

**Item No. Report of the Interim Director of Planning, Regeneration & Public Realm****Address** BRANDON LIFT & TOOL HIRE LAND OFF HAYES END ROAD HAYES  
END ROAD HAYES**Development:** Retrospective application for the proposed use of Storing/Displaying/Selling of Cars/Light Goods Vehicles within land off of Unit 1 and Unit 2, Hayes End Road, Hayes**LBH Ref Nos:** 74089/APP/2022/1960**Drawing Nos:** Unit 2, Hayes End Road, Hayes, Hillingdon, UB4 8EH SITE PLAN Rev 2  
Unit 2, Hayes End Road, Hayes, Hillingdon, UB4 8EH LOCATION PLAN**Date Plans Recieved:** 20/06/2022 **Date(s) of Amendment(s):** 20/06/2022**Date Application Valid:** 05/07/2022**1. SUMMARY**

This planning application has been submitted in response to a planning enforcement investigation, and seeks retrospective planning permission to use the land outside of Units 1 and 2 Hayes End Road for the storage, display and sale of cars and light goods vehicles.

Representations received from local residents and evidence provided by the Borough's Parking Service Manager (detailed in section 6 of this report) suggest that the development has resulted in an adverse impact on the local highways network and neighbouring amenities.

During the course of the application (and in attempt to clarify whether sufficient parking provision could potentially be provided at the development site) additional information was sought regarding the site's existing use(s), function(s), parking arrangement, and parking provisions. No clear or robust information was forthcoming.

It is concluded that the applicant has failed to satisfactorily demonstrate that sufficient parking spaces exist (or could be provided) within the development site to accommodate vehicles associated with the development and the site's other use (as a storage facility). The use for which retrospective planning permission is sought has resulted in parking stress and associated congestion to the detriment of pedestrian and highway safety, as well as the amenities of local residents. It is considered that these issues cannot be satisfactorily addressed through the imposition of planning conditions (or other mitigation measures which could potentially be secured). Consequently, the proposal conflicts with the Development Plan and is recommended for refusal.

**2. RECOMMENDATION****REFUSAL for the following reasons:****1 NON2 Non Standard reason for refusal**

The applicant has failed to demonstrate that sufficient parking spaces exist (or can be provided) within the development site to satisfactorily accommodate vehicles associated with the development and the site's other use (as a storage facility). The use for which retrospective planning permission is sought has resulted in parking stress and associated congestion to the detriment of pedestrian and highway safety, as well as the amenities of local residents and these issues cannot be satisfactorily resolved through the use of

planning conditions. The development is therefore contrary to Policies DMT 1, DMT 2, DMT 4 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy T4 and T6 of the London Plan (2021) and paragraphs 111 and 130 of the National Planning Policy Framework (2021).

## **INFORMATIVES**

### **1 I52 Compulsory Informative (1)**

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

### **2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DME 2	Employment Uses Outside of Designated Sites
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 3	Road Safeguarding
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMHB 3	Locally Listed Buildings
DMEI 4	Development on the Green Belt or Metropolitan Open Land
LPP D1	(2021) London's form, character and capacity for growth
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6	(2021) Car parking
LPP G2	(2021) London's Green Belt
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The development site is located on the west side of Hayes End Road.

The site comprises a two storey warehouse style building which is connected to a single storey garage. Both of the buildings are low rise and have been finished in yellow brick. They are set back from Hayes End Road and are surrounded by hard surfacing. The site

has 2 no. vehicular accesses and the accesses are connected by a narrow through road within the site.

It is the Council's understanding that Unit 1 is currently being used for storage. Unit 2 is also being used for storage, with the exception of a reception area, which is being used as an office to facilitate car/LGV sales.

The area surrounding the site is mixed use. To the north west of the site is a 4 storey apartment building called 'Murray Grey House' and to the north east, a 3 storey apartment building called 'Charolais House'. To the east is a 3 storey apartment block called 'Thurbin House'. To the south of the site is a 2 storey car garage providing washing, valeting and other services. To the west of the site there are commercial units.

The development site is located within an Air Quality Focus Area and has a PTAL rating of 2. To the east of the site (across the road) is Laburnum Villa, a locally listed building and its associated boundary wall. To the north east of the site (across the road) is the Green Belt.

### 3.2 Proposed Scheme

The application seeks retrospective planning permission to use the land around Unit 1 and Unit 2, Hayes End Road, Hayes for the storing/displaying/selling of cars/light goods vehicles.

### 3.3 Relevant Planning History

74089/APP/2018/3053 Gigel Motors Ltd Hayes End Road Hayes

Change of use from car sales (Sui Generis) to cars sales, vehicle service/repair and MOT (Sui Generis)

**Decision:** 22-04-2020 Refused

74089/APP/2020/3305 Land Off Hayes End Road Hayes End Road Hayes

Demolition of existing buildings and redevelopment of the site to provide a building of 4 storeys to provide residential units (Use Class C3) with associated residential amenity space, landscaping, car and cycle parking, refuse storage and access.

Detailed Description: 27 residential units comprising 5 x 1-bedroom, 16 x 2-bedroom and 6 x 3-bedroom.

**Decision:** 16-09-2021 Refused

**Appeal:** 12-05-2022 Withdrawn

#### Comment on Relevant Planning History

The site's planning history is listed above.

In 2018, planning permission was sought for 'Change of use from car sales (Sui Generis) to cars sales, vehicle service/repair and MOT (Sui Generis)' under planning application No.74089/APP/2018/3053.

The application was refused for the following reasons:

1) The proposal has not demonstrated that sufficient off street parking/manoeuvring/access arrangements would be provided, and therefore the development is considered to result in substandard car parking provision, leading to on-street parking/queuing to the detriment of public and highway safety and contrary to policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

In 2020, planning permission was sought for 'Demolition of existing buildings and redevelopment of the site to provide a building of 4 storeys to provide residential units (Use Class C3) with associated residential amenity space, landscaping, car and cycle parking, refuse storage and access. Detailed Description: 27 residential units comprising 5 x 1-bedroom, 16 x 2-bedroom and 6 x 3-bedroom', under planning application No.74089/APP/2020/3305.

The application was refused on 16-09-2021 for the following reasons:

1) The proposed development fails to make appropriate provision of on site affordable housing, contrary Policies H4, H5 and H6 of the London Plan (2021), Policy H2 of the Local Plan: Part One (2012), Policy DMH 7 of the Local Plan: Part Two - Development Management Policies (2020), London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations (2014), Paragraph 65 of the NPPF (2021) and Mayor of London's Affordable Housing and Viability SPG (2017).

2) The proposed development, in the absence of a Section 106 legal agreement, fails to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of air quality contributions, affordable housing, construction training, highways works, carbon offset, employment and training, permit free parking). The scheme therefore conflicts with Policy DMCI 7 of the Hillingdon Local Plan: Part Two Development management Policies (2020), the London Borough of Hillingdon Supplementary Planning Document on Planning Obligations, Policy DF1 of the London Plan (2021) and paras 55-58 of the NPPF (2021).

The Committee Report noted that at the time, the site (Unit 1 and Unit 2) were in Sui Generis use.

A planning appeal was lodged and subsequently withdrawn.

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

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

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

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan Part 2 - Development Management Policies (2020)  
The Local Plan Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan (2021)

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.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains



## Part 2 Policies:

DME 2	Employment Uses Outside of Designated Sites
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 3	Road Safeguarding
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
DMHB 3	Locally Listed Buildings
DMEI 4	Development on the Green Belt or Metropolitan Open Land
LPP D1	(2021) London's form, character and capacity for growth
LPP D14	(2021) Noise
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP E4	(2021) Land for industry, logistics and services to support London's economic function
LPP T4	(2021) Assessing and mitigating transport impacts
LPP T6	(2021) Car parking
LPP G2	(2021) London's Green Belt
NPPF11	NPPF 2021 - Making effective use of land
NPPF12	NPPF 2021 - Achieving well-designed places
NPPF9	NPPF 2021 - Promoting sustainable transport
NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

57 neighbouring properties were directly notified of the proposal on 07/07/22.

17 letters of objection have been received (including an objection from a local ward Councillor) in response to consultation on the application. Those comments have been summarised below.

- 1) The proposal has and would continue to have an adverse impact on the local highways network, as well as pedestrian and vehicle user safety;
- 2) Insufficient parking spaces exist for the proposed use;
- 3) Cars are being sold at unsocial hours giving rise to harmful levels of noise pollution;
- 4) The proposal would lead to an increase in air pollution;
- 5) The proposed use is already in operation;
- 6) The development is leading to conflict between residents in the area, as on-road parking spaces are being used by operators of the development site;
- 7) Egress from the site is impossible due to the amount of cars parked on the forecourt;
- 8) Several companies are operating from units 1 and 2 / there is an over intensification of the site

use.

A petition with 80 signatures has also been received against the proposed development. The petition raises the following summarised points:

- i) The proposal has and would continue to have an adverse impact on the local highways network, as well as pedestrian and vehicle user safety;
- ii) Insufficient parking spaces exist for the proposed use;
- iii) The site has been used as described since August 2020 not March 2022;
- iv) Most of the vehicles in question are not taxed or MOT as they are for sale. The car dealers also only have one trade plate, instead of two which is a legal requirement. Parking enforcement has been contacted, but tickets are ripped off and discarded. If a car is eventually sold, then the new owner faces such fines from the DVLA;
- v) The car dealers park their vehicles along Newport Road, but have caused criminal damage to the emergency gates at the back of Charolais House;
- vi) Continued trading would encroach on the setting of a listed building and listed wall across the road at Springwell Nursery. It would be detrimental to the setting of the Listed Wall and Listed Building;
- vii) Illegal dwellings upstairs in Brandon Tool hire.

#### PLANNING OFFICER COMMENTS:

Issues relating to points 1-4, i, ii and vi are considered in the main body of the report. In addition, Members are advised to note the following:

In relation to point 5, the proposed use is already in operation and retrospective planning permission is being sought to regularise it.

In relation to point 6, civil disputes are not a material planning consideration. Nevertheless, the parking implications of the development are and they have been discussed in section 7.10 of this report.

In relation to point 7, issues regarding safe egress from the site have been addressed in section 7.10 of this report.

In relation to point 8, several companies have historically operated from the site (since 2009 at least). However, the development subject of this application is considered to have resulted in an intensification of the site's use.

Point iii is noted. The applicant contends that the site has been used as described since March 2022. Regardless, the application should be considered on its planning merits.

In relation to points iv and v, the issues raised are not considered to be material to the planning decision.

Point vii is considered a separate matter for the Council's Planning Enforcement Team.

#### **Internal Consultees**

##### PARKING SERVICES MANAGER:

There has been a very significant increase in parking contravention notices on Hayes End Road since mid-2022. I do not know if this increase relates directly to the units selling cars as we only deal with the car and have no knowledge of who parked it there or why. However, I would suspect that it does either by them parking cars on the highway or their customers parking cars.

##### ACCESS OFFICER:

I have considered the detail of this retrospective planning application and consider this proposal to have no impact on accessibility.

HIGHWAYS OFFICER:

Initial Comments:

Retrospective planning permission is sought to use land situated on Hayes End Road for the storage, display and sale of cars and light good vehicles. The application site is situated just c.60m north of a priority junction with the busy A4020 Uxbridge Road - this road forms part of the Council's classified road network. On-street parking outside the application site is controlled by double yellow lines, opposite is marked out Pay and Display parking bays that operate 08:00 to 18:30h Monday to Saturdays with parking limited to a maximum stay of 2 hours. Further along Hayes End Road on the same side of the road as the development, parking is unrestricted, opposite are single yellow lines where parking is restricted 08:00 to 09:00h and 16:30 to 18:30h Monday to Friday. As mentioned above this is a retrospective planning application and the Highway Authority is aware that the site in it's current, albeit unlawful use, is creating parking stress, this is because the business owners are parking vehicles for sale on the highway. The Highway Authority is satisfied that a car sales business could operate from the site without creating parking stress, increasing the risk to road safety, or hindering the free flow of traffic. The amount of traffic the site generates would be no more than staff arriving and leaving each day, visitors/customers and vehicles being delivered and driven away. It is anticipated that most visitors/customers would visit the site outside the network peak hours. There are no highway objections to this proposal subject to the following planning conditions.

1. The vehicles that are stored, displayed and offer for sale on the site should be restricted to cars only.

REASON The Highway Authority is mindful that the proposal site is located close the Hayes End Road junction with the A4020 Uxbridge Road, this is a busy location with a considerable volume traffic activity. Cars as opposed to light goods vehicles are more manoeuvrable and have better all-round vision, if light goods vehicles were stored/displayed and offered for sale this would create more activity on the highway increasing the risk to road safety and hindering the free flow of traffic. This is to be in accordance with the 2021 published London Plan Policy T4 Assessing and mitigating transport impacts which requires that "development proposals do not increase road danger".

2. Plans are provided for approval that show marked out the area to be used for the storage, display and sales of vehicle.

REASON clearly marked out parking areas limits the numbers of cars that can be parked on-site to amount of space available.

3. Plans are provided for approval that show marked out the location of staff and visitor parking.

REASON this will reduce the likelihood of staff and visitors parking on the surrounding streets resulting in parking stress.

4. Plans are provided for approval that show a wall or fence not exceeding 0.6m high is provided between the site boundary and back of footway.

REASON this is to guard against cars parked on-plot encroaching onto the footway, this would reduce the footway width and increase the road safety risk to pedestrians. This is to be in accordance with the 2021 published London Plan Policy T4 Assessing and mitigating transport impacts which requires that "development proposals do not increase road danger".

5. That all vehicles for storage, display and sale are driven to the site not transported by lorry.

6. The applicant enters a 1990 Town and Country Planning Act s.106 legal agreement with the

Council obliging the applicant to pay the Council £50,000 for the implementation of a parking management scheme should the use give rise to parking stress. If parking problems do not arise, then the money would be returned at an agreed time.

Planning Officer Comment:

The conditions initially recommended by the Highway Officer are not considered to meet the NPPF tests for conditions. The application seeks retrospective consent for the storing/displaying/selling of cars and light goods vehicles. Therefore, a restriction to cars only (as suggested in condition 1 above) would not resolve the issues on site or accord with the application description. There are also concerns about enforceability of some suggested conditions (e.g. 1 and 5) and moreover, there are concerns that information referred to in conditions 2 and 3 would be required upfront, in order to demonstrate whether acceptable provision could potentially be made to accommodate all of the uses on site (noting that the proposal is an intensification of use e.g. existing storage use to remain). This information has been requested from the applicant and has not been forthcoming.

FINAL HIGHWAY COMMENTS:

The first set of comments submitted by the Highway Authority contained a series of conditions considered necessary to make the development acceptable. Without these conditions then there would have been highway objections. The Highway Authority have since been advised by the Local Planning Authority that the conditions required would not meet the National Planning Policy Framework test and therefore could not be used. Taking this into account there are highway objections to this proposal for the reasons set out in the original comments, it would not be in accordance with the 2021 published London Plan Policy T4 Assessing and mitigating transport impacts which requires that "development proposals do not increase road danger".

PLANNING ENFORCEMENT

There is an enforcement case ENF/133/22 with regards to unauthorised material change of use of the site for storing, selling and displaying of motor vehicles. It is noted this planning application is retrospective and the outcome of the application is being monitored by the Planning Enforcement Team. Should this planning application be refused, it is considered that the owners/occupiers may be liable to formal planning enforcement proceedings that would require the cessation of the unauthorised use of the land.

## **7. MAIN PLANNING ISSUES**

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

PRINCIPLE OF DEVELOPMENT:

The development site is in commercial use, albeit not within a designated employment area. As such, Policy DME 2 (Employment Sites Outside Designated Employment Areas) is considered relevant. It states that: proposals which involve the loss of employment floorspace or land outside of designated employment areas will normally be permitted if:

- i) the existing use negatively impacts on local amenity, through disturbance to neighbours, visual intrusion or has an adverse impact on the character of the area; or
  - ii) the site is unsuitable for employment reuse or development because of its size, shape, location, or unsuitability of access; or
  - iii) sufficient evidence has been provided to demonstrate there is no realistic prospect of land being reused for employment purposes; or
  - iv) the new use will not adversely affect the functioning of any adjoining employment land;
- or
- v) the proposed use relates to a specific land use allocation or designation identified elsewhere in the plan.

The existing site comprises commercial units within a 2-storey and single storey building. The site and buildings appear to have had multiple uses and multiple occupants over the years. The site has historically been used for Sui Generis employment uses (as noted in section 3.3 above) and this would remain the same post development (i.e. there would be no loss of employment floorspace). It is considered that the principle of the development can be supported, subject to compliance with other policies within the Development Plan and relevant material planning considerations.

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

Not applicable to this application.

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

Policy DMHB 3 states:

A) There is a general presumption in favour of the retention of buildings, structures and features included in the Local List. The Council will take into account the effect of a proposal on the building's significance and the scale of any harm of loss when considering planning applications, including those for major alterations and extensions. Proposals will be permitted where they retain the significance, appearance, character or setting of a Locally Listed Building.

B) Applications should include a Heritage Statement that demonstrates a clear understanding of the importance of the structure and the impact of the proposals on the significance of the Locally Listed Building.

C) Replacement will only be considered if it can be demonstrated that the community benefits of such a proposal significantly outweigh those of retaining the Locally Listed Building.

Paragraph 203 of the NPPF (2021) states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Laburnham Villa and its associated boundary wall are located to the east of the site. The building and wall are locally listed and are therefore non-designated heritage assets. There would be no direct impact on the fabric of the heritage assets as a result of the proposal, given the separation from the application site. However, it is considered that the development has resulted in increased parking within the vicinity of the heritage assets (i.e. within the setting). Whilst this results in some visual clutter (refer to section 7.07 of this report), it is considered that this does not justify a refusal of planning permission on heritage grounds.

#### **7.04 Airport safeguarding**

Not applicable to this application.

#### **7.05 Impact on the green belt**

The London Plan (2021), NPPF (2021) and Local Plan all seek to protect the Green Belt from inappropriate development, unless very special circumstances can be demonstrated to outweigh the identified harm to the Green Belt.

The Green Belt is located to the north east of the site (on the opposite side of Hayes End Road). Given the nature of the application proposal, it would cause no adverse impact on the openness or character of the Green Belt.

#### **7.07 Impact on the character & appearance of the area**

Paragraph 130 of the NPPF (2021) states 'Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but

over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Policies D1, D3 and D4 of the London Plan (2021) require development proposals to be of high quality and to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness.

Hillingdon Local Plan Part 1: Strategic Policies (2012) Policy BE1 states 'The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.'

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: 'All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment.'

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

As previously noted, the site comprises a two storey warehouse style building which is connected to a single storey garage. Both of the buildings are low rise and have been finished in yellow brick. The buildings are set back from Hayes End Road and are surrounded by hard surfacing.

The application development involves no extensions or external alterations to the site's existing buildings, therefore potential impact on the character and appearance of the area is limited. It is acknowledged that the development has resulted in increased parking at the site and surrounds which does result in some visual clutter. However, this would not warrant a refusal of planning permission on visual grounds taking into consideration that

the site has historically been utilised for car related services, and furthermore, it is noted that there is a car garage to the south (providing washing, valeting and other services), therefore parked vehicles are an existing visual feature of the area.

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

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

Paragraph 130 (f) of the NPPF (2021) states that planning policies and decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposed development seeks to display cars and light goods vehicles within the development site. Cars would remain on the site until sold or moved, and would therefore be there on a temporary basis. No extensions or external alterations to the site's buildings are proposed. As such, the proposal is not considered to cause any harmful loss of light, outlook or privacy to neighbouring properties.

Notwithstanding the above, the development has resulted in adverse amenity impacts to neighbours in respect of the increased roadside parking/parking stress (and associated disturbance) discussed at Section 7.10 of this report and as reported by residents (see Section 6 of this report). This issue is captured in the recommended reason for refusal set out in Section 2 of this report.

Had the application otherwise been recommended for approval, a planning condition would have been recommended restricting the site's operating hours. This would ensure that neighbours are not subjected to adverse levels of noise (from comings and goings) during unsocial hours.

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

Not applicable to this application.

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

POLICY CONTEXT:

Policy DMT 1 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to: i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development; ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users; iii) provide equal access for all people, including inclusive access for disabled people; iv) adequately address delivery, servicing and drop-off requirements; and v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network. B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan if they meet or exceed the appropriate thresholds. All major developments that fall below these thresholds will be required to produce a satisfactory Transport Statement and Local Level Travel Plan. All these plans should demonstrate how any potential impacts will be mitigated and how such

measures will be implemented.

Policy DMT 2 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) 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 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states:

'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.

The Mayor of London adopted a new and revised London Plan in March 2021, consequently the car parking standards set out in the London Plan take precedence over those in the Local Development Plan, except where the Local Plan specifies lower local maximum standards.

Policy T4 (F) of the London Plan 2021 states 'development proposals should not increase road danger'.

Policy T6 of the London Plan (2021) states:

i - Adequate provision should be made for efficient deliveries and servicing and emergency access.

J - A Parking Design and Management Plan should be submitted alongside all applications which include car parking provision, indicating how the car parking will be designed and managed, with reference to Transport for London guidance on parking management and parking design.

Paragraph 111 of the NPPF (2021) states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

**PARKING:**

Within the London Plan and Local Plan there are no specific parking space requirements for the proposed sui generis use. In the interests of ensuring that the proposed



development has no unacceptable and deleterious impact on street parking provision, congestion, highway safety and local amenity, the applicant is therefore required to justify and demonstrate the amount of parking provision required to service the development. Officers have requested further detailed information including:

- a parking layout plan (indicating parking space availability for staff and customers of both units 1 and 2, as well as spaces for the cars/LGVs which are for sale); and
- a parking strategy/management plan.

The above information has not been forthcoming and in the absence of it, the applicant has failed to demonstrate that adequate parking provision for the aforementioned parties exists (or could be provided) on site, leading to concerns about parking stress, congestion and the creation of a more hazardous environment for road users and pedestrians.

This is borne out in the representations received from local residents and the comments from the Council's Highway Officer and Parking Services Manager (see Section 6) which note respectively the occurrence of parking stress and the significant rise in the number of parking contravention notices served by the Council in Hayes End Road since March 2022.

It is considered that road-side parking within parking spaces which are available to parking permit holders/local residents would result in less spaces for those users, potentially leading to parking in restricted areas at the road side; more uncontrolled road side parking and exacerbating issues described above.

Furthermore, 2 units operate from the application site and are likely to have individual parking needs. No information has been submitted (parking strategy/management plan) to demonstrate that those needs can be accommodated alongside each other without creating a more hazardous environment for road users and pedestrians, alongside additional traffic and congestion.

At the time of the Planning Officer's site visit, cars were parked upon the entirety of the site's through road, blocking it. This arrangement prevents cars from entering and exiting the site in a forward gear, leading to vehicles reversing onto the highway, creating a more hazardous environment. The submitted plans suggest that this would be the case moving forward and such an arrangement is considered to be detrimental to the local highway network.

Taking into consideration all of the above and in the absence of a satisfactory parking plan and parking management strategy, it is considered that the development has and would continue to lead to parking stress and associated congestion to the detriment of pedestrian and highway safety. The proposal is therefore contrary to Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020), as well as Policies T4 and T6 of the London Plan (2021) and paragraphs 111 and 130 of the NPPF (2021) and should be refused planning permission.

#### ELECTRIC CHARGING POINTS:

Had the application otherwise been considered acceptable, a condition could have secured provision of electric vehicle charging points.

#### BICYCLE PARKING:

Had the application otherwise been considered acceptable, a condition could have secured provision of cycle parking.

## REFUSE/RECYCLING COLLECTION:

Policy DMHB 11 part (d) of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals should make sufficient provision for well-designed internal and external storage space for general, recycling and organic waste, with suitable access for collection.

Had the application otherwise been recommended for approval, a condition would have been added to ensure that refuse and recycling would be stored in an accessible location. At present there appears to be adequate space for the storage of such facilities to the sides and rear of the site.

## ACCESS:

The site's existing accesses would be retained. However, as has been previously noted, it has not been demonstrated through submission of a parking layout plan and parking management plan that the site could be operated so as to enable access through the site in order for vehicles to enter and leave the site in forward gear.

### **7.11 Urban design, access and security**

Addressed where relevant in other sections of this report.

### **7.12 Disabled access**

The Borough's Access Officer was consulted and has raised no concerns regarding the development and the accessibility of the site.

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

Not applicable to this application.

### **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**

Issues relating to the development's noise impact have been considered in section 7.08 above. The development is not considered to cause any significant Air Quality issue, taking into account the site history/previous uses, and the scale and nature of the development.

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

The issues raised during the consultation process have been addressed in the relevant sections above.

### **7.20 Planning obligations**

N/A

### **7.21 Expediency of enforcement action**

As noted in Section 6 of this report, the outcome of the application is being monitored by the Council's Planning Enforcement Team. Should this planning application be refused, it is considered that the owners/occupiers may be liable to formal planning enforcement proceedings that would require the cessation of the unauthorised use of the land.

### **7.22 Other Issues**

No other issues raised.

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

### General

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

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

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

### Planning Conditions

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

### Planning Obligations

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

### Equalities and Human Rights

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

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

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

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

Not applicable.

## **10. CONCLUSION**

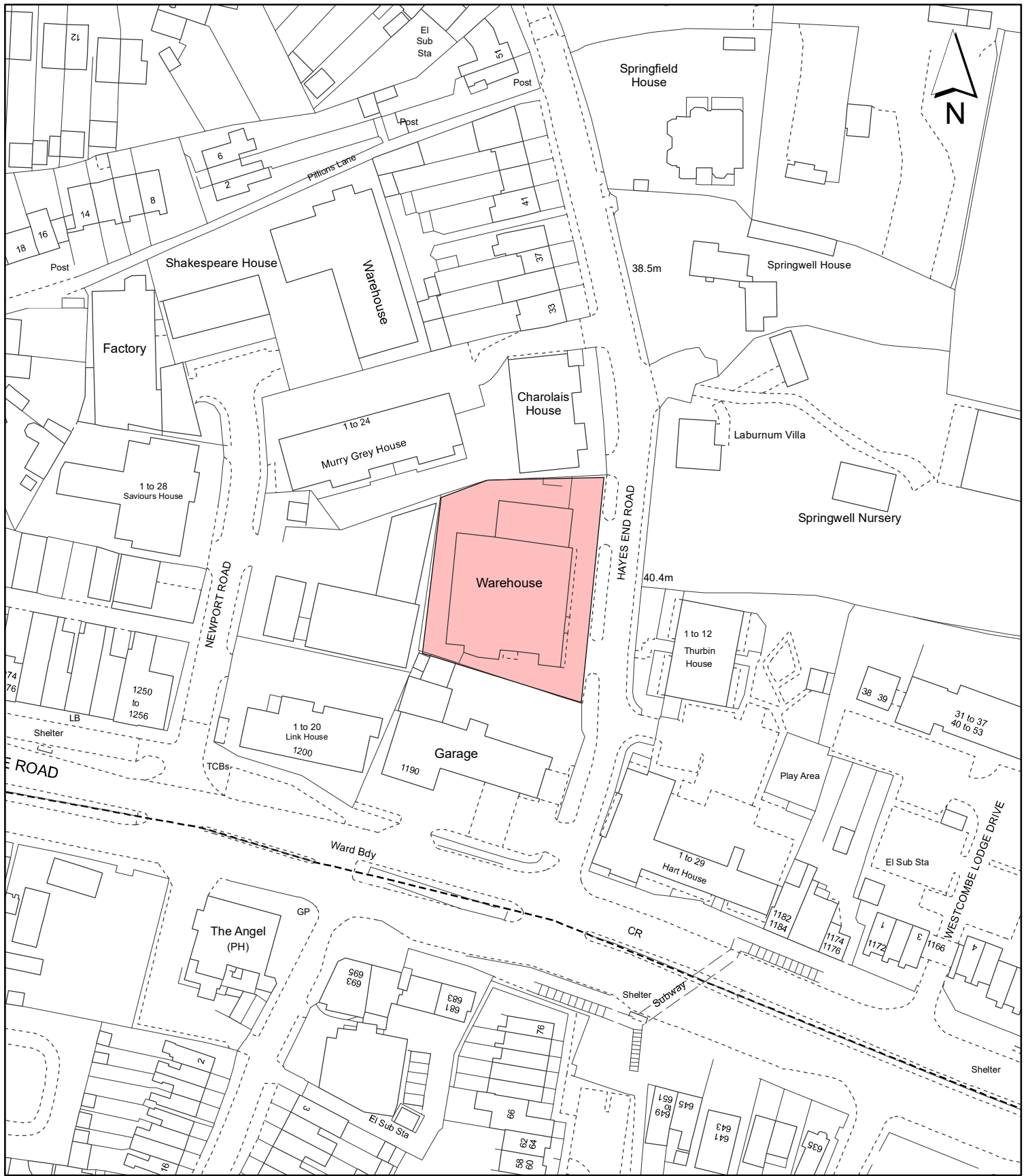
The retrospective development has and would continue to cause significant harm to amenities of local residents and the local highways network, as well as pedestrian and road user safety. Consequently, the proposal conflicts with the Development Plan and the identified harm is not outweighed by material considerations. The planning application is therefore recommended for refusal as set out in Section 2.

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

**Contact Officer:** Haydon Richardson

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
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Site Address:

**Brandon Lift & Tool Hire  
 Land Off Hayes End Road**

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

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

Planning Application Ref:

**74089/APP/2022/1960**

Scale:

**1:1,250**

Planning Committee:

**Borough**

Date:

**April 2023**



**HILLINGDON**  
 LONDON