

## Report of the Head of Planning & Enforcement Services

**Address** KMS MOTORS R/O DAWLEY PARADE DAWLEY ROAD HAYES

**Development:** Application for a new planning permission to replace extant planning permission (Appeal Decision ref. APP/R5510/A/08/2071434 dated 15/10/2008.): demolition of existing garages and erection of a new two storey residential building comprising three units (2 studio flats and 1 one-bedroom flat) with four parking spaces and communal amenity spaces. (LBH Ref: 3587/APP/2007/2478 dated 07/08/2007)

**LBH Ref Nos:** 3587/APP/2011/2031

**Drawing Nos:** Location Plan  
07-2440-1 A  
07-2440-2 A

**Date Plans Received:** 18/08/2011                      **Date(s) of Amendment(s):**

**Date Application Valid:** 18/08/2011

### 1. SUMMARY

A petition has been received in respect of this application.

The application seeks permission for a new planning permission to replace an extant consent. Whilst concerns were previously raised by the Council in relation to the original planning application which was refused by this Council on the grounds of the development being out of keeping with the character of the area and resulting in a loss of residential amenity to adjacent and future occupiers of the proposed flats, an Appeal was allowed in October 2008.

The Inspector concluded that the scheme would have an acceptable impact on both the character of the area and upon the residential amenity of occupants of adjacent and future occupants of the flats. This appeal decision is a material consideration. The changes in planning policy since this appeal was determined, namely the revision to PPS3 and the London Plan 2011 don't affect the conclusions of the Inspector in 2008. As such it is recommended that the application be approved.

### 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 the plans 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).

**3 M1 Details/Samples to be Submitted**

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 H14 Cycle Storage - details to be submitted**

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan. (July 2011).

**5 H6 Car parking provision - submission of details**

The development hereby approved shall not be commenced until details of the parking arrangements have been submitted to and approved in writing by the Local Planning Authority; and the development shall not be occupied until the approved arrangements have been implemented. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

REASON

To ensure that adequate facilities are provided in accordance with Policies AM14, AM15 and the parking standards as set out in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

**6 NONSC Non Standard Condition**

Before any part of this development is commenced a site survey to assess the land contamination levels shall be carried out to the satisfaction of the Council and a remediation scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved by the Local Planning Authority. The remediation scheme shall include an assessment of the extent of site contamination and provide in detail the remedial measures to be taken to avoid risk to the occupiers and the buildings when the site is developed. All works which form part of this remediation scheme shall be completed before any part of the development is occupied (unless otherwise agreed in writing by the Local Planning Authority). The condition will not be discharged until

verification information has been submitted for the remedial works. Any imported material i.e. soil shall be tested for contamination levels therein to the satisfaction of the Council.

**REASON**

To ensure that the occupants and users of the development are not subject to any risks from contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**7 MCD10 Refuse Facilities**

No development shall take place until details of facilities to be provided for the covered, appropriately sign posted, secure and screened storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

**REASON**

In order to safeguard the amenities of the area, in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

**8 NONSC Non Standard Condition**

Before development hereby approved is commenced, a scheme of double glazing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

**REASON**

To ensure that the amenity of the occupiers of the proposed flats is not adversely affected by noise.

**9 NONSC Non Standard Condition**

The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the Local Planning Authority.

**REASON**

The Council's records show that the development site is within 250 metres of two landfill sites which suggest possible ground gas risks. A gas survey is required to clarify that there is no significant gas migration from the landfills to the new development site, in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**10 TL6 Landscaping Scheme - implementation**

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or

in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

#### REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **11 TL5 Landscaping Scheme - (full apps where details are reserved)**

No development shall take place until a landscape scheme providing full details of hard and soft landscaping works has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

The scheme shall also include details of the following: -

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **12 TL7 Maintenance of Landscaped Areas**

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

#### REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

#### **13 SUS3 Energy Efficiency DC Applications**

No development shall take place on site until an energy efficiency report has been submitted to, and approved in writing by the Local Planning Authority. The report shall identify measures that will be integrated into the development to improve energy efficiency in accordance with the Mayor's energy Hierarchy. The methods identified within the approved report shall be integrated within the development and thereafter permanently retained and maintained.

#### REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with London Plan (July 2011) Policies 5.1, 5.3, 5.4, 5.5, 5.7, 5.9 and 5.10

#### 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 (July 2011) and national guidance.

AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H7	Conversion of residential properties into a number of units
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.3	(2011) Sustainable design and construction
LPP 7.1	(2011) Building London's neighbourhoods and communities
LPP 7.4	(2011) Local character
OE1	Protection of the character and amenities of surrounding properties

PPS3 and the local area  
Housing

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is a triangular area of land lying between a small suburban shopping parade and terraced housing. The site currently accommodates site buildings which are being used in connection with the redevelopment work currently ongoing at the site of the Ram PH adjacent to the application site.

#### 3.2 Proposed Scheme

The application seeks permission to extend the time for implementation of permission 3587/APP/2007/2478 for the demolition of the existing garages and the erection of a new residential building comprising three units (two studio flats and a 1 bed flat) with four parking spaces and communal amenity space.

#### 3.3 Relevant Planning History

3587/APP/2007/2478 Land Rear Of Dawley Parade & Rear Of 76-82 Princes Park Lane, H  
DEMOLITION OF EXISTING GARAGES AND ERECTION OF A NEW TWO STOREY  
RESIDENTIAL BUILDING COMPRISING THREE UNITS (2 STUDIO FLATS AND 1 ONE-  
BEDROOM FLAT) WITH FOUR PARKING SPACES AND COMMUNAL AMENITY SPACES.

**Decision:** 31-10-2007 Refused **Appeal:** 15-10-2008 Allowed

3587/APP/2007/3449 Kms Motors R/O Dawley Parade Dawley Road Hayes  
ERECTION OF A SINGLE STOREY BUILDING FOR USE AS STORAGE AND OFFICES,  
TOGETHER WITH PARKING AND LOADING BAYS (INVOLVING THE DEMOLITION OF THE  
EXISTING GARAGES).

**Decision:** 08-07-2008 Approved

#### Comment on Relevant Planning History

Planning permission 3587/APP/2007/2478 was allowed at appeal on 15 October 2008 following a refusal of planning permission by the Council.

### 4. Planning Policies and Standards

#### UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

AM14 New development and car parking standards.

AM7 Consideration of traffic generated by proposed developments.



BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H7	Conversion of residential properties into a number of units
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LPP 7.4	(2011) Local character
OE1	Protection of the character and amenities of surrounding properties and the local area
PPS3	Housing

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

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

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

## **6. Consultations**

### **External Consultees**

John McDonnell MP - Letter of objection relating to loss of amenity, overdevelopment, overlooking and congestion.

### **Internal Consultees**

Access Officer - In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted January 2010.

Since the appeal decision, the Council has adopted the above Supplementary Planning Document which is now a material consideration in the determination of this new application. To this end, the scheme should be revised and compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan.

The following access observations are provided:

1. The bathrooms should be designed in accordance with Lifetime Home standards. At least 700mm should be provided to one side of the WC, with 1100 mm provided between the front edge of the toilet pan and a door or wall opposite.

2. To allow bathrooms to be used as wet rooms in future, plans should indicate floor gully drainage.

A Design & Access Statement should be submitted to demonstrate how all 16 Lifetime Home Standards, as relevant, have been incorporated.

Conclusion: On the basis that revised plans are received and approved from an accessibility perspective prior to any grant of planning permission no objection is raised.

EPU - Please note it looks like the inspector did not give any consideration to potential contamination issues. If it is possible it is recommended the following conditions are attached to any permission that may be given as a former potentially contaminating use has been identified at the site and the proposal introduces a number of new sensitive receptors. There are also a couple of landfills, one with had active gas protection measures and may be moving towards passive measures as the rate of gas generation slow down (Stockley Park to the west of the site) and one without specific gas protection measures where we have out of date monitoring data indicating the presence of gas in the middle of the site (Botwell Common to the east). Ideally the standard contaminated land condition and the gas condition below need to be included. The wording of the gas condition needs to be reproduced as it is below. If you need to make changes, can you please consult with EPU first.

#### AMENDED EPU L1 Site survey and remediation scheme

Before any part of this development is commenced a site survey to assess the land contamination levels shall be carried out to the satisfaction of the Council and a remediation scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved by the Local Planning Authority.

The remediation scheme shall include an assessment of the extent of site contamination and provide in detail the remedial measures to be taken to avoid risk to the occupiers and the buildings when the site is developed. All works which form part of this remediation scheme shall be completed before any part of the development is occupied (unless otherwise agreed in writing by the Local Planning Authority). The condition will not be discharged until verification information has been submitted for the remedial works. Any imported material i.e. soil shall be tested for contamination levels therein to the satisfaction of the Council.

#### REASON

To ensure that the occupants and users of the development are not subject to any risks from contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### Landfill gas condition

Investigate the site for landfill gas including below the proposed footprint of any new building to the satisfaction of the Local Planning Authority, to ascertain whether gas protection measures are required. Where measures are required the details shall be submitted to, and approved by, the Local Planning Authority.

OR

The applicant shall install gas protection measures as a precautionary measure without first



investigating the site. The details of these measures shall be submitted to, and approved by, the Local Planning Authority.

#### REASON

The Council's records show that the development site is within 250 metres of two landfill sites which suggest possible ground gas risks. A gas survey is required to clarify that there is no significant gas migration from the landfills to the new development site, in accordance with policy OE11 of the Hillingdon Unitary

It is noted the size of the development is small, therefore if the contaminated land condition is considered to be too onerous, the following imports and landscaping condition is offered as an alternative, however the gas condition does need to go on. Condition to minimise risk of contamination from garden and landscaped area All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted for the approval of the Local Planning Authority.

Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

#### REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Landscape Officer - In terms of Saved Policy BE38 of the UDP, there are no trees or other landscape features of merit on or close to the site, but there is a need and scope for landscaping. Subject to landscape-related conditions TL5, TL6 and TL7 (similar to those imposed on the 2008 appeal decision - allowed), this application is acceptable in terms of Saved Policy BE38.

Education - Studio flats with only 2x habitable rooms are too small to be considered for Education contributions. Therefore the net gain in habitable rooms is below the threshold at which we may seek a contribution from this proposal.

## **7. MAIN PLANNING ISSUES**

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

The principle of the development has been established by the preceding appeal Inspector's decision. The only matters which would affect this would be any key changes in the policy context since the adoption of the UDP Saved Policies and the appeal decision in October 2008. These include the adoption of the new London Plan (July 2011), and revised Planning Policy Statement (PPS) 3: Housing (July 2010).

The revised PPS3: Housing, clearly clarifies that not all developed land is necessarily suitable for housing. It also makes it clear that well thought out design and layout which integrates with and complements existing buildings and the surrounding local context is a key consideration which needs to be taken into account when assessing proposals for residential development.

The London Plan (July 2011) has been published since the appeal was allowed in October 2008. Policy 3.5 states that housing developments should be of the highest quality internally and externally and in relation to their context and to the wider environment.

It is not considered in this case that the principle of the development as previously

accepted by the Inspector is outweighed by the changes in policy since the appeal was allowed in October 2008.

As such the principle for the development is considered to remain acceptable.

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

The proposed density of the development is considered acceptable, being at the lower end of accepted density ranges, and consistent with the density of the development in the immediate area.

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

The site is not located within a Conservation Area, Area of Special Local Character or Archaeological Priority Area, and there are no Listed Buildings on the site. As such, it is considered that the scheme would not impact in the heritage of the Borough.

#### **7.04 Airport safeguarding**

It is considered that the proposal would not impact on the safe operation of any airport.

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

The site is not within or near to Green Belt land and as such there would be no impact in this respect.

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

The application seeks permission to replace an extant consent allowed at appeal in October 2008.

During the consideration of the previous scheme, the Inspector concluded that given the sites appearance, history of unauthorised uses and recent record of anti-social behaviour associated with it, he was satisfied that it would be to the clear advantage of the local community to have the existing buildings demolished and some positive use of the made of the site. The Inspector concluded that the design allowed for a reasonably spacious layout, avoiding any sense that the building had been squeezed uncomfortably into this site.

The application site does not consist of residential curtilage and therefore the recent changes to PPS3 removing curtilage from the definition of previously developed land do not come into force. Furthermore the proposal is considered to comply with the requirements of the London Plan 2011 in terms of the impact of the proposed development upon the character and appearance of the area.

A material difference since the appeal was allowed was the granting of planning permission by the Council for the redevelopment of The Ram Public House in October 2009 for the erection of 18 flats. The Council considered the 18 flats were acceptable in the relation to the extant consent for the flats on the adjacent site, (the current application site).

Given the findings of the Inspector in his appeal decision and that the context of the development remains unchanged since permission was granted for the redevelopment of the Ram PH it is considered, on balance, that the proposal remains acceptable in terms of its impact upon the character and appearance of the area in accordance with Policy BE13 of the Hillingdon UDP (Saved Policies 2007) and London Plan policies 3.5, 7.1, and 7.4, and PPS3.

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

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: New Residential Layouts, in relation to new dwellings, states all residential

developments and amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens. The daylight and sunlight available to adjoining properties should be adequately protected. Where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over-domination, and 15m will be the minimum acceptable distance.

The Inspector in the 2008 appeal decision states that the Council are concerned that the proposed front dormer windows of the block would permit overlooking of the rear garden of 8 Dawley Parade. I accept that there could be some risk of intrusion here, but I consider it to be limited. I do not consider that the possible loss of privacy would be such as to warrant dismissal of the appeal on these grounds.

Therefore subject to conditions the proposal would not result in a material loss of privacy and as such would comply with policy BE24 of the Adopted Hillingdon UDP (Saved Policies, September 2007), and the SPD: New Residential Layouts: Section 4.12.

The previous appeal decision was taken before the permission was granted for the redevelopment of the Ram PH. However, in view of the separation distances involved and the relationship of the proposed development with flats under construction at The Ram, it is considered that there would not be an unacceptable loss of amenity in accordance with Policies BE20 and BE21 of the Adopted Hillingdon UDP (Saved Policies, September 2007).

Due to the separation distances involved with any of the adjacent properties, it is considered a material loss of residential amenity would not arise by loss of light or dominance. Therefore this proposal would comply with Policies BE20 and BE21 of the Adopted Hillingdon UDP (Saved Policies, September 2007).

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

Section 4.7 of the SPD: Residential Layouts, states careful consideration should be given in the design of the internal layout, and that satisfactory indoor living space and amenities should be provided. The proposed internal floor space for each of the new flats would be 33m<sup>2</sup> and 54m<sup>2</sup> respectively. The SPD states the minimum amount of floor space required for a studio flat would be 33m<sup>2</sup> and for a 1 bed flat, 50m<sup>2</sup> and would therefore comply with this standard. The London Plan requires a minimum floor area of 37m<sup>2</sup> and 50m<sup>2</sup> respectively. Whilst the proposal would fall slightly short of the London Plan Standard, it was considered acceptable by the previous Inspector.

It is considered that all the proposed habitable rooms, would have an adequate outlook and source of natural light, and therefore comply with the SPD: New Residential Layouts: Section 4.9 and Policy 5.3 of the London Plan (2011).

With regard to the size of the garden, the SDP: Residential Layouts: Section 4.15 states that shared amenity space for a 1 bedroom or studio flat should be 20 square metres per flat. The proposal would comply with this advice showing an area in excess of 60m<sup>2</sup>. Therefore the proposal would comply with Policy BE23 of the Hillingdon UDP (Saved Policies, September 2007).

The Inspector accepted that there would be some overlooking of the amenity area for the flats from the rear first floor windows of the houses at 76-82 Princes Park Lane as well as from the the ground floor studio flats of the development itself. He advised that the achievable standard of privacy may well turn out to be less than the Council would aspire to in a more conventional setting. He concluded that there were insufficient concerns to

warrant a refusal of planning permission and that the future occupants of the flats would have the opportunity to judge the detailed amenity issues for themselves.

The Council previously raised concerns that the siting of the flats close to the shops and service roads would mean unacceptable noise impact from noise and disturbance and smells. The Inspector concluded that a blanket ban on housing on the appeal site would suggest that many similar sites would be ruled out for housing led renewal schemes in mixed use areas. He considered that a condition to require a scheme for double glazing to be sufficient in response to the Council's objections.

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

The application shows the provision of 4 parking spaces for the development. These would be provided to the front of the building. Therefore, subject to a condition being attached requiring these parking areas to be made available before the occupation of the dwellings, the application is considered to comply with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

No cycle storage is proposed as part of this scheme. However, the Inspector advised that this matter could be dealt with satisfactorily by condition.

**7.11 Urban design, access and security**

The design of this building has been accepted by the Inspector in 2008.

**7.12 Disabled access**

The additional information submitted with the application states that the proposal would comply with Part M of the Building Regulations and Lifetime Homes standards. As such, it is considered that the proposal would be capable of satisfying Lifetime Homes Standards, in compliance with the London Plan (2011) and the Council's HDAS 'Accessible Hillingdon'.

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

There is no requirement for affordable or special needs housing in this instance.

**7.14 Trees, landscaping and Ecology**

There are no trees affected by the proposal. A condition requiring a landscaping scheme can be controlled by condition should permission be granted.

**7.15 Sustainable waste management**

The details of the proposed waste and recycling are considered acceptable and can be controlled by condition.

**7.16 Renewable energy / Sustainability**

It is considered that renewable energy and sustainability could be controlled via conditions, in line with policy requirements, should permission be granted.

**7.17 Flooding or Drainage Issues**

It is considered that there would be no adverse impact in relation to flooding or draining issues.

**7.18 Noise or Air Quality Issues**

A satisfactory standard of living accommodation can be achieved within the development and subject to a condition being imposed regarding double glazing, the development would not be affected or affect noise and air quality in the surrounding area.

**7.19 Comments on Public Consultations**

The comments made by residents have been addressed in this report.

**7.20 Planning obligations**

The Education Department has advised that no contributions are required due to the size of the proposed units.

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

No Enforcement Action is required in this instance

#### **7.22 Other Issues**

N/A

### **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**

### **10. CONCLUSION**

Whilst concerns were previously raised by the Council in relation to the original planning permission which was refused by this Council on the grounds of the development being out of keeping with the character of the area and resulting in a loss of residential amenity to adjacent and future occupiers of the proposed flats, an Appeal was allowed in October 2008. The Inspector concluded that the scheme would have an acceptable impact on both the character of the area and upon the residential amenity of occupants of adjacent and future occupants of the flats. This appeal decision is a material consideration. The changes in planning policy since this appeal was determined, namely the revision to PPS3 and the London Plan 2011 are not considered to override the conclusions of the Inspector in 2008. As such it is recommended that the application be approved.

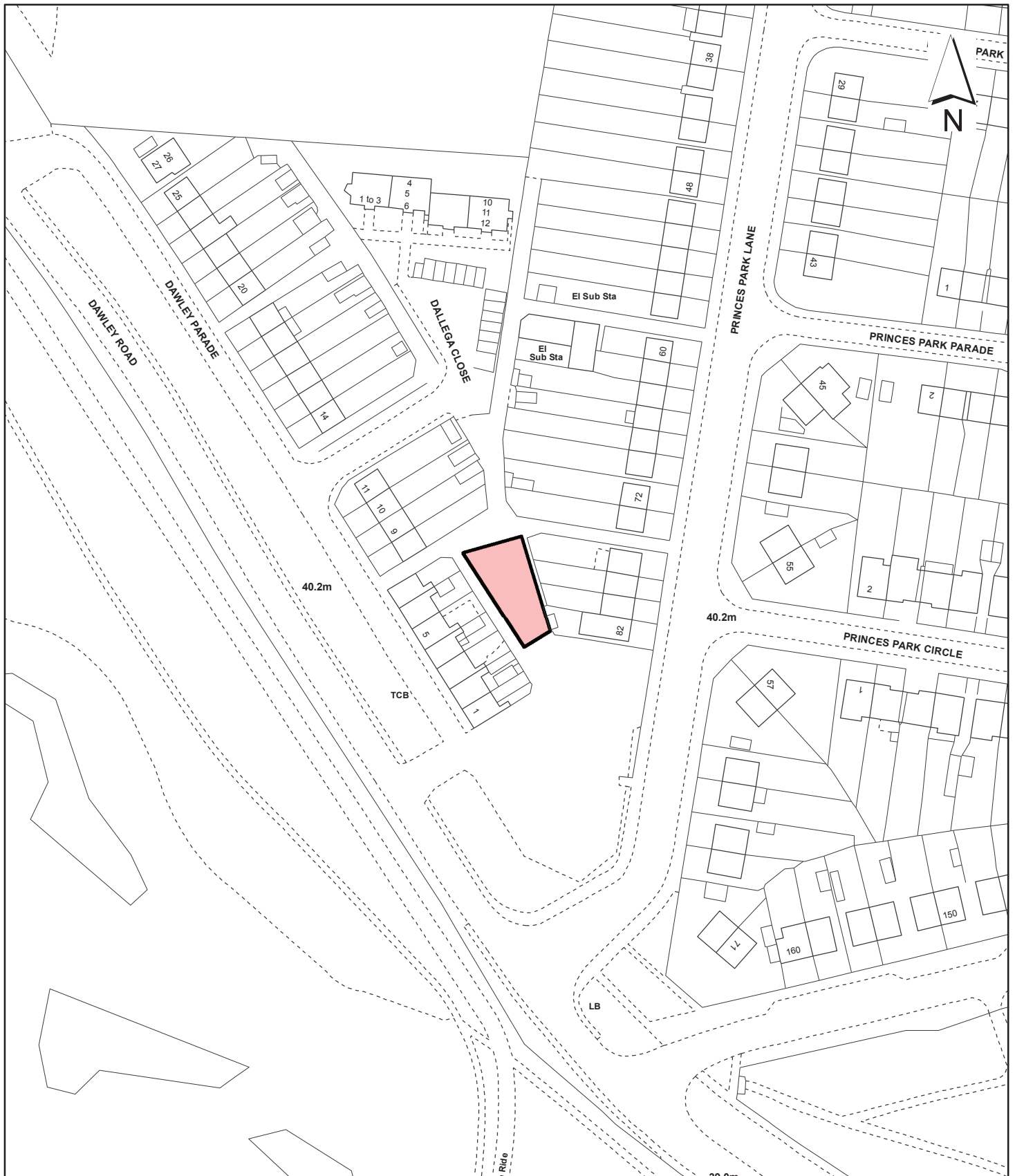
### **11. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies 9September 2007)  
HDAS - Residential Layouts  
Accessible Hillingdon SPD  
London Plan 2011  
PPS3 - Housing

**Contact Officer:** Nicola Taplin

**Telephone No:** 01895 250230





**Notes**

 Site boundary

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Site Address

**KMS Motors rear of Dawley Parade  
 Dawley Road  
 Hayes**

Planning Application Ref:

**3587/APP/2011/2031**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**February  
 2012**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Planning,  
 Environment, Education  
 & Community Services

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