

Report of the Head of Development Management and Building Control

Address: MATERIAL STORE HOUSE, PRESSING LANE BLYTH ROAD HAYES

Development: Erection of a single storey building at second floor terrace level within existing pergola to provide ancillary gym studio for residents, along with supporting condenser unit

LBH Ref Nos: 59872/APP/2023/3016

Drawing Nos: SKK4177/006 Rev E
SKK4177/004 Rev H
SKK4177/005 Rev E
SKK4177/007 Rev E
Acoustic Design Review Report 27236.GYM.01.RevA
Design and Access Statement - 12th February 2024
Daylight and Sunlight Assessment
Planning & Heritage Statement October 2023
SKK4177/001 Rev B
SKK4177/002 Rev D
SKK4177/003 Rev D
SKK4177/008 Rev B

Date Plans received:	17-10-2023	Date(s) of Amendments(s):	17-10-2023
Date Application valid	17-10-2023		16-02-2024

1. SUMMARY

Planning permission is sought for the erection of modest single storey building at second floor terrace level within existing pergola to provide ancillary gym studio for residents, along with supporting condenser unit.

It is important to note that the proposed new building would replace an existing structure within an open area available as recreation space for residents. As such the assessment of harm is based on the level of additional built form and activity upon the character and appearance of the building and the living conditions of the residents of the building.

During the process of the application revised drawings were sought to reduce the eaves height of the outbuilding to reduce harmful effects to the neighbouring properties. As well as this, a Sunlight and Daylight report was submitted to assess the impact to neighbouring properties.

Given its most scale, the revised proposal would integrate well within the surrounding area and would not cause harm to the character and appearance of the conservation area or street scene. The building would be constructed to the most up to date building regulations standards which would

include the use of noise mitigating materials. As such it would not unduly impact the amenities of neighbouring occupiers in terms of loss of light, outlook or a significant increase in noise levels.

It is notes that there is an existing gym owned and run by a private operator within close proximity at street level. Having visited site, the existing gym is mainly a climbing wall therefore offers a different experience to that which is proposed as part of this application. Additionally, the applicant has put forward evidence to demonstrate that these spaces are used as an extension to ancillary recreation space and benefit residents who live within the building.

Finally the modest gym building would be used by occupants of the residential block only therefore not giving rise to an increase in vehicle movements.

As such, the application is recommended for approval, subject to conditions.

A detailed assessment has been made in the below report.

2. RECOMMENDATION

APPROVAL subject to the following:

1. COM3 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. COM4 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

SKK4177/001 Rev B
SKK4177/004 Rev H
SKK4177/005 Rev E
SKK4177/006 Rev E
SKK4177/007 Rev E
SKK4177/008 Rev B

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 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:

Acoustic Design Review Report 27236.GYM.01.RevA
Daylight and Sunlight Assessment 5396
Planning & Heritage Statement October 2023
Design and Access Statement - 12th February 2024

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.

4. NONSC Noise Condition

For the lifetime of the development hereby permitted the rating level (LAr) of noise caused by its operation shall not exceed: 40 dB LAr 15 min for any fifteen-minute period between 2300 and 0600, and 50 dB LAr 1 hour for any one-hour period between 0600 and 2300, determined one metre free field external to any window or door of any permanent residential, or equivalently noise sensitive premises, in accordance with 'Methods for rating and assessing industrial and commercial sound' British Standards Institution BS4142 2014.'

REASON:

To ensure that occupants of dwellings would not be exposed to noise caused by the permitted development that would be likely to cause an adverse effect on their health and quality of life with windows open for the purposes of ventilation and cooling.

5. NONSC Noise Condition

For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LAeq 16 hrs between 0600 and 2300 and 30 dB LAeq 8 hrs, between 2300 and 0600, measured inside any room of any adjoining dwelling.

REASON:

To ensure that occupants of the adjoining dwellings would not be exposed to noise that would be likely to cause an adverse effect on their health and quality of life. This has regard to the guidance set out in 'Guidance on Sound Insulation and Noise Reduction for Buildings' British Standard Institution BS8233: 2014.

6. NONSC Noise Condition

For the lifetime of the development hereby permitted the structure borne noise level caused by its operation shall not exceed 35 dB LASMax at any time measured inside any room of any adjoining dwelling.

REASON:

To ensure that occupants of adjoining dwellings affected by structure borne noise from the permitted development would not be exposed to noise that would be likely to cause an adverse effect on their health and quality of life. This has regard to the guidance set out in 'Guide to evaluation of human exposure to vibration in buildings - Vibration sources other than blasting' British Standard 6472-1:

2008.

7. COM22 Operating Hours

The premises shall not be used except between:-
, Mondays - Sundays, Public or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

8. COM7 Materials (Submission)

Notwithstanding what is illustrated on the submitted drawings no development shall take place until details of all materials and external surfaces 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).

9. NONSC Fire Strategy

Prior to development a detailed fire safety strategy compiled by a suitably qualified assessor shall be submitted and approved in writing by the Local Planning Authority.

REASON

To ensure the proposed development complies with fire safety regulations and Policy D12 of the London Plan (2021).

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. I70 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.

3. 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 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.

4. 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.

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.

DMHB 1	Heritage Assets
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 18	Private Outdoor Amenity Space
DMHB 4	Conservation Areas
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMTC 3	Maintaining the Viability of Local Centres and Local Parades
DMTC 4	Amenity and Town Centre Uses
LPP D5	(2021) Inclusive design
LPP HC1	(2021) Heritage conservation and growth
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places
NPPF16 -23	NPPF16 23 - Conserving and enhancing the historic environment
NPPF2 -23	NPPF2 2023 - Achieving sustainable development

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the west side of Pressing Lane. It is a developed site which comprises a residential block of flats with retail frontages on the ground floor. The proposed site itself is located on the second floor terrace level and hosts an existing open pergola structure overlooking Material Walk.

The site is located within Botwell: Thorn EMI Conservation Area, the Air Quality Management and Focus Area and has a PTAL rating of 4.

3.2 Proposed Scheme

Planning permission is sought for the erection of single storey building at second floor terrace level within existing pergola to provide ancillary gym studio for residents, along with supporting condenser unit.

The proposed outbuilding would measure a maximum height of approx. 3.39m designed with a sloped mansard style roof with eaves reduced to 2.55m in height. It would measure approx. 67qm infilling the existing pergola structure. It would have a zinc shell exterior with living walls and double-glazed doors.

3.3 Relevant Planning History

59872/ADV/2023/44 Material Store House 8 Pressing Lane Hayes

Installation of 2 no. non illuminated projecting signs.

Decision: 05-02-2024 Approved

59872/APP/2012/1838 The Old Vinyl Factory Site Blyth Road Hayes

Outline planning application for a mixed use development of the Old Vinyl Factory site including the demolition of up to 12,643 sqm of buildings and construction of up to 112,953 sqm (112,953 sqm includes the retention and re-use of 784 sqm of the Power House and 901 sqm Pressing Plant) of new floorspace. Uses to include up to 510 residential units (maximum area of 49,000 sqm GEA), up to 7,886 sqm of new B1 floorspace, up to 4,000 sqm of A class uses (A1, A2, A3, A4, A5), up to 4,700 sqm of D1 and D2 uses, an energy centre (up to 950 sqm), car parking, works to access and creation of new accesses and landscaping.

Decision: 19-04-2013 Approved

59872/APP/2013/3775 The Old Vinyl Factory Site Blyth Road Hayes

Variation of Condition 4 (Phasing) of planning permission 59872/APP/2012/1838 dated 19/04/2013, to allow variations to phasing of approved development to allow the Boilerhouse and the Material Store to come forward as Phases 1 and 2, and to allow the Veneer Store and/or Record Stack carparks to come forward earlier than in the approved phasing.

Decision: 18-03-2014 Approved

59872/APP/2015/1329 The Old Vinyl Factory Blyth Road Hayes

Approval of reserved matters relating to the appearance and the landscaping of Phase 2 of The Old Vinyl Factory Masterplan: The Material Store as required by Conditions 2 and 3 of planning permission ref. 59872/APP/2013/3775.

Decision: 16-07-2015 Approved

59872/APP/2015/1330 The Old Vinyl Factory Blyth Road Hayes

Non-material Amendment to planning permission ref: 59872/APP/2013/3775, dated 31/07/2014 (Variation of condition 4 of outline planning application for a mixed use development of the Old Vinyl Factory site) to amend the approved parameter plans and Development Specification (condition 31) and amend the wording of Condition 13 (acoustic buffering) in connection with the Material Store development.

Decision: 15-06-2015 Approved

59872/APP/2015/3983 Material Store, The Old Vinyl Factory Blyth Road Hayes

Non-material amendment of planning permission ref: 59872/APP/2013/3775, dated 31/07/2014 (Variation of condition 4 of outline planning application for a mixed use development of the Old Vinyl Factory site) to amend an approved parameter plan (condition 31).

Decision: 25-11-2015 Approved

59872/APP/2015/3991 Material Store, The Old Vinyl Factory Blyth Road Hayes

Approval of reserved matters relating to the appearance and the landscaping of Phase 2 of The Old Vinyl Factory Masterplan: The Material Store as required by Conditions 2 and 3 of planning permission ref. 59872/APP/2013/3775.

Decision: 07-01-2016 Approved

59872/APP/2016/4605 The Old Vinyl Factory Blyth Road Hayes

Non-material amendment to planning application reference 59872/APP/2015/3991 (Approval of reserved matters relating to the appearance and the landscaping of Phase 2 of The Old Vinyl Factory Masterplan: The Material Store as required by Conditions 2 and 3 of planning permission ref. 59872/APP/2013/3775) to amend the approved landscaping proposals

Decision: 09-02-2017 Approved

59872/APP/2018/3398 Old Vinyl Factory Blyth Road Hayes

Change of use to allow the use of the Material Store commercial unit for Class D2 leisure use and minor external alterations.

Decision: 19-11-2018 Approved

59872/APP/2023/2879 Material Store House 8 Pressing Lane Hayes

Temporary change of use of one residential unit to provide amenity and coworking space, along with minor external changes to unit entrance including painting of existing walls and railings (amended description).

Decision: 12-12-2023 Refused

Comment on Relevant Planning History

Planning permission is sought for the erection of single storey building at second floor terrace level within existing pergola to provide ancillary gym studio for residents, along with supporting condenser unit.

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) (2023) 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.HE1 (2012) Heritage

Part 2 Policies:

DMHB 1 Heritage Assets

DMHB 4 Conservation Areas

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 6 Vehicle Parking

DMTC 3 Maintaining the Viability of Local Centres and Local Parades

DMTC 4 Amenity and Town Centre Uses

LPP HC1 (2021) Heritage conservation and growth

LPP D5 (2021) Inclusive design

NPPF12 - NPPF12 23 - Achieving well-designed and beautiful places
23

NPPF16 - NPPF16 23 - Conserving and enhancing the historic environment
23

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PART 1 - MEMBERS, PUBLIC & PRESS

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date: **29th November 2023**

5.2 Site Notice Expiry Date: Not applicable

6. Consultations

External Consultees

A site notice was displayed 09-11-23 and expired 04-12-23.

A press advertisement was displayed 08-11-23 and expired 29-11-23.

287 neighbouring properties were consulted on the application by letter dated 30-10-23. During the process of the application, revised drawings were sought and neighbouring properties and internal consultees were re-consulted for 14 days. The consultation period expired 01-03-24.

Hayes Conservation Area Advisory Panel Comment:

I am writing on behalf of Hayes Conservation Area Advisory Panel. We have no objection to the proposed alterations.

Four representations of support were received for the proposed development. The representations are summarised as:

1. The proposed gym will support healthy living and lifestyle especially for those who can't afford to pay for a gym membership.
2. I would like more options for exercise locations in the local area. Especially in this building.
3. I support the project.
4. I strongly support this planning application as the proposed facility will contribute in creating a new social space for residents and it will be beneficial for their wellbeing. The proposed location for the facility will also contribute in activating the Material Walk pedestrian route providing additional natural surveillance on the public realm.

A Cllr has requested that the application is determined at planning committee should the application be recommended for approval due to residents objections. A summary of the neighbouring objections are below:

Two objections from neighbouring properties have been received and are summarised as:

1. There is an existing gym within the building. This gym is a locally ran small business and their customers are largely residents who live nearby like myself. This planned activity would harm the local gym business and is unnecessary.
2. The revised drawings do not address the loss of light and therefore amenity to dwellings B206 and A204.
3. There are noise concerns regarding the proposed development and existing noise at the site. The noise report submitted does not address concerns. There are existing noise concerns and complaints have been made to Hillingdon Council previously.

4. The revised drawings do not improve the loss of privacy. The proposed development will increase loss of privacy due to increased footfall past bedroom windows. There will be no onsite management and presence overseeing the gym facilities during evening hours, which will increase noise during sleeping hours. Tenants will be free to leave or jam the gym doors open in the gym and create noise.
5. One of the townhouses is in use as a permanent office for staff instead of its intended purpose as residential accommodation, this is not necessary as these staff members are not concierges and fulfil duties that could be done remotely.
6. There is no evidence regarding how the blocking of light from almost every direction will impact the micro-environment of the patio areas of the flats and what will be done to ensure that it is dry and free from mould - and how tenants are expected to air dry clothing.

OFFICER COMMENT:

1. In response to the summary of objections above, most of which are not material considerations for this planning application, a detailed response is set out in the body of this report. (Noise, daylight and sunlight and overbearing impact are covered in most detail).
2. The objection raised within point 1 of the neighbouring objections is discussed within section 07.01 of the report.
3. The objections raised within points 2,3,4 and 6 of the neighbouring objections are discussed within section 07.08 of this report.
4. The objection raised within point 5 of the neighbouring objection is not considered material to the proposed development, as such has not been discussed further.

In summary, the applicant has responded to the concerns raised regarding the potential impact upon the visual amenities of neighbouring residents (daylight, sunlight and outlook) through the submission of revised plans and supporting evidence such as a daylight and sunlight report. These documents have been assessed and demonstrate that the proposal would not lead to a significant loss of residential amenity which could justify refusal and withstand an appeal.

Internal Consultees

ACCESS OFFICER:

Further to my memorandum, and subsequent submission of drawing number SKK4177/004, the requested level access details have been reviewed and deemed satisfactory, overcoming the previous accessibility objection. Conclusion: acceptable

HIGHWAY AUTHORITY:

Site Description

The application site is located on Blyth Road, a mixed residential/commercial street which is bound by Pressing Lane to the east and Powerhouse Lane to the west with the site dissected by Material Walk which runs to the south of the site. Blyth Road is subject to single yellow line waiting restrictions Mon-Sat 8am-6.30pm interspersed with marked parking bays.

The application site is located in an area with a PTAL ranking of 4 indicating that the proposal would be located in an area with good access to public transport which would concur with National Planning Policy Framework (NPPF) 9: Promoting Sustainable Transport and The Mayor's Transport Strategy which aims to encourage people to walk, cycle and travel by public transport.

Access and Parking

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PART 1 - MEMBERS, PUBLIC & PRESS

The application proposes to replace a pergola on the roof terrace with a 67m² gym for resident's use. The existing site is car free and will provide no additional parking for the proposed development, however, as the proposed gym would be unlikely to generate additional vehicle movements or parking need the application is unlikely to have a severe impact on the local highway network or highway safety, however, a condition would be required to restrict the use of the gym to residents of the Material Store House only.

Recommendation

There are no highway objections to this proposal, however, the Highway Authority would require a suitable condition being applied to any approval to restrict use of the gym to residents of the development only.

NOISE SPECIALIST:

Sufficient information has been provided by the Applicant to make a recommendation with respect to noise. It is recommended that no objection is made on noise grounds subject to the inclusion of suitable conditions which should be met based on the design information provided and considering measurement and prediction uncertainty.

'For the lifetime of the development hereby permitted the rating level (L_{Ar}) of noise caused by its operation shall not exceed: 40 dB L_{Ar} 15 min for any fifteen-minute period between 2300 and 0700, and 50 dB L_{Ar} 1 hour for any one-hour period between 0700 and 2300, determined one metre free field external to any window or door of any permanent residential, or equivalently noise sensitive premises, in accordance with 'Methods for rating and assessing industrial and commercial sound' British Standards Institution BS4142 2014.' Reason: To ensure that occupants of dwellings would not be exposed to noise caused by the permitted development that would be likely to cause an adverse effect on their health and quality of life with windows open for the purposes of ventilation and cooling.

'For the lifetime of the development hereby permitted the noise level shall not exceed 35 dB LA_{eq} 16 hrs between 0700 and 2300 and 30 dB LA_{eq} 8 hrs, between 2300 and 0700, measured inside any room of any adjoining dwelling' Reason: To ensure that occupants of the adjoining dwellings would not be exposed to noise that would be likely to cause an adverse effect on their health and quality of life. This has regard to the guidance set out in 'Guidance on Sound Insulation and Noise Reduction for Buildings' British Standard Institution BS8233: 2014.'

'For the lifetime of the development hereby permitted the structure borne noise level caused by its operation shall not exceed 35 dB L_{AS}Max at any time measured inside any room of any adjoining dwelling.' Reason: To ensure that occupants of adjoining dwellings affected by structure borne noise from the permitted development would not be exposed to noise that would be likely to cause an adverse effect on their health and quality of life. This has regard to the guidance set out in 'Guide to evaluation of human exposure to vibration in buildings - Vibration sources other than blasting' British Standard 6472-1: 2008.

OFFICER COMMENT:

The applicant has submitted a Noise Impact Assessment in support of the application which has been reviewed by the Council's Noise Officer. No objection is raised subject to the imposition of the suggested conditions.

DESIGN AND CONSERVATION OFFICER COMMENT:

I have no objections to the gym in principle but would like to see the flanks reduced in height to 2m with a small, pitched element as shown below, to reduce the visual impacts / outlook from the neighbouring properties at close proximity.

OFFICER COMMENT:

Revised drawings were shown to the Design Officer at a Design Surgery who states that the massing changes are sufficient and present what was requested, therefore no objection raised.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site lies outside the boundary of Hayes Town, however, is within close proximity and therefore is considered to be an edge of Town Centre location.

Policy DMTC 3 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

A) The Council will protect and enhance the function of local centres and local shopping parades by retaining uses that support their continued viability and attractiveness to the locality they serve. In considering applications for changes of use of shops the Council will ensure that:

- i) the local centre or shopping parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade, and its function in the Borough shopping hierarchy;
- ii) at least of 50% of the local centre or shopping parade is retained as Use Class A1 shops; and
- iii) the surrounding residential area is not deficient in essential shop uses.

Policy DMTC 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

Proposals for restaurants and hot food takeaways, drinking establishments, betting shops, night clubs, casinos, amusement centres, minicab offices and other similar uses will only be supported provided that they:

- i) would not result in adverse cumulative impacts due to an unacceptable concentration of such uses in one area;
- ii) would not cause unacceptable disturbance or loss of amenity to nearby properties by reason of noise, odour, emissions, safety and security, refuse, parking or traffic congestion; and
- iii) would not detrimentally affect the character or function of an area by virtue of the proposed use or visual impact.

The main town centre uses are identified within the Glossary of the NPPF (2023):

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

The use of a gym would be considered to be a main town centre use. It is noted that there is an existing gym on the ground floor of the Material Storehouse and includes a modest fitness studio and indoor climbing centre, albeit the majority of the space and use is taken up by the climbing centre therefore offering a different experience to the proposed development.

The proposed development would serve the occupants of the existing residential building, unlike the

ground floor space which is owned by a separate private operator and is open for general public use. The proposed gym structure would provide a private gym studio exclusively for residents of the material Storehouse which would be managed by the owners of the building. Due to the size and of the proposed gym, its location and restricted use to solely occupiers of the building it is not considered that it would detract from the Town Centre. Moreover the policies which relate to both Town Centre and commercial uses do not stipulate refer to a threshold or overconcentration of this type of use. As such the proposal is not considered to present a departure from policy.

The proposed outbuilding is modest in scale measuring approx. 67sqm. The outbuilding can be used flexibly as it is not solely restricted for use as a small fitness centre akin to what you would find in a hotel but can also be used for studio classes. It is therefore considered that the provision of this minor fitness floor space would not result in detrimental harm to the gym and climbing centre located on the ground floor.

It is considered that there would not be a loss of amenity space for the residents of the Material Store House building as the proposed gym would be for the use of the residents and would be an area for recreational/leisure purposes.

7.02 Density of the proposed development

N/A

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

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 1 states that:

A) The Council will expect development proposals to avoid harm to the historic environment.

Development that has an effect on heritage assets will only be supported where:

- i) it sustains and enhances the significance of the heritage asset and puts them into viable uses consistent with their conservation;
- ii) it will not lead to a loss of significance or harm to an asset, unless it can be demonstrated that it will provide public benefit that would outweigh the harm or loss, in accordance with the NPPF;
- iii) it makes a positive contribution to the local character and distinctiveness of the area;
- iv) any extensions or alterations are designed in sympathy, without detracting from or competing with the heritage asset;
- v) the proposal would relate appropriately in terms of siting, style, scale, massing, height, design and materials;
- vi) buildings and structures within the curtilage of a heritage asset, or in close proximity to it, do not compromise its setting; and
- vii) opportunities are taken to conserve or enhance the setting, so that the significance of the asset can be appreciated more readily.

Policy DMHB 4 states that new development, including alterations and extensions to existing buildings in Conservation Areas, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness.

Paragraph 201 of the NPPF (2023) requires consideration of the harm upon heritage assets and

paragraph 208 of the NPPF (2023) states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

The application site lies within the Botwell Thorn EMI Conservation Area. The area has undergone major improvements and development over the past 10+ years by way of new residential developments. The site and surrounding buildings range in height from 6-10 storeys.

The proposed development includes an outbuilding structure to be used as a gym for residents of the building. During the process of the application revised drawings were sought improving the design of the outbuilding to minimise impacts to neighbouring properties. The outbuilding would be located on the second floor terrace level of the Material Store House building. It would be sited behind the metal railings and would replace an existing pergola structure. Due to its upper floor location and its screening behind existing signage, there would be minimal views of the outbuilding from ground floor level.

The proposed outbuilding would measure a maximum height of approx. 3.39m designed with a sloped mansard style roof with eaves reduced to 2.55m in height. It would measure approx. 67sqm infilling the existing pergola structure. It would have a zinc shell exterior with living walls and double-glazed doors. The materials would be in keeping with the architecture of Pressing Lane and the surrounding area. The existing planting that surrounds the pergola structure and adjoining flats would remain in place with the proposed development.

The Councils Conservation officer has no objections to the revised development.

Overall, for the reasons stated above it is considered that the proposed development would have less than substantial harm on the designated conservation area.

Taking into consideration these points the development is considered to preserve the character and appearance of the conservation area, in accordance with Policy HE1 and BE1 of the Hillingdon Local Plan: Part One Strategic (2012) and Policies DMHB 4, DMHB 11, DMHB 12 and Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.04 Airport safeguarding

N/A

7.05 Impact on the green belt

N/A

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) seeks a quality of design in all new development that enhances and contributes to the area in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) advises that all development will be required to be designed to the highest standards and incorporate principles of good design. It should take into account aspects including the scale of the development considering the height, mass and bulk of adjacent structures; building plot sizes and established

street patterns; building lines and streetscape rhythm and landscaping. It should also not have an adversary impact on the amenity, daylight and sunlight of adjacent properties and open space.

The impacts of the proposed development on the Botwell Thorn EMI Conservation Area is covered within section 07.3 of this report.

With regard to the impact of the proposed development on the street scene and character and appearance of the area, the outbuilding is proposed to be located on the second floor terrace level of the Material Storehouse building and screened behind the metal railings. The outbuilding would have a zinc exterior with a mansard style roof and double glazed doors, it is considered that the materials would not appear out of keeping with the surrounding buildings. Due to its modest size, height, screening and position on the second floor terrace level it is not considered that the proposed development would have a harmful impact on the street scene nor the character and appearance of the surrounding area. As such the proposed development would comply with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) .

7.08 Impact on neighbours

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) states that all new development should seek to protect the amenity of surrounding land and buildings, particularly residential properties.

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.

The proposed development would be located on the second floor terrace level of the Material Storehouse. Residential flats would be located adjacent to the development. There are two flats with outdoor terraces that would be located next to the proposed development labelled Unit B.206 and Unit A.204, particular attention has been given to these units given the proximity to the development.

NOISE

The applicant has submitted a noise assessment in support of the application. Whilst the proposed development could potentially generate more activity, the existing space is used for amenity purposes therefore the area would be subject to noise at present. It is noted that the noise generated at present is not enclosed within a building or structure. As such the assessment should be based on whether the proposed development would generate noise significantly above existing.

The applicant has provided an acoustic design review of the proposal. The assessment has considered airborne noise, external mechanical plant noise and airborne sounds insulation with mitigation measures. The Councils Noise specialist has been consulted and raises no objection subject to the imposition of conditions to restrict noise levels from above an

In summary there is no objection to the proposed development in terms of increased noise generation subject to certain conditions which would be added to the approval. It is therefore concluded that the proposed development would not cause a significant increase in noise to warrant refusal.

OVERBEARING IMPACT AND LOSS OF LIGHT

It is noted that the existing pergola in situ at the site is an open structure and the proposed development would infill this space. During the process of the application revised drawings have been received amending the design of the proposed gym structure. The development includes a reduced eaves height reducing any overbearing effect.

The applicant has submitted a Daylight and Sunlight Assessment following the revised design which has been completed in accordance with BRE Guidance 2022. This guidance states that where a development is proposed it should retain at least 80% of the existing light levels enjoyed by existing buildings. The report concludes that the proposed development would have no adverse impacts on neighbouring residents in terms of daylight received, the assessed windows would retain in excess of 80% of their existing values both annually and over the winter months. The neighbouring garden spaces adjacent to the proposed development would retain in excess of 80% of their existing area that received 2 hours or more of sunlight. The report clearly demonstrates that there would be a negligible increase in overshadowing/loss of sunlight and daylight. The proposed development is therefore compliant with BRE guidance in relation to sunlight impacts and therefore, would not have a significantly detrimental impact on the amenities of neighbouring properties.

There are existing planters that surround the two terrace level flats. These would remain in place giving adequate screening to the existing flats. There are no side windows that would face Unit B.206 and Unit A.204 therefore there would be no overlooking or loss of privacy created.

INCREASED ACTIVITY

The proposed gym will be used solely for the residents occupying the building. It should be noted that the existing terraced area and pergola structure can be accessed and used by these residents currently, therefore, it is considered that there would not be a significant increase in activity and disturbance than at present.

Overall, it is not considered that the proposed development would cause significant impacts to the amenities of neighbouring properties. It would therefore comply with Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020)

7.09 Living conditions for future occupiers

EXTERNAL AMENITY SPACE:

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development and conversions will be required to provide good quality and usable private outdoor amenity space.

Although not used as a residential space, the proposed outbuilding would be located within a shared outdoor amenity space for residents of the Material Storehouse.

It is not considered that there would be a substantial loss of external amenity space for existing residents within the Material Storehouse. The proposed development would infill approx. 70sqm of an existing pergola structure which would be used as a leisure facility for residents. It should also be noted that there would still be external amenity areas available for residents within the site within the public podium on level 1, shared terrace on Level 2 and public gardens on the top of each residential block. As such the development would retain sufficient outdoor amenity space for current and future occupiers of the Material Storehouse. As such, the proposed development complies with Policy

DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

HIGHWAY IMPACT:

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

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

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.

The existing site is a car free development and there is no proposed parking for the proposed development. The development would unlikely create addition vehicle movements as the use of the gym would be solely for the use of residents. As such, it is unlikely to have a severe impact on the local highway network or highway safety.

7.11 Urban design, access and security

ACCESS

The proposed development would be located on the second floor terrace level and would have step free access. The development would be accessible by existing lifts. The Council's access officer has been consulted on the application. Their full comments can be read in Section 06.2 of this report. In summary, the access officer is satisfied with the proposed gym arrangements and has no objections regarding accessibility.

URBAN DESIGN

Urban design matters are discussed in section 07.03 of this committee report.

7.12 Disabled access

Covered within section 06.2 of this report

7.13 Provision of affordable & special needs housing

This section is not applicable to the assessment of the application

7.14 Trees, landscaping and Ecology

Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that:

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.

D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

The proposed development would not lead to the loss of any existing planting. The development would retain the existing planters surrounding the pergola structure and would retain screening to the neighbouring properties. The proposed development therefore complies with Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

7.15 Sustainable waste management

This section is not applicable to the assessment of the application

7.16 Renewable energy / Sustainability

This section is not applicable to the assessment of the application

7.17 Flooding or Drainage Issues

This section is not applicable to the assessment of the application

7.18 Noise or Air Quality Issues

Covered within Section 07.8 of this report.

The Noise specialist comments can be found within section 06.2 of this report.

7.19 Comments on Public Consultations

Covered within section 06.1 of this report.

7.20 Planning obligations

This section is not applicable to the assessment of the application

7.21 Expediency of enforcement action

This section is not applicable to the assessment of the application

7.22 Other Issues

FIRE SAFETY

Policy D12 states, in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) identify suitably positioned unobstructed outside space:
 - a) for fire appliances to be positioned on
 - b) appropriate for use as an evacuation assembly point
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) are constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development

The proposal is not supported by a Fire Safety Statement, however given to modest scale of the development and its location within an existing residential developed area which has been subject to recent construction, it is considered acceptable to impose a condition for a Fire Safety Statement to be submitted and approved by the Local Planning Authority. These details will need to tie in with the existing fire safety strategy for the main building but also include details of the materials which should meet the necessary building control requirements. Subject to the imposition of this condition no objection on fire safety grounds are 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

This section is not applicable to the assessment of the application

10. CONCLUSION

The application proposes a modest single storey structure to be used as a gym to serve residents of the existing residential building. Whilst the objections from residents have been noted, as set out in more detail within this report the submission of a daylight and sunlight report and amended plans are considered to address the concerns. Furthermore the scheme has been reviewed by the Councils Noise Officer who has raised no objection.

The building would integrate with the existing building from views within the terrace itself and street level. Whilst the development proposes a Town Centre use to a building outside of the Town Centre the fact that it will serve residents of the building, is modest in size and is on the edge of the Town Centre, it is not considered that the development would detract from the vitality of the Town Centre.

For the reasons set out in this report, it is considered that the proposed development would comply with national, regional, and local planning policies and guidance. Therefore, it is recommended that the application be approved.

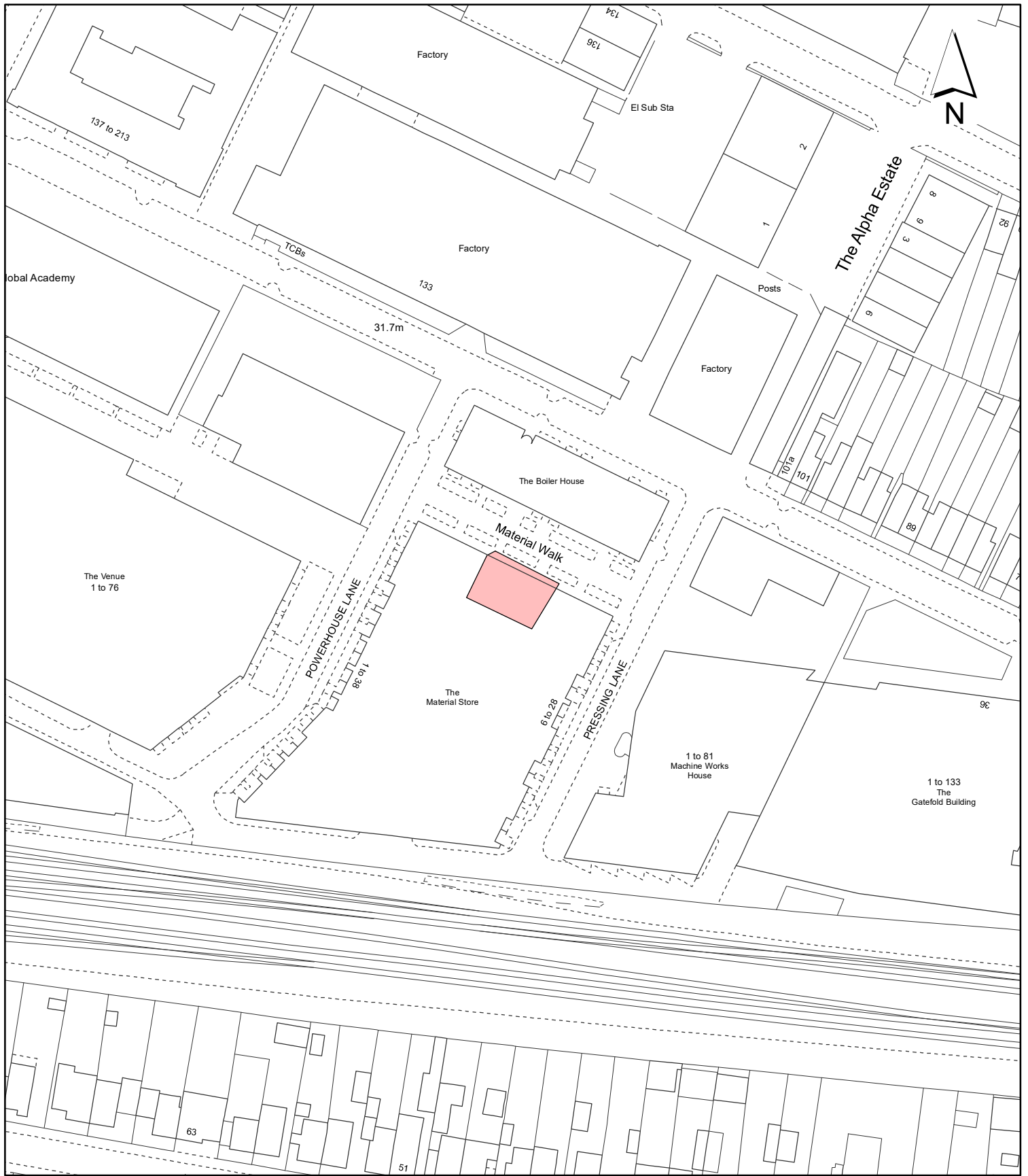
11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
The London Plan (2021)
National Planning Policy Framework (2023)

Contact Officer:

Rhian Thomas

Telephone No:



Notes:

 Site boundary

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Site Address: **Material Store House
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**LONDON BOROUGH
 OF HILLINGDON**
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 Planning Section
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 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
59872/APP/2023/3016

Scale:
1:1,250

Planning Committee:
Minor

Date:
May 2024

