

Report of the Head of Planning & Enforcement

Address 86-90 HIGH STREET AND 45, 47, 47A ALBERT ROAD YIEWSLEY

Development: Change of use of first and second floor from retail to residential forming 7 one-bedroom flats, and 1 studio flat, involving a second floor extension, roof terrace at third floor level, remodelling of existing elevations to include new balconies, alterations to form new entrance area at ground floor and associated parking to rear of land at 45, 47, and 47A Albert Road.

LBH Ref Nos: 64714/APP/2009/778

Drawing Nos: GUG/2009/660/101
GUG/2009/660/102
Design and Access Statement
GUG/2009/660/204 A
GUG/2009/660/202 A
GUG/2009/660/203 A
GUG/2009/660/201 A
GUG/08/660/105 A
GUG/08/660/104 A
GUG/08/660/106 A
GUG/08/660/103 B
MB/1721/1
Redline site plan

Date Plans Received:	15/04/2009	Date(s) of Amendment(s):	15/04/2009
Date Application Valid:	30/04/2009		23/11/2009
			17/02/2010

1. SUMMARY

The application seeks full planning permission to change of use of the first and second floor of the premises at 86-90 High Street Yiewsley to residential uses, involving a second storey extension. It is proposed to retain the ground floor a retail use (approximately 317sqm floor area). Above the shop, it is proposed to create 8 residential units (comprising 7 x 1 bed and 1 x studio).

The scheme includes the provision of 12 car parking spaces on a portion of the land to the rear of 45, 47 and 47A Albert Road.

No objection is raised to the height, bulk, scale or appearance of the proposal. Furthermore, the scheme complies with the recommendations within HDAS - Residential Layouts and would not give rise to any detrimental impacts on neighbouring properties through dominance, overshadowing or overlooking.

The proposal accords with the Council's adopted parking standards, adequate car parking and garden areas would be maintained for the properties at 45, 47 and 47A Albert Road.

Approval is recommended.

2. RECOMMENDATION

a) That the Council enters into an agreement with the applicant under Section 106

of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:

i) A monetary contribution to mitigate the impact of the development on local educational facilities to the sum of £9,184;

ii) The permanent provision, allocation and unimpeded access to 2 of the car parking spaces to 47 Albert Road and 2 of the parking spaces to 47A Albert Road, at no ongoing cost.

b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

c) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.

d) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised within 6 months of the date of this committee resolution, or any other period deemed appropriate by the Director of Planning and Community Services, then the application may be referred back to the Committee for determination.

e) That subject to the above, the application be deferred for determination by the Director of Planning and Community Services under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

f) That if the application is approved, the following conditions be imposed:

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 and BE15 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 M3 Boundary treatment - details

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected (including the acoustic boundary treatment around the car parking area). The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

REASON

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 H7 Parking Arrangements (Residential)

The parking areas including any garages and car ports shown on the approved plans, shall be constructed, marked out, designated and allocated for the sole use of the occupants prior to the occupation of the development and thereafter be permanently retained and used for no other purpose.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

6 MCD10 Refuse Facilities

The development hereby permitted, shall not be occupied until the signposted, secure and covered refuse and recycling storage facilities have been provided in accordance with the approved plans. Thereafter, these facilities shall be permanently retained on site and be kept available for the use of the occupiers of the development.

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.

7 H15 Cycle Storage - In accordance with approved plans

The development hereby permitted, shall not be occupied until the 8 covered and secure cycle storage lockers for cyclists have been provided in accordance with the approved plans. Thereafter, these facilities shall be permanently retained on site and be kept available for the use of 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 3C of the London Plan. (February 2008).

8 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 for the car parking area and roof terrace 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,
Other vehicle and pedestrian access and circulation areas,
Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, , 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),

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).

9 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 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).

10 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).

11 N1 Noise-sensitive Buildings - use of specified measures

Development shall not begin until a scheme for protecting the proposed development from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by road traffic noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

12 N13 Sound insulation of commercial/entertainment premises

The development shall not begin until a sound insulation scheme for the control of noise transmission between the shop and residential dwellings above, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the amenity of the occupants of surrounding properties in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

13 NONSC Delivery Hours

No deliveries servicing the development shall take place outside the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 hours on Saturdays. No deliveries servicing the development shall take place on Sundays, Bank Holidays or Public Holidays.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

14 SUS4 Code for Sustainable Homes details (only where proposed as

No development shall take place until an initial design stage assessment by an

accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve level 3 of the Code has been submitted to, and approved in writing, by the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

REASON

To ensure that the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008).

15 SUS8 Electric Charging Points

Before development commences, plans and details of one electric vehicle charging point, serving the development and capable of charging multiple vehicles simultaneously, shall be submitted to and approved in writing by the Local Planning Authority.

REASON

To encourage sustainable travel and to comply with London Plan Policy 4A.3.

16 OM14 Secured by Design

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with policies 4B.1 and 4B.6 of the London Plan.

17 DIS1 Facilities for People with Disabilities

All the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans shall be provided prior to the occupation of the development and thereafter permanently retained.

REASON

To ensure that adequate facilities are provided for people with disabilities in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

18 DIS3 Parking for Wheelchair Disabled People

The development hereby permitted, shall not be occupied until parking provision for wheelchair users has been provided in accordance with the approved plans. Thereafter,

these facilities shall be permanently retained on site and be kept available for the use of the occupiers of the development.

REASON

To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy AM5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

Note: wheelchair users are not the only category of people who require a 'disabled' parking space. A Blue Badge parking space can also be used by people who have a mobility impairment (full-time wheelchair users account for only a small percentage of this category) including elderly people, visually impaired people having a sighted driver, children having bulky equipment such as oxygen cylinders that have to be transported with them, etc.

19 DIS4 Signposting for People with Disabilities

Signplates, incorporating a representation of the Universal Wheelchair Symbol, should be displayed to indicate the location of convenient facilities to meet the needs of people with disabilities. Such signplates should identify or advertise accessible entrances to buildings, reserved parking spaces, accessible lifts and lavatory accommodation, manageable routes through buildings and availability of additional services. Signs for direction and location should have large characters or numerals and clearly contrast with the background colour.

REASON

To ensure that people with disabilities are aware of the location of convenient facilities in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

20 DIS5 Design to Lifetime Homes Standards & to Wheelchair Standards

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further 10% of the units hereby approved shall be designed to be fully wheelchair accessible, adaptable and shall provide a space for the storage and charging of mobility scooters and/or electric wheel chairs or easily for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement: Accessible Hillingdon'.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (February 2008) Policies 3A.5, 3A.13, 3A.17 and 4B.5.

21 TL20 Amenity Areas (Residential Developments)

None of the dwellings hereby permitted shall be occupied, until the outdoor amenity area serving the dwellings as shown on the approved plans (including the roof terrace and balconies where these are shown to be provided) has been made available for the use of residents of the development. Thereafter, the amenity areas shall so be retained.

REASON

To ensure the continued availability of external amenity space for residents of the development, in the interests of their amenity and the character of the area in

accordance with policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

22 OM2 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

23 OM11 Floodlighting

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

REASON

To safeguard the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

24 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

25 NONSC Obscure glazing

The kitchen windows facing north (towards 104 High Street), shall be permanently glazed with permanently obscured glass and the windows being non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

26 SUS5 Sustainable Urban Drainage

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) /if appropriate/ and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

27 NONSC Balustrading

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing how future users of the roof top terrace, will be prevented from overlooking residential properties to the south. The approved means shall then be implemented in accordance with the agreed scheme.

REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

28 NONSC Education facilities

Before the development hereby permitted is commenced, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority detailing how improvements to education facilities in the vicinity of the site arising from the needs of the proposed development will be provided. The approved means and timescale of providing the proposed improvements shall then be implemented in accordance with the agreed scheme.

REASON

To ensure that the development provides an appropriate contribution to the improvement of education facilities within the surrounding area, arising from the proposed

development, in accordance with Policy R17 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's Supplementary Planning Document on Planning Obligations.

29 NONSC Ventilation

Development shall not begin until a ventilation scheme for protecting the proposed development from air pollution has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by air pollution in accordance with policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

30 NONSC Balconies and glazing

Development shall not begin until details of permanently obscure glazed screening /balustrading for the proposed balconies have been submitted to and approved in writing by the Local Planning Authority and no residential unit shall be occupied until the approved screening relating to that unit has been erected.

REASON

In the interests of visual amenity in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

31 NONSC Deliveries

No deliveries servicing the retail development shall take place outside the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 hours on Saturdays. No deliveries servicing the development shall take place on Sundays, Bank Holidays or Public Holidays.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

32 MCD9 No External Storage

No display, placing or storage of goods, materials, plant or equipment shall take place other than within the buildings.

REASON

In the interests of amenity and to ensure that external areas are retained for the purposes indicated on the approved plans in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

33 NONSC Parking area gate

'Prior to the commencement of the development hereby approved details of means to secure the car parking area, such as a full height access gates to the rear car park area servicing the residential development and properties at 47 and 47A Albert Road, incorporating facilities for its operation by disabled persons, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the secure access arrangements shall be installed in accordance with the approved details and maintained so long as the development remains on site.

REASON

In order to ensure the development achieves an appropriate level of accessibility in accordance with Policy 3A.5 of the London Plan and the HDAS - Accessible Hillingdon.

INFORMATIVES

1 152 **Compulsory Informative (1)**

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

2 153 **Compulsory Informative (2)**

No objection is raised to the height, bulk, scale or appearance of the proposal. Furthermore, the scheme complies with the recommendations within HDAS - Residential Layouts and would not give rise to any detrimental impacts on neighbouring properties through dominance, overshadowing or overlooking.

The proposal accords with the Council's adopted parking standards, adequate car parking and garden areas would be maintained for the properties at 45, 47 and 47A Albert Road.

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.

AM10	Incorporation in new developments of additions to the proposed cycle network
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.

AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
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.
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.
CACPS	Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
H11	Provision of affordable housing
H4	Mix of housing units
HDAS	'Residential Developments'
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 3C.22	Improving conditions for cycling
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4A.7	London Plan Policy 4A.7 - Renewable Energy
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
MIN19	Use of Category A waste for restoration of sand and gravel pits
PPG24	Noise
PPS1	Delivering Sustainable Development
PPS3	Housing
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

3 11 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 111 The Construction (Design and Management) Regulations 1994

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

5 112 Notification to Building Contractors

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor

(including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

6 114 Installation of Plant and Machinery

The Council's Commercial Premises Section and Building Control Services should be consulted regarding any of the following:-

The installation of a boiler with a rating of 55,000 - 1¼ million Btu/hr and/or the construction of a chimney serving a furnace with a minimum rating of 1¼ million Btu/hr;

The siting of any external machinery (eg air conditioning);

The installation of additional plant/machinery or replacement of existing machinery.

Contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190). Building Control Services, 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

7 115 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 should only be carried out between the hours of 08.00 hours 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 and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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.

8 119 Sewerage Connections, Water Pollution etc.

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.

Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

9 125A The Party Wall etc. Act 1996

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations or planning controls. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

10 124 Works affecting the Public Highway - General

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

11 16 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

12

Given the nature of the proposed development it is possible that a crane may be required during construction. Your attention is drawn to the requirement within the British Code of Practice for the safe use of Cranes, which requires crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4 'Cranes and other Construction Issues' (www.aoa.org.uk/publications/safeguarding.asp).

You are advised that should a scheme for Closed Circuit Television (CCTV) be proposed for the site, you should liaise with the Metropolitan Police Crime Prevention Officer to ensure that this is compatible with the Council's CCTV system.

13

The applicant is advised that further discussion is required with the Council's Access Officer to reflect changes in Council guidance on the internal layout of flats which are proposed as wheelchair accessible housing, in particular layouts that enable storage of mobility vehicles.

14 145 Discharge of Conditions

Your attention is drawn to conditions 3, 4, 8, 10, 11, 12, 14, 15, 16, 22, 24, 27, and 28 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of this/these condition(s). The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and advice contact - Planning & Community

Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

15

In respect of Condition 28, you are advised that the Council considers that one way to ensure compliance with this condition is to enter into an agreement with the Council to ensure the provision of additional educational facilities locally proportionate to the needs arising from the development.

16

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the road, curb 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).

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the eastern side of High Street Yiewsely between Fairfield Road and Horton Road. The application site currently accommodates a part two, part three storey building.

At ground level the existing building accommodates a retail shop. Offices and storage space is located within the upper levels of the building.

Adjoining the site to the north is a vacant site, which has planning permission to for a mixed use development incorporating retail shops at ground level and 54 flats above (reference: 59189/APP/2005/3476). That development would be 4 storeys in height (17.5m).

To the south, the site is adjoined by three storey buildings (70 to 84 High Street), accommodating shops at ground level with residences above.

There is an accessway along the northern side of the site which leads to car parking and loading areas for the shops which front the High Street (70 to 84 High Street). The accessway also serves the rear of residences which are located above the shops.

The application site extends to include 45, 47 and 47A Albert Road. It is proposed that a portion of the land to the rear of 45, 47 and 47A Albert Road be used as a car parking area for 47 and 47A Albert Road and the proposed flats and shop.

3.2 Proposed Scheme

Full planning permission is sought for a change of use of first and second floor from retail and offices to residential uses. It is proposed to retain a retail use (approximately 317sqm

floor area) at ground level.

The application proposes 7 x one-bedroom flats, and 1 x studio flat above the ground level shop. To accommodate the flats within the building, works are proposed, including a second floor extension, and a roof terrace atop the second floor level. It is proposed that remodelling of existing elevations occur, including a new entrance area at the front (High Street), ground floor level.

Car parking associated with the proposal would be provided on land to the east of the site (i.e. to the rear of 45, 47 and 47A Albert Road).

3.3 Relevant Planning History

64714/APP/2008/2057 86-90 High Street Yiewsley
14 SELF CONTAINED FLATS

Decision: 10-10-2008 Withdrawn

64714/APP/2008/3483 86-90 High Street Yiewsley

Change of use of first and second floor from retail to residential forming 5 two-bedroom and 4 one-bedroom flats, involving a second floor extension, roof terrace at third floor level, remodelling of existing elevations to include new balconies, alterations to form new entrance area at ground floor and associated parking.

Decision: 17-02-2009 Withdrawn

Comment on Relevant Planning History

PLANNING HISTORY 86-90 HIGH STREET

Planning application Ref: 64714/APP/2008/3483 which relates to the application site, proposed a total of 9 units at the site was withdrawn after discussion with Council Planning Staff, who had identified a number of significant policy departures which made that application unacceptable in planning terms.

PLANNING HISTORY 104 HIGH STREET

Immediately north of the application site at 104 High Street, planning permission has been granted for the erection of a four storey building for a mixed use development comprising retail units (class a1) at ground floor and 54 residential units on the upper floors (class c3) with basement parking (reference. 59189/APP/2005/3476).

PLANNING HISTORY 47 AND 47A ALBERT ROAD

Planning permission 58675/APP/2005/179 relates to the land at 47 and 47A Albert Road. This permission is relevant because the land at 47 and 47A Albert Road form part of the application site. That permission approved the erection of two storey two-bedroom attached dwelling house. The approved plans show a portion of the rear garden area accommodating 4 car parking spaces (2 spaces for 47 and 2 spaces for 47A Albert Road). Importantly, condition 3 of the consent requires that the parking spaces on the approved plan be maintained for the use of 47 and 47A.

4. Planning Policies and Standards

None.

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.
- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.

Part 2 Policies:

- AM10 Incorporation in new developments of additions to the proposed cycle network
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
(i) Dial-a-ride and mobility bus services
(ii) Shopmobility schemes
(iii) Convenient parking spaces
(iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- 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.
- 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.
- CACPS Council's Adopted Car Parking Standards (Annex 1, HUDP, Saved Policies, September 2007)
- H11 Provision of affordable housing
- H4 Mix of housing units
- HDAS 'Residential Developments'
- LPP 3A.5 London Plan Policy 3A.5 - Housing Choice
- LPP 3C.22 Improving conditions for cycling
- LPP 4A.3 London Plan Policy 4A.3 - Sustainable Design and Construction.
- LPP 4A.7 London Plan Policy 4A.7 - Renewable Energy
- LPP 4B.1 London Plan Policy 4B.1 - Design principles for a compact city.
- LPP 4B.5 London Plan Policy 4B.5 - Creating an inclusive environment.
- MIN19 Use of Category A waste for restoration of sand and gravel pits
- PPG24 Noise
- PPS1 Delivering Sustainable Development
- PPS3 Housing

R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **16th December 2009**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

FIRST ROUND OF CONSULTATION MAY 2009

In May 2009, the application was advertised in the local press, on the Council's web site and a site notice was displayed at the site and letters were sent to surrounding occupiers.

Two individual letters in support of the application were received raising the following matters:

- i) The scheme will enhance the appearance of the street and security of the area.
- ii) The scheme is in line with the 'Peoples Plan for Yiewsely'.

Two individual letters in opposition to the application were received raising the following concerns:

- i) Access to the proposed parking area is across a shared right of way and the applicant will need to obtain permission to do this.
- ii) Construction impacts would degrade residential amenity,
- iii) Additional pressure on existing car parking,
- iv) The 8 apartments and roof terrace are not in keeping with the character of the area,
- v) The scheme will result in the overlooking of near by properties,
- vi) Additional traffic and parking pressure would be unacceptable.

In addition, submissions were received from the following organisations:

Yiewsely Community Involvement Group

A letter in support of the application was received from the Yiewsely Community Involvement Group raising the following matters:

- i) The application is a part of the 'Peoples Plan for Yiewsley'
- ii) The application has been amended to comply with Council requirements and as such should be acceptable,
- iii) The scheme is lower in height than the scheme approved on the corner of High Street and Fairfield Road, and therefore will have less of a visual impact on the town centre.
- iv) The scheme will enhance the appearance of the street and security of the area.
- v) The scheme will result in the improvement of the accessway,
- vi) The scheme has taken too long to be assessed,
- vii) The store will remain open during the rebuild, and thus continue to provide a service to the community,
- viii) The scheme will mean investment in the Town Centre,
- ix) The proposal involves a car share programme, as such parking is considered adequate.

NATS - Safeguarding

No safeguarding objections with this proposal.

BAA Airports

No objection subject to the imposition of an informative relating to the safe use of cranes and the need for cranes operators to consult the aerodrome before erecting the crane.

SECOND ROUND OF CONSULTATION NOVEMBER 2009

In response to concerns raised by the Council in relation to various aspects of the scheme, the applicant amended plans and detail in November 2009. The amended scheme was renotified to the public.

One letter was received raising the following concerns:

- i) The scheme will result in overlooking of residential properties;
- ii) The form of the development will be out of keeping with the area;
- iii) The scheme will result in unacceptable on street parking pressures and traffic congestion;

A petition signed by 31 borough residents, supporting the scheme was received noting that the scheme would help to renovate the town centre.

Yiewsely Community Involvement Group

Two letters in support of the application was received from the Yiewsely Community Involvement Group raising the following matters:

- i) The application is a part of the 'Peoples Plan for Yiewsley'
- ii) The application has been amended to comply with Council requirements and as such should be acceptable,
- iii) The scheme is lower in height than the scheme approved on the corner of High Street and Fairfield Road, and therefore will have less of a visual impact on the town centre.
- iv) The scheme will enhance the appearance of the street and security of the area.
- v) The scheme will result in the improvement of the accessway,
- vi) The scheme has taken too long to be assessed,
- vii) The store will remain open during the rebuild, and thus continue to provide a service to the community,
- viii) The scheme will mean investment in the Town Centre,
- ix) The level of car parking proposed is higher than that accepted by the Council and planning inspectorate on other sites near by. The proposal also involves a car club/ car share programme, as such parking is considered adequate.

THIRD ROUND OF CONSULTATION 1 February 2010

In late January 2010 the Applicant submitted a further set of amended plans in an attempt to overcome parking related issues. The amended scheme was renotified to the public.

In response to the renotification and letter in support of the scheme was received from the Yiewsely, West Drayton and Cowley Chamber of Commerce.

The Chamber of Commerce advised that they support the application for the following reasons:

- i) The scheme is an admirable refurbishment of a dilapidated structure,
- ii) The scheme will be energy efficient and reduce carbon emissions,
- iii) The scheme will improve security and custom along the high street.

FOURTH ROUND OF CONSULTATION 17 February 2010

On 17 February 2010 the Applicant again submitted a further set of amended plans in an attempt to overcome parking related issues. The amended scheme was renotified to the public.

A letter of objection was received which raised objection to the height and appearance of the

scheme and potential for overlooking to occur from the proposed roof terrace.

One additional letter of objection was received raising the following objection to the scheme:

- i) Privacy would be degraded;
- ii) The scheme would result in increased pressure on 'on street' parking;
- iii) The scheme would result in a decrease in local property values.

Planning Officer Comment:

Matters raised in relation to privacy and parking are dealt with in sections 7.08 and 7.10 of the report.

While not a material planning consideration, it is noted that no evidence has been presented to demonstrate that the scheme would devalue existing properties.

One further letter of objection was received from the occupiers of 47 and 47A Albert Road, raising the following concerns:

- i) There is an outstanding enforcement action against 47 and 47A Albert Road requiring that the consent relating to that property be adhered to, and the current application should not be approved;
- ii) The area is heavily populated and the proposal will make this worse;
- iii) There will be a loss of privacy;
- iv) Portions of gardens will be lost which is not good for the environment;
- v) The proposal will result in a loss of garden areas and overcrowding;

Planning Officer Comment:

The planning case officer and relevant staff from the Council's planning enforcement team met with the occupiers of 47 and 47A Albert Road (at the request of the residents) to discuss outstanding enforcement issues and the current planning application.

Following the meeting the residents noted that their objection had been lodged before they had understood the scope of the planning application or that the proposed development would offer a solution to enforcement issues, and as such they would consider removing the objection.

However, at the time this report was written, no formal request had been received from the occupiers of 47 or 47A Albert Road to withdraw the objection and as such it has been reported.

Matters relating to residential density are discussed in the main body of the report at section 7.02, privacy at section 7.08 and loss of garden area at section 7.09. Issues raised have either been dealt with by way of planning condition or in the main body of this report.

Internal Consultees

URBAN DESIGN

Amended design referred to the Council's Urban Design advisor who noted that the numerous amendments improved the schemes appearance and that the height and scale of the scheme were considered appropriate.

ENVIRONMENTAL PROPRTECTION UNIT

In order to limit noise inside units to a satisfactory level it is recommended that the standard noise conditions N1 and N13 be imposed on any consent.

Standard condition H2 should be imposed to control the times when deliveries and servicing occurs.

A condition should also be imposed requiring that the ground floor shop be retained as a shop (to protect the amenity of residential dwellings above).

Informatives in relation to construction impacts should also be imposed.

A construction management plan condition should be imposed on any consent.

A condition should also be imposed requiring a scheme for the ventilation of the new residences, which minimises the ingress of polluted air from outside into the new dwellings.

PLANNING OBLIGATIONS

A contribution is required to mitigate impacts on local educational facilities.

WASTE AND RECYCLING

The Council's Waster and Recycling co-ordinator attended the site and has advised the applicant on the Council's preferred location and design. It is pleasing to see that the amended scheme incorporates the advice given. No objection is raised.

TREES AND LANDSCAPING

The proposal is to change the use of the first and second floor from retail to residential flats, involving a second floor extension, the provision of a roof terrace at third floor level and remodelling of the existing elevations and entrance area. Parking for residents is to be provided to the rear of the site, within part of the rear garden of a property in Albert Road, accessed via a rear service road.

Drawing No. 106A shows detail of the amenity space on the roof, showing a barrier/railings set back from the edge of the building (to prevent overlooking) and indicative planting.

The quality of the amenity space for residents is dependent on the roof garden. The hard and soft landscape elements should be carefully detailed to ensure that the space is both attractive and functional and that the microclimate is suitably modified for human use.

The amenity space will also require a high standard of maintenance to ensure that the garden is appropriately established and maintained.

If you are minded to approve this application I have no objection subject to conditions TL5, TL6 and TL7.

DISABLED ACCESS

Bathroom layouts for flats 4 and 8 will need to be made larger in order to be able to comply.

However, given the spacious size of the flats, the required changes could easily be accommodated, and subject to a condition on any consent granted requiring that this issue be addressed no objection is raised.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The scheme seeks to carry out alterations and additions to the existing building to create a mixed use development containing a retail shop at ground level and residential accommodation above.

The proposal would seek to provide an increased level of residential accommodation on the site and is consistent with Government advice contained in PPS3, which encourages the efficient re-use of previously developed land.

The site is located in the Yiewsely/West Drayton Town Centre, and within a designated primary shopping area. The application proposes to maintain the retail use at ground level. Policy S11 makes it clear that within primary shopping areas, Class A1 retail uses are acceptable at ground level.

The application proposes 7 x 1 bed flats and 1 x studio flat above the shop. Policy H4 notes that within town centres one and two bedroom developments are preferable. The application is considered in keeping with policy H4.

Policy H8 states that the change of use from non-residential uses to residential uses will be permitted if:

- i) A satisfactory residential environment can be achieved,
- ii) The existing use is unlikely to meet a demand for accommodation in the foreseeable future, and
- iii) The proposal is consistent with other objectives of the plan.

As discussed in body of this report it is considered that the proposal is consistent with the requirements of policy H8.

There is no objection in principle to the proposed mixed use development of the site, subject to the proposal satisfying other policies within the UDP.

7.02 Density of the proposed development

The London Plan (February 2008) advises a housing density range for flatted developments with a Public Transport Accessibility Level (PTAL) of 2 of between 150-250 habitable rooms per hectare and approximately 50-95 units per hectare.

The scheme proposes a shop and 8 residential units, comprising 7 one bedroom and 1 studio flat. Having regard to guidance from the Greater London Authority on calculating density for mixed use sites it is considered the proposed residential density equates to 95 units per hectare or 178 habitable rooms per hectare.

Accordingly, the residential density of the scheme is within the guidance recommended by the London Plan.

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

The site is not located near to any listed buildings or conservation areas, or an area of Special Local Character. The site is also not located within an archaeological priority area.

7.04 Airport safeguarding

The proposal does not conflict with airport safeguarding criteria.

7.05 Impact on the green belt

The site is not located in proximity to any land designated as Green Belt.

7.07 Impact on the character & appearance of the area

Policy BE13 seeks to ensure that layout and appearance of new development is in harmony with the existing street scene.

The proposed building is sited and set out so as to maintain the existing building line. No objection is raised in terms of the proposed building alignment. In terms of height, the existing building rises to 10.4m (three storeys) at the High Street frontage. The proposal would rise to 11m and as such would not be significantly greater in height than the existing building.

It should be noted that planning permission for a four storey (17.5m high) mixed use building has been approved on land (known as 104 High Street) immediately north of the application site (reference. 59189/APP/2005/3476).

The site is adjoined to the south by 3 storey (9.5m high) buildings at 70 to 86 High Street.

It is considered that the proposal provides an appropriate transition between the height of the much larger 4 storey building approved at 92- 104 High Street and the 2 to 3 storey buildings (which accommodate shops at ground level and residences above) at 70 to 84 High Street. No objection is raised to the proposed height of the building.

Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. While the site is not located in a purely residential area, policy BE19 is considered relevant to the extent that the application site is close to residences along Albert Road.

The building is situated approximately 46m from the rear of dwellings fronting Albert Road. Given the separation, it is not considered that the proposed upper level extension would cause harm to the appearance of the area.

It is worth noting that a much larger building than that currently proposed has been approved (and in closer proximity to residences fronting Albert Road) at 104 High Street.

At present the second floor level does not extend across the full length of the building. Alterations and additions are proposed to extend the upper (second floor) level.

Policy BE21 makes it clear that planning permission will not be granted for new or extended buildings where their siting, bulk and proximity would result in a significant loss of residential amenity.

The upper level extension is to be set back by 2.5m from the southern edge of the building (i.e. the elevation closest to residences above the shops at 70 to 84 High Street). This set back of the upper level extension is sufficient to ensure that proposal does not overly dominate the outlook from residences above the shops at 70 to 84 High Street.

The siting and layout of the building will remain unchanged, however as discussed above, amendments are proposed at the upper level to extend the second floor. Issues of the siting and layout of the building and its impact on neighbouring occupiers are addressed in detail within the Impact on neighbouring occupiers' section of this report. In summary, the design is considered to accord with the Council's design guidance and would have no material impact on neighbouring occupiers.

The Council's Urban Design Officer considers that the proposal is in keeping with the scale and character of the existing built context in terms of scale, height and massing. The

proposed appearance of the building and the elevational treatments are considered to be acceptable.

7.08 Impact on neighbours

Adopted design guidance advises that a minimum distance of 21m is required to the windows of adjoining residential properties, in order to ensure that no loss of privacy will occur. There would be at least 40m between facing habitable room windows in the eastern (rear) elevation of the proposal and residences located along Albert Road.

There are no habitable room windows proposed in the southern side elevation, and as such no overlooking could occur from the proposed flats to residences adjoining to the south (i.e. residences above shops located at 70 to 84 High Street).

While windows are proposed in the northern elevation, these would look out from non habitable rooms (kitchens), and it is recommended that a condition be imposed on any consent granted requiring these windows to be obscure glazed, and non opening below a height of 1.8m. Subject to such a condition, no objection is raised in terms of overlooking to or from the northern elevation of the proposal.

At the roof top level, it is proposed to have an external communal amenity area. The applicant proposes, through the use of balustrading, to prevent future residences from approaching the parapet along the northern elevation, and thus prevent future residents from overlooking from the roof terrace to the residences approved in permission 59189/APP/2005/3476, located immediately north of the site.

To prevent overlooking from the roof terrace of existing residences to the south, it is recommended that a condition be imposed on any consent granted requiring a similar use of balustrading, to prevent future residences from approaching the parapet and being able to look from the roof terrace to residences to the south.

It is considered that subject to the imposition of appropriate conditions on any consent granted that the scheme would comply with Policy BE24 of the Saved Policies UDP.

In relation to sunlight, Policy BE20 and BE21 of the UDP seek to ensure that developments are laid out to provide adequate sunlight and avoid over-dominance to existing houses. The area of greatest potential impact from loss of sunlight and daylight relates to the potential shadow cast over adjoining residential properties located above the shops at 70 to 84 High Street, and the approved dwelling (not yet built) at 104 High Street (reference 59189/APP/2005/3476).

Shadow diagrams have been produced based on the proposed layout and scale of the scheme. These indicate that the proposal would not result in any significant loss of daylight to either the residential properties located above the shops at 70 to 84 High Street, and the approved development (not yet built) at 104 High Street.

Policies OE1 and OE3 seek to resist planning permission for buildings which have the potential to cause noise or other disturbance to neighbouring properties. It is not considered that the proposal would give rise to any operations which would be detrimental to the residential amenity of neighbouring occupiers due to noise.

The car parking area would adjoin residential gardens at the rear of 45, 47 47A and 49 Albert Road. The Council's EPU have raised no objection to the location of the car

parking, noting that noise and air quality impacts would not be of a level as to warrant refusal of the application.

Notwithstanding the advice from the Council's EPU, it is considered that should the application be approved, a condition should be imposed, requiring acoustic boundary fencing to be erected around the car parking area to protect residential amenity.

7.09 Living conditions for future occupiers

The Hillingdon Design and Access Statement (HDAS) - Residential Layouts recommends a minimum internal floor space of 50sq.m for one bedroom flats and 33sqm for studio flats in order to maintain adequate internal living conditions.

All of the units within the scheme meet these minimum requirements and a schedule of the room sizes is provided below for clarity.

Unit 1 - 1 bed flat = 59sqm
Unit 2 - 1 bed flat = 86sqm
Unit 3 - 1 bed flat = 53sqm
Unit 4 - 1 bed flat = 77sqm
Unit 5 - Studio flat = 35sqm
Unit 6 - 1 bed flat = 86sqm
Unit 7 - 1 bed flat = 77sqm
Unit 8 - 1 bed flat = 53sqm

Policy BE23 of the Unitary Development Plan requires the provision of external amenity space which is sufficient to provide for the amenity of the development and which is usable in terms of its shape and siting. In addition, the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document seeks to ensure that an adequate amount of conveniently located amenity space is provided in new residential developments.

HDAS states that for studio and one-bedroom units, a minimum 20sq.m of useable amenity space be provided (per unit). It should also be noted that the HDAS - Residential Layouts states that, exceptions to garden area requirements will only apply in special circumstances such as the provision of small, non-family housing, predominantly made up of one bed units, in town centres or the provision of small family housing above shops.

In this case a minimum of 160sq.m of amenity space is required to service this 8 unit development. The proposed roof terrace would be approximately 200sqm in area (excluding set back areas required to protect the privacy of nearby occupiers (discussed in the previous section of this report), which would exceed the minimum standard.

It is considered that the communal amenity area would be an appropriate size and shape which would be useable and convenient for future occupiers. The area of amenity space is shown to be accessed via a lift and as such would be accessible to disabled persons in accordance with the Council's guidance for inclusive access. The application also includes balcony provision for units 2 and 6. No objection is raised to the scheme in terms of amenity space.

In relation to privacy, the layout rooms and windows, as well as proposed glazing would ensure overlooking of neighbouring properties is prevented. As such, subject to conditions relating to obscure glazing of windows in the northern elevation, the proposal

would achieve appropriate levels of privacy in accordance with Policy BE24 of the Saved Policies UDP.

The application site faces High Street Yiewsley and traffic noise would be high enough to affect the residential amenities of future occupiers of units which front onto the High Street. It should be noted that the principle of residential accommodation immediately adjacent the High Street is well established.

The Council's Environmental Protection Unit (EPU) have raised no objection to the proposed development on noise grounds. The Council's EPU have advised that it is considered that a reasonable residential environment could be ensured subject to a condition requiring appropriate noise attenuation measures for the four flats fronting the high street. Subject to the imposition of such a condition no objection is raised to the proposal in terms of noise.

The size of the rear gardens at 45, 47 and 47A Albert Road would be reduced as follows:

CURRENT GARDEN SIZE

45 Albert Road (3 bed house) 190sqm
47 Albert Road (3 bed house) 110sqm
47A Albert Road (2 bed house) 92sqm

PROPOSED GARDEN SIZE

45 Albert Road (3 bed house) 79sqm
47 Albert Road (3 bed house) 68sqm
47A Albert Road (2 bed house) 70sqm

The HDAS - Residential Layouts minimum standards for 2 & 3 Bed houses is 60sqm. The application complies with Council policy in this regard.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Historically, only 1 car parking space has been required to be provided for the entire premises at 86 to 90 High Street. No enlargement of the shop is proposed, and as such it is not considered reasonable to require additional car parking for the ground floor retail use.

The applicant provided evidence which proves that the ground floor shop use benefits from a legal right to use an existing car parking space within the communal car parking area to the rear of the shops at 70 to 84 High Street.

In addition a car parking area would be created for 12 cars on land to the rear of 45, 47, and 47A Albert Road.

The applicant proposes that 4 parking spaces be maintained for the dwellings at 47 and 47A Albert Road. A further 8 spaces would be provided for the 8 proposed residential units, additionally 1 space would be maintained for the ground floor shop incorporating the space in the existing car park at 70 to 84 High Street.

The Council's Highways Officer has reviewed the level of parking provision and has advised that no objection is raised to proposed parking.

Proposed loading facilities would accord with the Council's requirements and as such, no

objection is raised to the scheme in terms of traffic or parking.

7.11 Urban design, access and security

Issues relating to urban design have been discussed in within the 'Impact on the character & appearance of the area' section of this report. The Urban Design Officer raises no objection to the current proposal.

In relation to Security, the proposal is not considered to give rise to any specific areas of concern and an appropriate level of security could be ensured through imposition of a condition requiring the development meet 'Secured by Design' standards.

7.12 Disabled access

The Council's Access Officer has advised that subject to the imposition of conditions to ensure compliance with Life Time Homes criteria, the scheme would provide adequate levels of accessibility within the building.

7.13 Provision of affordable & special needs housing

Policy 3A.11 of the London Plan (February 2008) sets a threshold for the provision of affordable housing for schemes which have the potential to provide a net increase of 10 residential units.

Only 8 residential flats are proposed. The proposed development would not result in a net increase of 10 or more units on the site. Accordingly, the provision of affordable housing is not required.

7.14 Trees, landscaping and Ecology

Policy BE38 of the Hillingdon Unitary Development Plan requires that proposals provide new planting and landscaping wherever appropriate.

In this case scope for landscaping is limited to the roof terrace and the car parking area. The application was referred to the Council's Landscape Architect who noted that the plans submitted in support of the application show indicative landscaping at the roof top level (e.g. in planter pots).

It would be appropriate to impose conditions on any consent granted requiring the applicant to provide details of how the roof top amenity area and the ground level car parking area are to be enhanced through landscaping to be submitted to and approved by the Council.

The amenity space will also require a high standard of maintenance to ensure that the garden is appropriately established and maintained. Subject to the imposition of relevant conditions on any consent, no objection is raised.

7.15 Sustainable waste management

Policy 4A.21 of the London Plan requires that all new development provide adequate space for the storage of waste and recycling.

The proposal would incorporate two bin stores accessed from the rear accessway, this allows one to be provided for the retail use and the other for the residential units.

The size, location and design of the bin storage area has been developed following advice from the Council's Waste Services advisor, who attended the site and met with the applicant in order to ensure the design of waste storage areas would be acceptable. The refuse/recycling storage provision meets the Council's required standards and no

objection to the proposals have been raised by the Council's Waste Services team.

Subject to conditions, the waste management proposals are considered to be acceptable.

7.16 Renewable energy / Sustainability

This is a minor application and as such policy 4A.7 of the London Plan (which requires that major developments provide 20% of their heating and energy needs from on site renewable resources) is not applicable.

Policy 4A.1 requires all developments to make the fullest contribution to mitigating the effects of climate change through applying the mayor's energy hierarchy and achieving sustainable design objectives.

Conditions should be imposed on any consent granted requiring the development to achieve Level 3 of the Code for Sustainable Homes.

7.17 Flooding or Drainage Issues

The application site does not lie within an area at risk of flooding. Should permission be granted the consideration of sustainable urban drainage solutions should be secured by condition in order to ensure the developments compliance with policy 4A.14 of the London Plan.

7.18 Noise or Air Quality Issues

The Council's Environmental Protection Unit has reviewed the submitted air quality assessment and raised no objection to the proposal, subject to conditions to ensure an appropriate air quality is maintained.

Issues relating to noise are addressed in the sections on 'Impact on neighbours' and 'Living conditions for future occupiers' above.

7.19 Comments on Public Consultations

The objections raised by nearby occupiers to the scheme are considered below:

(i) Access to the proposed parking area is across a shared right of way and the applicant will need to obtain permission to do this.

Planning Comment:

The right of way falls within the redline site boundary. The applicant has served the requisite notices on all owners of land within the redline site.

(ii) Construction impacts would degrade residential amenity,

Planning Comment:

Should any permission be granted it is recommended that conditions and informatives be imposed to control and mitigate construction impacts.

All other matters have been addressed in the body of this report.

7.20 Planning obligations

The proposed development is of a scale and nature which would give rise to the need for planning obligations in accordance with policies contained within the Saved Policies UDP and the Council's Planning Obligations SPD.

Specifically, an education contribution in the sum of £9,184 is required to meet the educational needs arising from the development in accordance with the Council's

Planning Obligations SPD.

7.21 Expediency of enforcement action

The Council's Planning Enforcement Team have been advised of the current application and its implications in terms of compliance with conditions relating to planning permission 58675/APP/2005/179 (relating to 47 and 47A Albert Road). The Council's Planning Enforcement Team are investigating the matter. Nonetheless the proposed development does offer a satisfactory solution.

7.22 Other Issues

None relevant.

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

The application seeks planning permission for a 317sq.m retail shop and 8 residential units comprising 7 x 1 bed and 1 x studio.

The scheme complies with the requirements within the HDAS - Residential Layouts and would not give rise to any detrimental impacts on neighbouring properties through dominance, overshadowing or overlooking.

The scheme includes the provision of 12 car parking spaces which would be provided on a portion of the land to the rear of 45, 47 and 47A Albert Road.

No objection is raised to the height, bulk, scale or appearance of the proposal. Furthermore, the scheme complies with the recommendations within HDAS - Residential Layouts and would not give rise to any detrimental impacts on neighbouring properties through dominance, overshadowing or overlooking.

The proposal accords with the Council's adopted parking standards, adequate car parking and garden areas would be maintained for the properties at 45, 47 and 47A Albert Road.

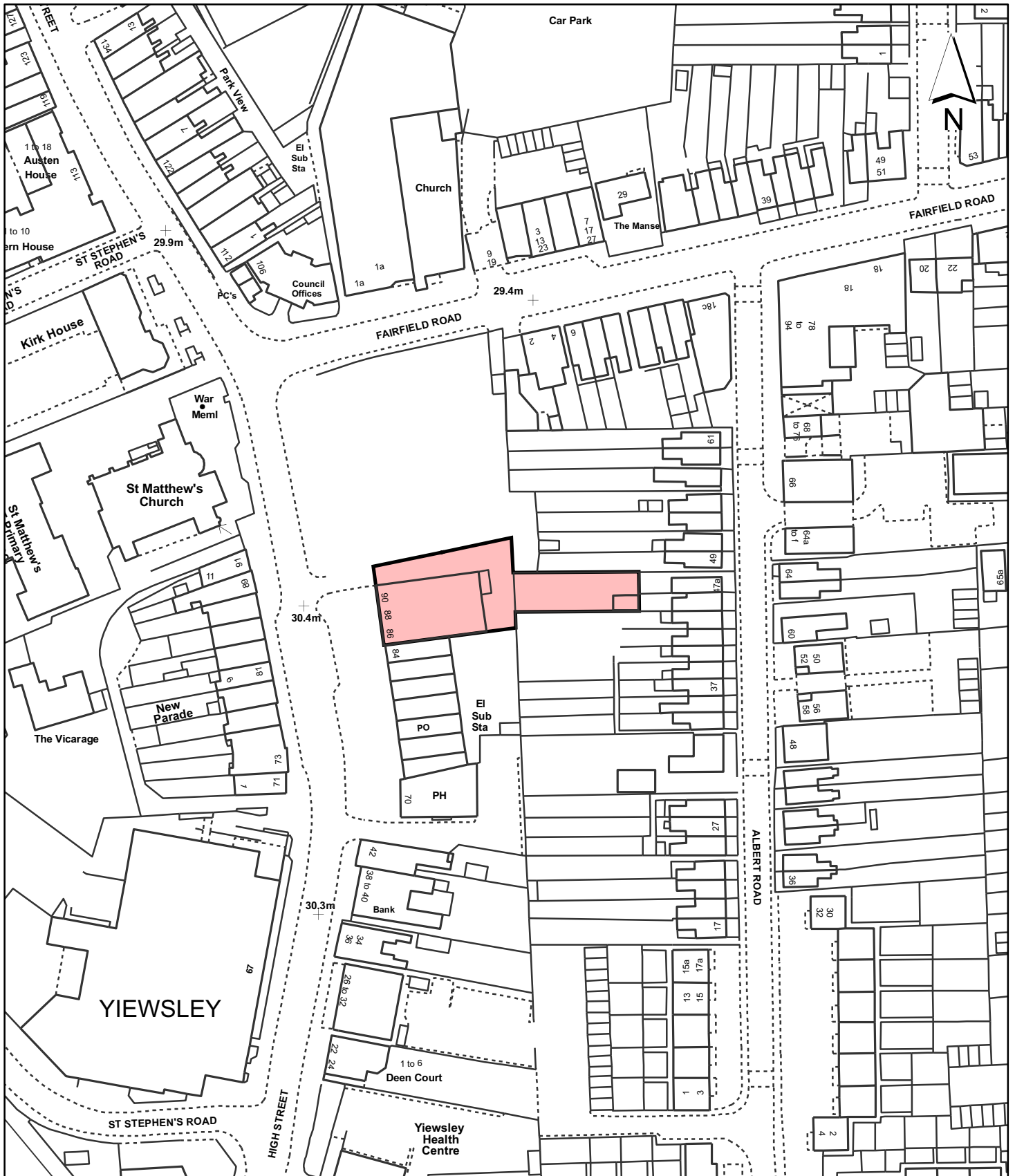
Approval is recommended.

11. Reference Documents


- i) Hillingdon Design and Access Statement - Residential Layouts
- ii) Hillingdon Design and Access Statement - Accessible Hillingdon
- iii) Supplementary Planning Document for Planning Obligations
- iv) Hillingdon Unitary Development Plan Saved Policies (September 2007)
- v) The London Plan (2008)
- vi) Planning Policy Statement 1 (Delivering Sustainable Development)
- vii) Planning Policy Statement 3 (Housing)
- viii) Planning Policy Statement 4 (Sustainable Economic Growth)
- ix) Planning Policy Guidance Note 13 (Transport)
- x) Planning Policy Guidance Note 24 (Planning and Noise)
- xi) Planning Policy Statement - Planning and Climate Change

Contact Officer: Matthew Duigan

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.

© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009

Site Address

**86 - 90 High Street
Yiewsley**

Planning Application Ref:
64714/APP/2009/778

Planning Committee
Central and South

Scale
1:1,250

Date
January 2010

**LONDON BOROUGH
OF HILLINGDON**
**Planning &
Community Services**

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



HILLINGDON
LONDON