

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/2021/1535
Drawing Nos:	<p>Environmental Noise Assessment, Rev. 0, dated 21/6/19 Letter from S106 Affordable Housing (Hampshire) Ltd dated 3/9/21 Letter from Reflect Construction dated 6/9/21 Development Viability Report for Residential Development, dated 6th April 2021 1612.2/A001 (Existing Block / Site Plan) 1612.2/000 (Location Plan) 1612.2/A002 (Existing First Floor Plan) 1612.2/A003 (Existing Front / South-West Elevation) 1612.2/A005 (Existing Side / South-East Elevation) 1612.3/A001 (Proposed Block / Site Plan) 1612.3/A002 (Proposed First Floor Plan) 1612.3/A003 (Proposed Front / South-West Elevation) 1612.3/A004 (Proposed Side / North-West Elevation) 1612.3/A005 (Proposed Side / South-East Elevation) 1612.3/A006 (Proposed Section AA) Design and Access Statement 1612.2/A004 (Existing Side / North-West Elevation) 1612.2/A006 (Existing Section AA) Heat Recovery Ventilation Unit Manufacturer's Specification Sheets Nitrogen Dioxide Filter Unit Manufacturer's Specification Sheets Air Quality Statement Air Quality Assessment Report, July 2011</p>

Date Plans Recieved: 19/04/2021 **Date(s) of Amendment(s):**

Date Application Valid: 19/04/2021

1. SUMMARY

This application is a resubmission of a previous application (ref. 72219/APP/2019/3340) for the change of use of the front part of the first floor of this 9 storey, predominantly residential building 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). This earlier application was presented to the Central and South Planning Committee on 05/8/20, where the officer's recommendation for approval was agreed by Members. However, the applicant did not progress the S106 Agreement and the permission was not issued.

The only differences between this earlier scheme and the current one is that the size of the 1-bed unit has decreased from 64.5sqm to 59.5sqm, and the tenure of the two proposed homes would be market housing (with payment in lieu of affordable housing) rather than affordable units.

The original scheme for the re-development of 1 - 3 Bakers Road (ref.

8218/APP/2011/1853) provided 37 residential flats, together with the residents' gymnasium, above ground floor retail units. The residential element was car free.

There is no objection to the loss of the gymnasium, as being a resident-only facility, it does not involve the loss of a general community use and there are a number of alternative commercial gymnasiums in the town centre. The physical conversion works would not have any impact on the external appearance of the building and the two new units would provide suitable living accommodation and would also be car free.

A s106 legal agreement is required to secure an in lieu contribution towards affordable housing, together with a restriction on occupiers being able to apply for resident 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 Deputy Director of Planning and Regeneration to GRANT planning permission subject to:

A) Further information is sought with respect to consultation with the existing residents of the dwellings on site, implemented through the original planning permission (ref. 8218/APP/2011/1853). Subject to no new material matters being raised that are not already addressed within the committee report, the permission shall be granted subject to the following matters B, C, D, E and F.

B). 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. Affordable Housing - in lieu contribution of £43,385**
- 2. Parking Permit exclusion clause for all future residents**

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

D) If the Legal Agreements have not been finalised by 24th December 2021 (or such other timeframe as may be agreed by the Deputy Director of Planning and Regeneration), delegated authority be given to the Deputy Director of Planning 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 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).'

E) That subject to the above, the application be deferred for determination by the Deputy Director of Planning and Regeneration under delegated powers.

F) 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 (Proposed Block / Site Plan)
1612.3/A002 (Proposed First Floor Plan)
1612.3/A003 (Proposed Front / South-West Elevation)
1612.3/A004 (Proposed Side / North-West Elevation)
1612.3/A005 (Proposed Side / South-East Elevation)
1612.3/A006 (Proposed Section AA)

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 1 (2012), Part 2 (2020) and the London Plan (2021).

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 D14 and SI 1 of the London Plan (2021) and Policy DME1 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

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, which must demonstrate compliance with the GLA Control of Dust and Emissions from

Construction and Demolition SPG (or any successor document);
(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 and local air quality in accordance with Policy DMEI 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2010) and Policy SI 1 of the London Plan (January 2021) and in accordance with Mayor of London "The Non-road mobile machinery (standard condition recommended by Mayor of London, London Local Air Quality Management Policy Guidance 2019)".

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 future occupants of the development in accordance with Policy D14 of the London Plan (January 2021).

6 NONSC Mechanical Ventilation using NOx/NO2

No development shall commence until a scheme detailing mechanical ventilation to be installed at the premises with the systems / filters required to extract NOx/NO2 from outdoor ambient air and secure indoor NO2 levels below 40ug/m3 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out before the use/operation commences and be thereafter maintained.

Reason

As the application site is within an Air Quality Management 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 London Borough of Hillingdon Local Plan (part 2), the London Borough of Hillingdon Air Quality Action Plan 2019-2023, London Plan (2021) policy SI1 and T4, and paragraphs 174 and 186 of the National Planning Policy Framework (2021).

7 NONSC NRMM Condition

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reason

In order to safeguard local air quality in accordance with Policy SI 1 of the London Plan (January 2021) and London's Low Emission Zone for non-road mobile machinery as per the requirements of the London Environment Strategy.

INFORMATIVES

1 152 **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).

2 153 **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 (2021) and national guidance.

NPPF2	NPPF 2021 - Achieving sustainable development
NPPF5	NPPF 2021 - Delivering a sufficient supply of homes
NPPF7	NPPF 2021 - Ensuring the vitality of town centres
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
LPP D7	(2021) Accessible housing
LPP D14	(2021) Noise
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP S11	(2021) Improving air quality
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6	(2021) Car parking
DMH 7	Provision of Affordable Housing
DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMEI 14	Air Quality
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMTC 1	Town Centre Development

3 159 **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2021). 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.

4 170 **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.

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@hillingsdon.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 and comprises a 9 storey property which is predominantly residential, with 3 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 and is located in close proximity to the Uxbridge bus depot and the Uxbridge Underground Station, which is Grade II listed. A range of retail, commercial and office activities, commensurate with the site's town centre location, are to be found in the surrounding area.

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

The application site is designated as being within Uxbridge town centre and it sits between the northern and southern parts of the Old Uxbridge and Windsor Street Conservation Area. The site also forms part of the Uxbridge Archaeological Priority Area and the Uxbridge Air Quality Focus Area within Hillingdon's Air Quality Management Area. The site has an extremely high PTAL score of 6, reflecting its proximity to Uxbridge's main transport nodes.

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 provide 1 x 2-bed and 1 x 1-bed self contained flats (Use Class C3), adding to the three flats provided on this floor level at the rear.

The proposed units would be served by Mechanical Ventilation Heat Recovery (MVHR) and NO2 filter units which would be sited internally within a store cupboard in each unit, with intake and extract flues accessing the side elevations of the building between the first and second floors.

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/2019/3340 1-3 Bakers Road Uxbridge

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

Decision: 05-08-2020 Approved

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

Comment on Relevant Planning History

The relevant planning history is listed above.

A similar proposal (72219/APP/2019/3340 refers) which only differed from the current

proposal in that the two flats were proposed to be affordable and the one bedroom unit was marginally larger, with an internal floor area of 64.5sqm, was presented to the Central and South Planning Committee on 5/8/20 where the officer's recommendation for approval was agreed by Members. However, the S106 Agreement was not completed due to the applicant having concerns of not being able to secure future funding against the 2 units if they were legally bound to be affordable. Therefore this application was not progressed and the planning permission was not issued. This resubmitted application proposes the two homes to be market housing. A payment in lieu of affordable housing would be secured by a legal agreement.

An application for pre-application advice was previously 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 also 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.

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) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

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:

NPPF2 NPPF 2021 - Achieving sustainable development
NPPF5 NPPF 2021 - Delivering a sufficient supply of homes

NPPF7	NPPF 2021 - Ensuring the vitality of town centres
NPPF8	NPPF 2021 - Promoting healthy and safe communities
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF11	NPPF 2021 - Making effective use of land
LPP D7	(2021) Accessible housing
LPP D14	(2021) Noise
LPP H4	(2021) Delivering affordable housing
LPP H5	(2021) Threshold approach to applications
LPP S11	(2021) Improving air quality
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6	(2021) Car parking
DMH 7	Provision of Affordable Housing
DMHB 11	Design of New Development
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMEI 14	Air Quality
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMTC 1	Town Centre Development

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- Not applicable
- 5.2 Site Notice Expiry Date:- **27th May 2021**

6. Consultations

External Consultees

11 neighbouring properties were consulted by letter dated 6/5/21, the application was advertised in the local press on 6/5/21 and a site notice was displayed to the front of the site on 13/5/21. The public consultation period expired on 3/6/21 and no responses have been received.

Internal Consultees

Policy Officer:

This was a resident-only gymnasium so does not represent the loss of a general community use under DMCI 1. It is also unclear whether the gymnasium was ever open to residents. The provision of additional affordable housing in the town centre is supported and should be secured by legal agreement.

Planning Officer Comment:

The proposal is for 2 units of market housing.

Highway Engineer:

There are no highway objections to this proposal.

Air Quality Officer:

The proposed development is located within the LBH Air Quality Management Area (AQMA) and the LBH Uxbridge Focus Area. As per the new London Plan, developments need to be neutral as

minimum. 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. Furthermore, policy DMEI 14 of the London Borough of Hillingdon Local Plan (part 2), requires active contribution towards the continued improvement of air quality, especially within the Air Quality Management Area. Finally, the London Plan (March 2021) requires development to be air quality positive especially within focus areas, actively contributing to reduce pollutant emissions to the atmosphere.

It is noted that the application site is on a first-floor premise facing a bus depot / bus stop with frequent bus idling occurrences which were not taken into account by the modelling exercise undertaken in the air quality report submitted to support the planning application. Therefore, there is the risk of outdoor polluted air ingress into the proposed application site. It is also noted that extract vents for the MVHR units are to be located on the side elevations of the property in order to avoid hazardous levels of pollution being drawn into the system from idling buses, cars, etc. and additional F7 (NO₂) filters on the air intake to the unit are to be implemented and maintained throughout the lifetime of the operation of the site, servicing the first floor of the application site. The specification of the NO₂ removal system provided by the applicant is accepted by LBH.

Two Air Quality conditions are required to manage suitable mechanical ventilation filtration, and construction emissions as required by the Mayor of London.

Planning Officer comments:

The recommended conditions form part of the officer's recommendation.

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.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

This scheme would not result in the loss of an existing community use, as the 'residents' gymnasium' has never been fitted out as a gymnasium or exercise space and being for the use of the buildings residents only (which was conditioned as part of the original approval), it was never intended to be used by the wider community. As such, the scheme would not be contrary to Policy DMCI 1 of the Hillingdon Local Plan - Development Management Policies (2020) which seeks to safeguard community facilities.

Furthermore, there are a number of easily accessible gymnasiums within Uxbridge town centre, including a small fitness and personal training centre on Bakers Road, directly opposite the application site and a yoga studio on the ground floor of this block, so that alternative options for gymnasium / exercise / well-being space are available locally, if residents so require.

There is also no objection in principle to the provision of two additional residential units within this mainly residential building, subject to compliance with other development management criteria discussed elsewhere in this report.

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

The proposed change of use does not raise any implications for surrounding heritage assets.

7.04 Airport safeguarding

No airport safeguarding issues are raised by this application.

7.05 Impact on the green belt

No green belt issues are raised by this application.

7.07 Impact on the character & appearance of the area

The proposal does not introduce any material external alterations. The only external alteration being the siting of two small vents between the first and second floor level on each side elevation of the building which would serve the MVHR and NO2 filter units which would be internal to the units. These small external vents are considered to be 'de minimus'.

7.08 Impact on neighbours

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

7.09 Living conditions for future occupiers

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that 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 one bedroom (2 person) flat is required to provide a minimum internal floor area of 50sqm and for a two bedroom (4 person) flat, an area of 70sqm is required. With 59.9sqm and 73.2sqm being provided for the one and two bedroom units respectively, the proposal exceeds these standards.

Furthermore the units have an identical layout to the existing units above to ensure that there is vertical stacking of rooms, the habitable rooms would enjoy a satisfactory outlook and bedrooms are of a suitable size in accordance with the requirements of Policy D7 of the London Plan (2021).

The proposed units, as with the residential flats on the 5 floors above which front Bakers Road, would also have large winter garden type balconies along the frontage that also 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 with the provision of the MVHR and NO2 filter units and new sound proofing between the commercial ground floor premises and the new units, the future occupants of the properties would enjoy a satisfactory living environment in this town centre location, adjacent to the bus and underground stations.

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, with a PTAL score of 6, the proposal is not considered to give rise to any parking or traffic concerns. This is confirmed by the Highways Officer. On the similar previous application (72219/APP/2019/3340), the Highway Engineer did advise that given 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 operations which could be secured by a suitably worded condition. A condition requiring the submission of a Construction Management Plan forms part of the officer's recommendation.

A S106 Agreement 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, no objections to the proposal are raised on highway grounds.

7.11 Urban design, access and security

Relevant issues raised by this proposal have been addressed within other relevant sections of this report.

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 that does not exceed the 10 unit threshold for seeking affordable housing, Policy DMH 7 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) does state in Section D) 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 application should be viewed as an extension to the original re-development scheme providing 37 dwellings on site and on this basis the affordable housing requirement is triggered. A Financial Viability Appraisal (FVA) has been submitted with the application that seeks to demonstrate that the scheme does not generate sufficient funds in order to contribute towards affordable housing whilst remaining financially viable. The FVA has been reviewed by a third party consultant and they advise that the scheme can provide an in lieu contribution of £43,385 towards affordable housing.

The applicant has provided a rebuttal letter, which argues that sufficient developer's profit has not been allowed for in the consultant's review which is required in order to incentivise the development being implemented and construction costs are currently inflated, in part due to backlog of construction work resulting from the pandemic. This rebuttal statement has also been reviewed by the third party consultant who states that these matters were adequately taken into account in their FVA review. The applicant, although not being in total agreement with the FVA consultant's findings, has agreed to the £43,385 contribution towards affordable housing.

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

Noise Issues

Commenting upon the acoustic report submitted with the previous application (72219/APP/2019/3340) which has also been submitted to support this application, the Council's EPU Noise Officer advised that :-

'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.'

As per the previous application, in addition to a condition requiring the development to comply with the supporting documentation, a noise level condition is also recommended to ensure that the appropriate noise level would be achieved.

Air Quality Issues

The Council's Air Quality Officer has reviewed the application and advises that the proposed development is located within the LBH Air Quality Management Area (AQMA) and the LBH Uxbridge Focus Area and is on the first-floor facing a bus depot / bus stop with frequent bus idling occurrences which were not taken into account by the modelling exercise undertaken in the air quality report submitted to support the planning application. The officer further advises that the mitigation proposed, namely that the intake / extraction vents of the Mechanical Ventilation Heat Recovery units are to be located on the side elevations of the property which would avoid hazardous levels of pollution being drawn into the units from idling buses, cars, etc. and additional F7 (NO₂) filters on the air intake to the units are to be implemented and maintained throughout the lifetime of the operation

of the site and that the specification of the NO2 removal system provided by the applicant is accepted by LBH.

On this basis, the officer does not raise any objection to the scheme, subject to conditions requiring a Construction Management Plan that deals with air quality issues during the construction phase, details of the ventilation scheme and NRMM compliance. These form part of the officer's recommendation.

7.19 Comments on Public Consultations

No comments have been received in response to the public consultation undertaken on this application.

7.20 Planning obligations

The original permission for the re-development of this site to provide 37 residential units above ground floor retail units was subject to a S106 agreement, requiring an in lieu affordable housing contribution and a parking permit restriction. This application requires a further in lieu affordable housing contribution of £43,385, together with the parking permit restriction, preventing occupiers of the proposed units (except those with accessibility needs) applying for parking permits.

7.21 Expediency of enforcement action

No enforcement issues are raised by this application.

7.22 Other Issues

No other issues are raised by this application.

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

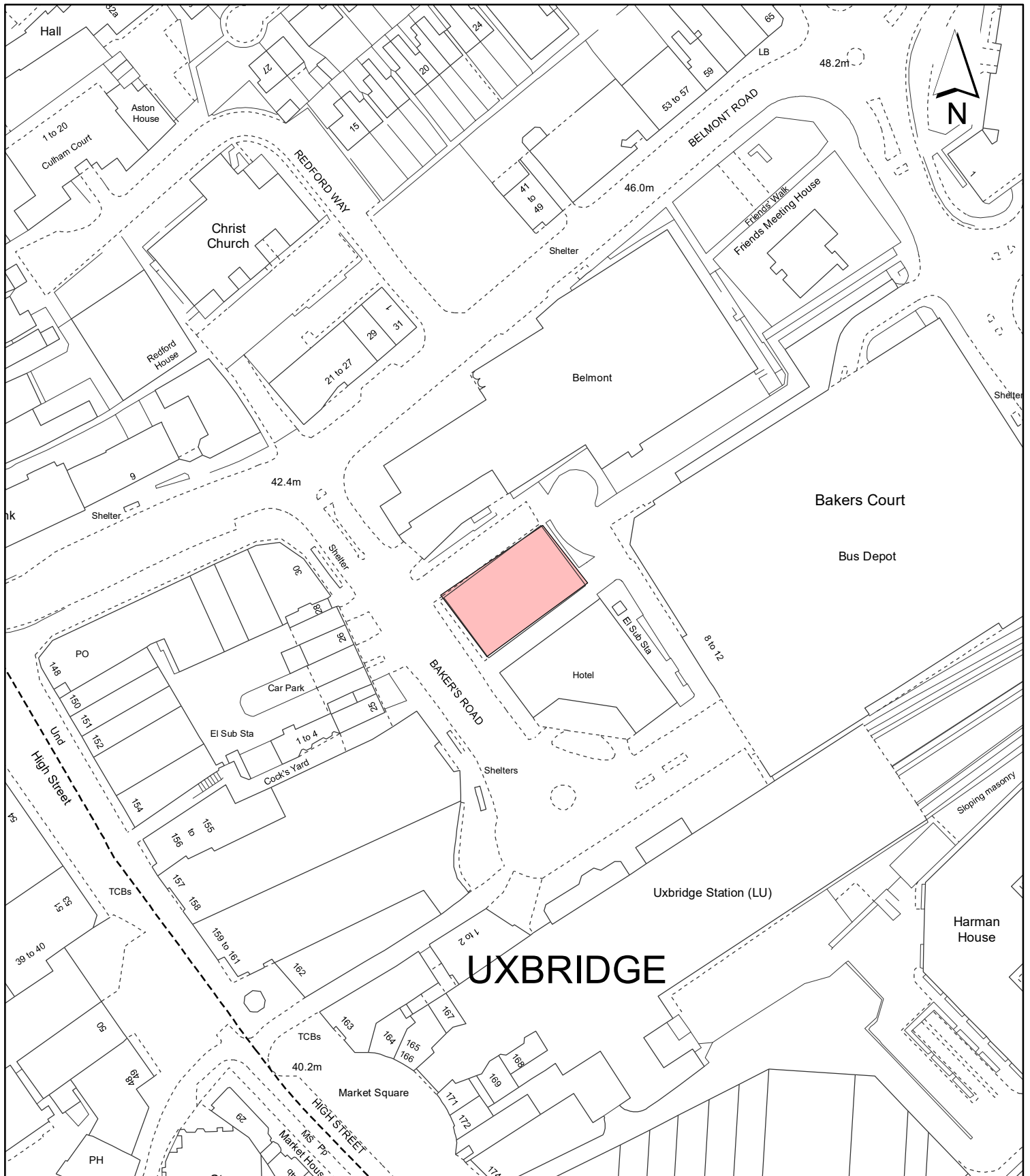
Subject to conditions and a S106 Agreement to ensure that an in lieu contribution is provided towards affordable housing and that occupiers would be prevented from applying for parking permits, the scheme is considered acceptable.

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 (2021)
National Planning Policy Framework

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Notes:

 Site boundary

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Planning Application Ref:
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Borough

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