 16 car parking spaces at ground floor level.

Planning ref: 15348/APP/2015/934 (11-05-18) was refused for the following reasons:

1. The proposed extension, by virtue of its size, scale, bulk, design and use of materials, would appear out of context, create a building higher than the neighbouring buildings and have an unsatisfactory and dominating relationship to them. The proposal would therefore represent an over development of the site to the detriment of the visual amenities of the street scene and the character and appearance of the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

2. The proposed development fails to provide sufficient car parking provision for the proposed development and would therefore result in an increase in on-street car parking in an area where such parking is at a premium thereby leading to conditions which would be detrimental to the free flow of traffic and to highway and pedestrian safety. Furthermore, where car parking is provided, it is inadequate and would pose a significant safety risk to future occupants. The proposal is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted



Supplementary Planning Document HDAS: Residential Layouts.

3. The applicant has failed to provide adequate refuse storage and a Refuse Management Plan in support of the application, and the proposal would thus result in visual clutter along Trout Road and conflict with pedestrian movement contrary to Policies AM7 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and Policies DMHB 12, DMT 2 and DMT 5 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

4. The proposed development, due to the layout of the cycle parking spaces, fails to provide adequate secure and usable cycle storage contrary to Policy DMT2 and DMT4 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

5. The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the development would result in an over-development of the site and would be detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policy DMHB 1 of the Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

The proposal was considered at Appeal under ref: APP/R5510/W/19/3239798. The Appeal was dismissed. In dismissing the Appeal, the Inspector noted:

"Although the Continental building is itself of substantial height and bulk, its storey levels are not equivalent of those of the appeal building, which incorporates an upper ground floor level. Furthermore, the Continental building is three storey, whereas the proposed development would be four storey. Whilst the relationship between the proposed development and the Continental building would be closer in terms of their heights and massing than other buildings in the locality, the appeal development would still appear visually dominant in relation to the height and massing of this neighbouring building. This relationship would therefore also contribute to the significant harm to character and appearance that would arise.

In terms of the materials proposed to be used and the general design of the building, this would in my view be appropriate. However, this does not alter the fundamental concerns that I have raised with respect to the height and massing of the proposed development."

The key difference between the previous application dismissed at appeal and this application is that this application only proposes an additional storey to provide 5 units whereas the previous application provided 2-storeys to provide 9 units. The layout of the undercroft car parking has been reconfigured.

#### **4. Planning Policies and Standards**

Development Plan

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)  
The West London Waste Plan (2015)  
The London Plan (2021)

Material Considerations

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

### **UDP / LDF 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

Part 2 Policies:

DMCI 4 Open Spaces in New Development

DMCI 7 Planning Obligations and Community Infrastructure Levy

DMEI 10 Water Management, Efficiency and Quality

DMEI 12 Development of Land Affected by Contamination

DMEI 13 Importation of Material

DMEI 14 Air Quality

DMEI 2 Reducing Carbon Emissions

DMH 2 Housing Mix

DMH 4 Residential Conversions and Redevelopment

DMH 7 Provision of Affordable Housing

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

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 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP GG2	(2021) Making the best use of land
LPP GG4	(2021) Delivering the homes Londoners needs
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
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
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

The application was consulted on between 19-02-21 and 12-03-21. No comments or objections were received.

### **Internal Consultees**

Highways Officer

The existing site contains 17 residential apartments across two floors, with undercroft parking for 15 car parking spaces accessed from Trout Road.

The proposal is for an additional five apartments consisting of 1 x 1-bedroom apartment and 4 x 2-bedrooms apartments, all car free but in line with the new London Plan with associated secure cycle spaces and 2 short term cycle spaces.

The Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 6: Vehicle parking requires that development proposals must comply with the relevant parking standards. For a development of flats the maximum number of parking spaces permitted for 1-2 bed flats range between 1no.space per dwelling and 1.5no. spaces, allowing a maximum of between 5no. and 7no. car parking spaces.

In the Transport Statement (TS) the approach to parking is based on their findings that the

undercroft car parking is underutilised and that the new residential apartments would be able to utilise the undercroft parking, and therefore future residents would not overspill onto the controlled on-street parking. This is further supported by reference to the census data and a reference to an appeal inspector without any details provided about what and when this appeal is being referenced and its relevance to the proposal.

The HA is assessing the proposed development in the context of the current Policy DMT6, the existing car parking provision, etc. is commensurate to the requirements and conditions at the time of the existing developments approval and is not a relevant consideration in respect of the current submission. Any changes to the car and cycle parking provision and layout will require the applicant to seek planning advice separately.

To clarify the proposed development of 5 additional flats is not proposing any on-site dedicated car parking provision in a location of PTAL 3, contrary with Policy DMT6.

However, and contrary to the TS which states that the site's PTAL rating of 3 is good, it is actually considered moderate but nevertheless, given the site lies within a zone of streets controlled by a resident parking management scheme Y1 (no parking Monday to Saturday between 9AM and 6PM), a car free development would be acceptable in this location and therefore subject to an s106 legal agreement prohibiting residents of the 5 flats development from requesting parking permits, there would be no objection.

Whilst the applicant has shown secure cycle parking as part of the revised layout which has not been formally approved, the following condition will be required that before the occupation of the proposed development, details of cycle parking/storage for the 5 flats development shall be submitted to and approved in writing by the Local Planning Authority.

#### RECOMMENDATION:

No objection, subject to a s106 car free agreement prohibiting residents of the 5 flat development from requesting parking permits and details of cycle parking/storage for the 5 flat development in accordance with policy DMT 6 shall be submitted to and approved in writing by the Local Planning Authority.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Paragraph 118 of the NPPF (2019) expects planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. It promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified need.

Policy H1 of the London Plan (2021) expects Hillingdon to deliver a minimum of 10,830 over a ten year period. It recognises there is a pressing need for more homes across London and in particular on brownfield sites.

Policy H1 of the Local Plan: Part One (2012) requires the Council to exceed or meet its minimum strategic dwelling requirements, where this can be achieved, in compliance with other Local Plan policies.

The surrounding area comprises a mix of commercial and residential uses. Given that the existing building has been converted to a residential use, the principle of residential units on this site has therefore been established. The principle of residential accommodation in this location is considered acceptable subject to all other material considerations being accepted.

## **7.02 Density of the proposed development**

Policies D1 to D4 of the London Plan (2021) place greater emphasis on a design-led approach to ensure development makes the best use of land, with consideration given to site context, public transport, walking and cycling accessibility and the capacity of surrounding infrastructure.

Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states Hillingdon will apply the density standards in a flexible manner, according to local circumstances. It recognises that areas such as Uxbridge town centre are more suited to higher density development, which in some cases may exceed London Plan Standards.

Numerical density standards have recently been removed from the adopted London Plan 2021 to avoid the quantitative standards being applied mechanistically. To this end, the application site comprises a town centre brownfield site where a suitable design led approach should deliver the best use of the site subject to accordance with all other planning policies. The current proposals is considered to be providing a suitable design led approach to delivering the best use of this site.

## **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**

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.

There are a variety of different scales of development within the locality of the site, the majority of properties are generally up to 3.5 storeys.

Under planning ref: 15348/APP/2015/934, planning permission was refused and dismissed

at appeal for the erection of second and third floors above the existing building to provide 9 self contained units (6 x 2 bedroom and 2 x 3 bedroom flats and 1 x 2 bedroom duplex), including a roof garden, and the extension/over cladding of the lift and stair core areas. The proposal was refused for 5 reasons including on design grounds whereby the scale, bulk and height of the proposal would result in an unsatisfactory and dominating relationship when considered in the context of the neighbouring properties.

The Appeal Inspector considered that the proposed addition of two extra storeys would substantially add to both the height and massing of the building and would increase these to a degree where it would appear at odds with the surrounding development and cause significant harm to the character and appearance of the area.

In particular, the proposed building would be visually dominant and out of character when viewed from along High Street looking towards the junction, where it would be seen across the adjacent supermarket car park and against the predominantly 2-storey buildings which form that view.

There are material differences between the previously refused planning application and the current proposal, namely that only an additional storey is proposed. As a result of a modest increase to the size, scale and massing of the building, the proposed addition is considered to be an appropriate termination to the existing building.

In terms of external finishes, the proposal is for aluminium cladding with aluminium framed windows and doors. The contemporary cladding proposed is similar to the previous refused scheme which the Inspector had not raised concerns with. Officers consider that a given it is currently a red bricked building, a zinc finish is more appropriate and so notwithstanding the plans submitted, should the application be considered acceptable, details of the proposed finish, material and colour would be required by condition.

It is noted that a roof terrace garden is proposed, this is set back slightly from the main elevation and it includes planting. To ensure appropriate boundary treatment and to mitigate against its visual impact and to ensure it is an attractive and usable space for future residents, details of the proposed roof terrace, railings, planting, decking and maintenance would be required by condition.

#### **7.08 Impact on neighbours**

Policy BE1 of the Local Plan: Part One (2012) requires developments to be appropriately designed so that they 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.

To the north west of the application site are the residential properties located on Trout Road and Gurnard Close. There is a distance of approximately 21 metres between these properties and the application site. Given the distance and relationship between the development and application site, the proposal is not considered to appear unduly overbearing or visually obtrusive to these occupants, nor to give rise to an unacceptable loss of light or privacy.

The site is bounded to the north, east and south by commercial properties and the highway, given such the scheme is not considered to have a detrimental impact on these occupants.

## **7.09 Living conditions for future occupiers**

Table 3.1 of the London Plan (2021) sets out minimum internal space standards for new dwellings. The proposal would meet the minimum space standards set out in Table 3.1 of the London Plan (2021).

### PRIVATE 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 120 sq.m of private amenity space. The proposal would provide 117 sq.m of rooftop level amenity space and 4 balconies. The quantum of amenity space proposed is considered acceptable.

## **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

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.

The existing site contains 17 residential apartments across two floors, with undercroft parking for 15 car parking spaces accessed from Trout Road.

The proposal is for an additional five apartments consisting of 1 x 1-bedroom apartment and 4 x 2-bedrooms apartments. The proposal would provide secure cycle spaces and 2 short stay cycle spaces. In terms of car parking, the proposal seeks to reconfigure the under utilised car parking spaces to 10 car parking spaces. The spaces would be available to residents on a first come first served basis. The existing vehicular entrance would be utilised and new automatic roller shutters are proposed with a manual over ride. Refuse and recycling and cycle parking would be taken from the same entrance.

Within the Appeal decision, the Inspector noted that "I am satisfied that adequate provision could be made for refuse storage and cycle parking. I am not however persuaded that, without a restriction on the tenure of the dwellings, adequate arrangements to address the parking needs of the proposed development would be in place. Furthermore, as the amended plan has not been subject to consultation with the Highway Authority, I also do not have sufficient information to demonstrate what parking provision could be achieved."

To overcome the issue, the Applicant proposes a car parking management system so car parking spaces are allocated on a first come, first served basis. The site lies within a zone of streets controlled by a resident parking management scheme Y1 (no parking Monday to Saturday between 9am and 6pm). The highways officer therefore considers that a permit free parking should be secured by a clause within the s106 legal agreement prohibiting residents of the 5 flats development from requesting parking permits.

Whilst the applicant has shown secure cycle parking as part of the revised layout, a

condition is required that seeks details of cycle parking/storage. Details of refuse management is also sought by condition to ensure the communal bins are appropriately returned to the allocated store and not left on the street.

Subject to the inclusion of the condition and clause within the Section 106 legal agreement, there are no highways objections to the proposal.

#### **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. A secured by design condition has been recommended.

#### **7.12 Disabled access**

Policy D7 of the London Plan (2021) seeks to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'

2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'

The proposal would introduce a lift to the building, which would benefit both occupiers of the proposed units and those of the prior approval units. A condition is secured requiring the applicant to provide the units in compliance with M4(2) standards.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this application.

#### **7.14 Trees, landscaping and Ecology**

No trees will be affected by the proposed development. Given the site constraints, there is limited opportunity for landscaping on this site, given the shortage of external space. Where a rooftop amenity space is proposed, details of its finishes are required by condition as discussed in Section 07.7 of the report.

#### **7.15 Sustainable waste management**

The plans indicate that refuse storage facilities will be provided within the car parking area at ground floor level. The issues relating to siting and collection are discussed in the "Traffic impact, Car/cycle parking, pedestrian safety" section of the report.

#### **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**

Not applicable to this application.

#### **7.19 Comments on Public Consultations**

No comments received.



## **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.

Policy DF1 of the London Plan (2021) requires development proposals to provide the infrastructure and meet relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan.

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 planning obligations to mitigate the impact of the development:

- 1) Parking Permit exclusion clause for all future residents (other than blue badge holders in the Hayes HY2 Zone); and
- 2) 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.

## **7.21 Expediency of enforcement action**

Not applicable to this application.

## **7.22 Other Issues**

None.

## **8. Observations of the Borough Solicitor**

General

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

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

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

#### Planning Conditions

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

#### Planning Obligations

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

#### Equalities and Human Rights

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

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

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

### **9. Observations of the Director of Finance**

Not applicable to this application.

### **10. CONCLUSION**

The application is seeking planning permission for the addition of a storey to provide 5 flats with rooftop amenity space and associated works. This application follows a previous application for a 2- storey addition to the property that was refused and subsequently dismissed at appeal. The proposal seeks to provide additional residential units on a brownfield site in a sustainable town centre location which weighs in favour of the

development.

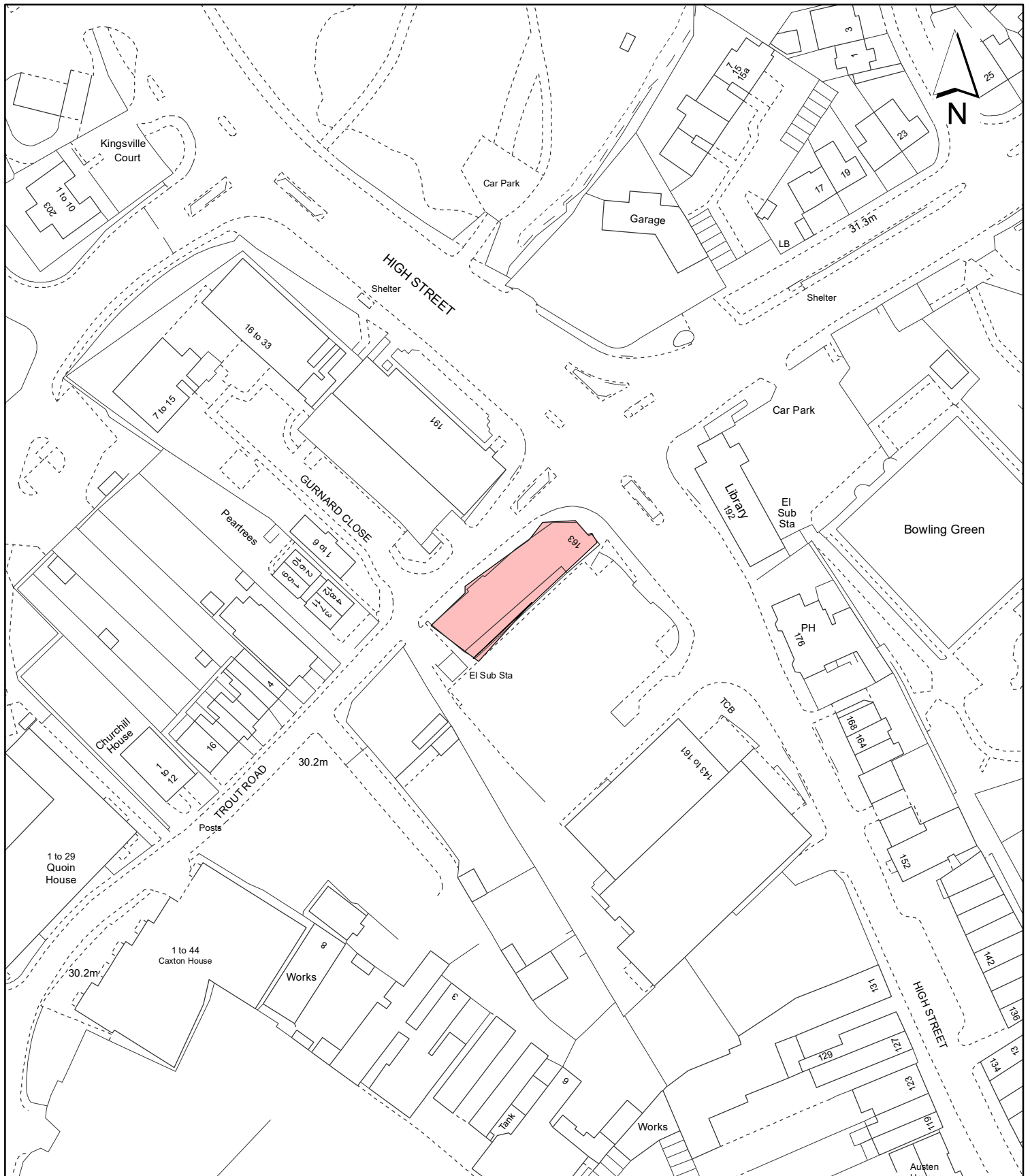
The proposed additional storey is considered an appropriate termination to the building subject to a condition that requires details of external finishes. The proposal would not harm the amenities of neighbouring properties and would not result in an adverse impact on the local highway network. For the reasons outlined within the report, this application is recommended for approval subject to planning conditions and a Section 106 legal agreement.

## **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)  
Hillingdon Local Plan: Policies Map (2020)  
London Plan (2021)  
National Planning Policy Framework (2019)

**Contact Officer:** Zenab Haji-Ismael

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).  
 Unless the Act provides a relevant exception to copyright.  
 © Crown copyright and database rights 2020 Ordnance Survey 100019283

Site Address:

**163 High Street**

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

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

Planning Application Ref:  
**15348/APP/2021/615**

Scale:  
**1:1,250**

Planning Committee:  
**Central & South**

Date:  
**May 2021**

