

Report of the Head of Planning & Enforcement Services

Address KNIGHTS OF HILLINGDON FLORISTS UXBRIDGE ROAD HILLINGDON

Development: Reserved matters (landscaping) in compliance with condition 2 of the Secretary of State's Appeal Decision ref:APP/R5510/A/09/2119085 dated 17/06/2010 (LBH ref:15407/APP/2009/1838): Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building).

LBH Ref Nos: 15407/APP/2010/2209

Drawing Nos: HILLINGDON/03

Date Plans Received: 16/09/2010 **Date(s) of Amendment(s):**

Date Application Valid: 13/05/2011

1. SUMMARY

Outline planning permission was allowed on appeal dated 17 June 2010 for the erection of a new health centre facility and 12 No residential flats with ancillary car parking and landscaped amenity space. All matters were provided for consideration except for landscaping details.

Reserved matters approval is sought in respect of the landscaping of the site in compliance with condition 2 of the outline planning permission. The landscape plan, as amended is considered acceptable and will provide an attractive landscape setting for the building and enhance the surrounding residential area.

The landscape plan is considered to comply with Policy BE38 of the Unitary Development Plan Saved Policies September 2007 and is therefore recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with drawing no Hillingdon/03 (21 March 2011) hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises 0.095ha and is located on the northern side of Uxbridge Road at the junction of De Salis Road and Uxbridge Road and was occupied by a derelict former florist.

3.2 Proposed Scheme

Reserved matters approval is sought in respect of the landscaping of the site in compliance with condition 2 of the outline planning permission. The landscape plan, as amended is considered acceptable and will provide an attractive landscape setting for the building and enhance the surrounding residential area.

Planting plan ref. V.3, drawing No. HILLINGDON/03 includes robust structure planting incorporating trees, hedges and shrubs designed to provide an attractive and useable private space for the enjoyment of the site occupiers. It will also enhance the local residential environment beyond the boundaries of the site.

This submission has been the subject of several amendments following detailed discussion with the agent and, directly, with the landscape designer. The landscape proposals reflect the outcome of the discussions

3.3 Relevant Planning History

15407/APP/2009/1838 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building) (Outline application for approval of access, appearance, layout and scale.)

Decision: 25-11-2009 Refused

Appeal: 17-06-2010 Allowed

Comment on Relevant Planning History

None.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE19 New development must improve or complement the character of the area.

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- 27th April 2011

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A total of 99 nearby owner/occupiers were consulted on the application.

Three letters of objection have been received raising the following objections:

- (i) Application was previously rejected; nothing has changed in this proposal and should be refused.
- (ii) Loss of light
- (iii) Visually intrusive
- (iv) Hazard to road safety
- (v) Lack of parking

One letter of support has been received

- (i) The site is a derelict eyesore and should be redeveloped.

Internal Consultees

TREES AND LANDSCAPE OFFICER - AMENDED PLANS

Planting plan ref. V.3, drawing No. HILLINGDON/03 includes robust structure planting incorporating trees, hedges and shrubs designed to provide an attractive and useable private space for the enjoyment of the site occupiers. It will also enhance the local residential environment beyond the

boundaries of the site. Supporting document include: 1. Client brief for landscape Scheme, 2. Plant schedules, 3. Planting specification and 4. Plant maintenance schedules - all documents received 4 April 2011.

This submission has been the subject of several amendments following detailed discussion with the agent and, directly, with the landscape designer, Vanessa Adorni. The landscape proposals reflect the outcome of the discussions.

These details are recommended for approval.

ACCESS OFFICER

I consider that condition 2 in respect of the above has been met from an accessibility perspective.

HIGHWAY OFFICER

No objection.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development has been set by the previously approved planning appeal application ref APP/R5510/A09/2119085.

7.02 Density of the proposed development

Density of the proposed development was determined under the outline planning permission and were considered acceptable.

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

The site does not fall within an Archaeological Priority Area and there are no Listed Buildings or Areas of Special Local Character within the vicinity.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

There is no land designated as Green Belt within the near vicinity.

7.07 Impact on the character & appearance of the area

It is considered that the landscape proposals will enhance the local residential environment beyond the boundaries of the site.

7.08 Impact on neighbours

The landscaping proposals would not have any detrimental impacts on the amenity of neighbouring occupiers.

7.09 Living conditions for future occupiers

Living conditions for future occupiers was considered under the outline planning permission.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Reserved matters of layout and access were determined under the outline planning permission and were considered acceptable. The proposed landscaping does not impact on these approved matters.

7.11 Urban design, access and security

Issues of Urban Design, Access and general security were considered under the outline planning permission.

Boundary treatments are subject to a separate condition under the outline planning permission.

7.12 Disabled access

The Council's Access Officer considers that condition 2 has been met from an accessibility perspective.

7.13 Provision of affordable & special needs housing

Provision of affordable & special needs housing were considered under the outline planning permission and were considered acceptable.

7.14 Trees, landscaping and Ecology

The landscaping scheme includes robust structure planting incorporating trees, hedges and shrubs designed to provide an attractive and useable private space for the enjoyment of the site occupiers. It will also enhance the local residential environment beyond the boundaries of the site. The Council's Trees and Landscape Officer has been consulted on the application and considered the details submitted to be acceptable.

7.15 Sustainable waste management

Details of sustainable waste management were considered under the outline planning permission and were considered acceptable.

7.16 Renewable energy / Sustainability

Details of Renewable energy / Sustainability were considered under the outline planning permission and were considered acceptable.

7.17 Flooding or Drainage Issues

Details of flooding or drainage issues were considered under the outline planning permission and were considered acceptable.

7.18 Noise or Air Quality Issues

Details of noise mitigation and air quality issues were considered under the outline planning permission and were considered acceptable.

7.19 Comments on Public Consultations

None.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

Reserved matters approval is sought in respect of the landscaping of the site in compliance with condition 2 of the outline planning permission. The landscape plan, as amended is considered acceptable and will provide an attractive landscape setting for the building and enhance the surrounding residential area.

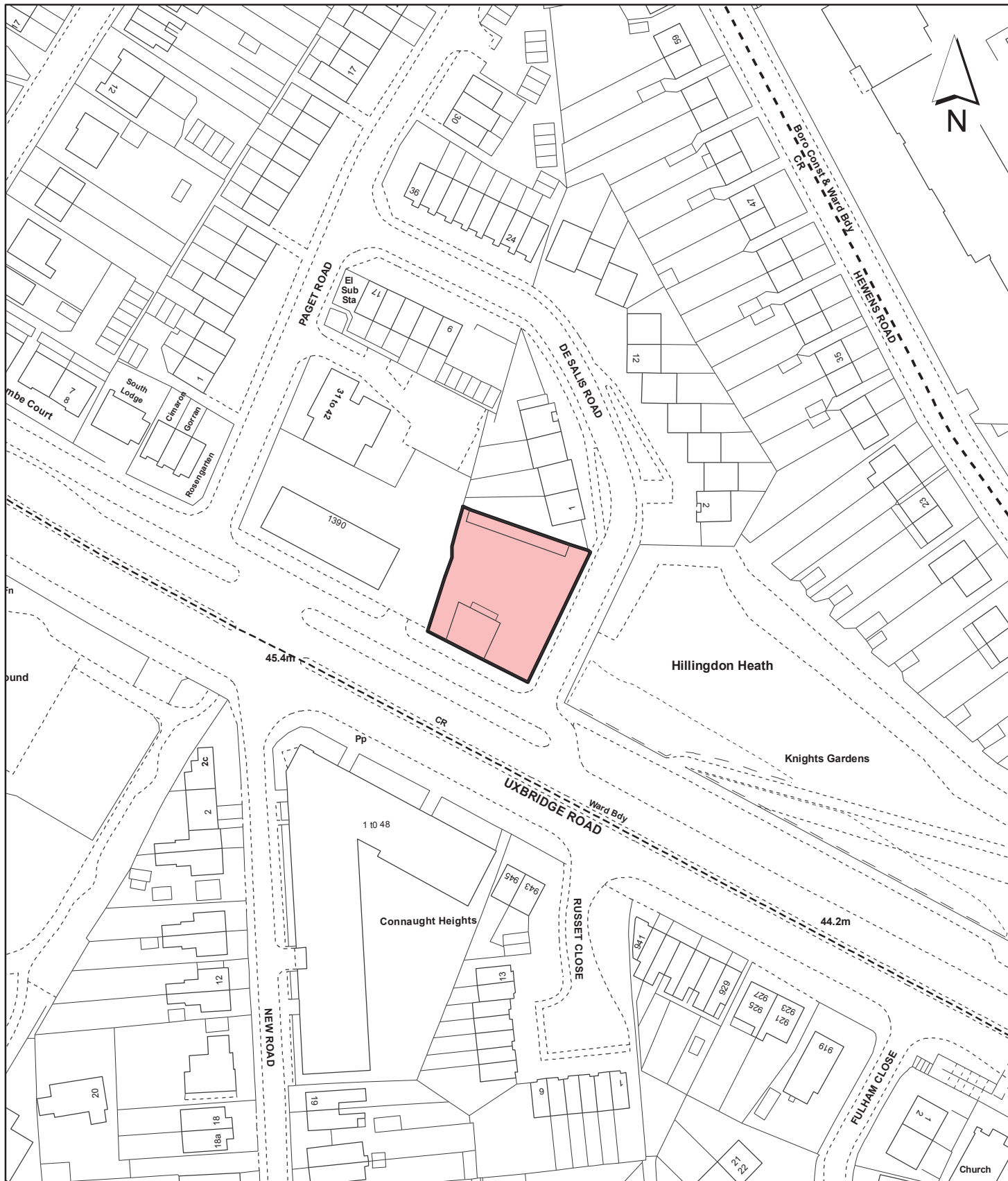
The landscape plan is considered to comply with Policy BE38 of the Unitary Development Plan Saved Policies September 2007 and is therefore recommended for approval.

11. Reference Documents

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)
Planning Policy Guidance Note 13 (Transport)
Planning Policy Guidance Note 24 (Planning and Noise)
London Plan (July 2011)
Hillingdon Unitary Development Plan Saved Policies (September 2007)
Hillingdon Design and Accessibility Statement (HDAS)
Council's Supplementary Planning Guidance Community Safety by Design
Council's Supplementary Planning Guidance Planning Obligations Strategy

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Notes



Site boundary

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Site Address

Knights of Hillingdon Florists
Uxbridge Road
Hillingdon

Planning Application Ref:

15407/APP/2010/2209

Planning Committee

Central and South

Scale

1:1,250

Date

September
2011

LONDON BOROUGH
OF HILLINGDON
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