

## Report of the Head of Planning & Enforcement

**Address** 6-12 INCLUDING REAR OF 14 CLAYTON ROAD HAYES

**Development:** Demolition of existing building and erection of a new mixed-use development comprising of 136sq.m of Class B1 (Business) floorspace at ground level with 13 residential flats (7 two-bedroom, 5 one-bedroom and 1 studio) above, together with parking for 12 vehicles within an undercroft car park and access off Blyth Road

**LBH Ref Nos:** 62528/APP/2009/2502

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Lifetime Homes and Wheelchair Units Review by Hughes Jones Farrel dated 27 April 2010

**Date Plans Received:** 18/11/2009                      **Date(s) of Amendment(s):** 18/11/2009  
**Date Application Valid:** 17/02/2010                      28/04/2010

### **DEFERRED ON 20th April 2010 FOR FURTHER INFORMATION .**

The application was deferred from the Central and South Planning Committee on the 20/04/2010 in order to clarify various issues and to obtain amendments to the scheme as listed below:

1. Whether the kitchens of units 1.4 and 2.4 would received adequate daylight.
2. Whether additional amenity space could be provided by way of roof terraces.
3. Whether improved accessibility could be cater for by provision of a disabled car parking space for the office unit.
4. Whether internal access could be provided to the refuse store for the office unit.
5. Whether improvements could be made to the security of the office cycle storage.
6. Whether the scheme in its current form fully complied with the Council's requirements

relating to disabled access and Lifetime Homes standards.

7. Whether an improved setback could be provided to prevent vehicles from blocking the pedestrian footpath when accessing the site.

Amended plans and additional information have been provided by the applicant which are considered to address the points referenced above. The amendments are discussed in more detail within the relevant section of the report and are considered to adequately address the issues referenced above. Accordingly, the scheme is recommended for approval.

## 1. SUMMARY

The application proposes to demolish the existing building, extension and other structures; and to erect a part 3 and part 4-storey block with 136sq.m of office (Class B1) floorspace and an enclosed car park at ground floor level, and 13 flats on the upper floors (1 studio, 5 x 1 bed and 7 x 2 bed flats).

The application incorporates significant amendments which seek to overcome the reasons for refusal on a previous application on this site and the reasons for deferral of the scheme from the Central and South Committee on the 20/04/2010.

The proposal would achieve an appropriate appearance in keeping with the character and context of the surrounding area in accordance with Policy BE13 of the Saved Policies UDP.

Careful consideration has been given to the relationship of the proposal with neighbouring properties and the current design is considered to overcome previous concerns with regard to the impact on the amenity of neighbouring occupiers.

The scheme would provide adequate residential living conditions for future occupiers and be designed to meet appropriate accessibility standards.

The amended vehicular access/egress arrangements are considered to be acceptable, as is the level or proposed car/cycle parking and the impact of the development on traffic generation.

Appropriate refuse/recycling facilities have been provided for both the residential and office aspects of the development and can be accessed internally.

It has been demonstrated that the development would comply with the sustainability policies of the London Plan and would incorporate green roofs and energy efficiency/renewable energy generation.

The applicant has also committed to enter into a legal agreement securing planning contributions which are necessary to meet the needs of the development.

Overall, the development is considered to comply with all relevant planning policies and guidance and approval is recommended subject to a legal agreement and conditions.

## 2. RECOMMENDATION

**That delegated powers be given to the Head of Planning and Enforcement to grant planning permission subject to the following:**

**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) The provision of a contribution of £27,933 towards educational facilities.
- ii) The provision of a contribution of £4,558.74 towards healthcare facilities.
- iii) The provision of a contribution of £517.73 toward local libraries facilities.
- iv) A contribution of £2,500 for every £1 million build cost to provide for construction training.
- v) A cash contribution equal to 5% of the total cash contribution to enable the management and monitoring of the requirements of the legal agreement.
- 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 within 6 months of determination, the S106 Agreement has not been finalised, delegated powers be given to the Head of Planning and Enforcement to refuse planning permission for the following reasons:

1. The development is not considered to have made adequate provision, through planning obligations, for contributions towards educational facilities, healthcare facilities, library facilities, construction training or monitoring. Given that a legal agreement or unilateral undertaking has not been secured to address this issue, the proposal is considered to be contrary to Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the Council's Supplementary Planning Document for Planning Obligations (Adopted July 2008).

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

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

**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 NONSC Details of balconies/balustrades, fenestration and brickwork**

Notwithstanding the submitted plans, no development shall take place until fully detailed drawings of all privacy screens (including siting, a minimum height of 1.8m and material), balconies/balustrades, fenestration, doors and brickwork detailing have been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details and be retained and maintained for as long as the development remains.

REASON

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

2. To ensure that privacy screens are installed which appropriately protect the privacy of neighbouring occupiers within nos. 14a and 16a Clayton Road and nos. 1-5 Blyth Road in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**5 RPD2 Obscured Glazing and Non-Opening Windows (a)**

The south facing windows serving units 1.5, 2.5 and 3.5 (as shown on the approved plans) shall be glazed with permanently obscured glass and 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).

**6 NONSC Sound Insulation Scheme**

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from road traffic and rail traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is brought into use, and thereafter shall be retained and maintained in good working order for as long as the development 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.

### **7 NONSC Air Quality Protection**

No development shall commence until a scheme for protecting the proposed residential accommodation from external air pollution shall be submitted and approved by the LPA. Any works which form part of such a scheme shall be completed before any part of the development is first occupied or used and measures put in place to ensure it is maintained for the life of the development.

## REASON

To protect the future residents of the development from poor air quality in accordance with London Councils Air Quality and Planning Guidance Jan 2007.

### **8 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).

### **9 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,
- The design, layout and construction of the green roofs,
- Landscaping of the roof terraces and communal roof garden,
- 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).

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

No development shall take place until a schedule of landscape maintenance including for the green roofs 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).

**12 NONSC Refuse and Recycling Provision**

No part of the development shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved plan and thereafter the facilities shall be permanently retained.

**REASON**

1. 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.

2. In order to provide adequate storage facilities for waste and recycling in accordance with Policy 4A.22 of the London Plan.

**13 H15 Cycle Storage - In accordance with approved plans**

The development hereby permitted, shall not be occupied until the 17 cycle storage spaces and shower facilities for cyclists have been provided in accordance with the approved plans. Unless otherwise agreed in writing by the Local Planning Authority. 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).

**14 NONSC Car Parking**

Prior to the commencement of development a scheme for the allocation of parking spaces shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the parking area shall be marked out in accordance with the approved plans; designated and allocated for the sole use of the occupants of the development in accordance with the approved scheme; constructed prior to occupation of the development; and thereafter be permanently retained and used for no other purpose.

**REASON**

In order to ensure the development is adequately serviced by car parking spaces and to meet the needs of disabled persons in accordance with Policies AM7, AM13 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**15 NONSC Vehicular Crossover**

No development shall take place until details of the proposed vehicular crossover showing a maximum crossover width of 4.1m have been submitted to, and approved in writing by the Local Planning Authority. Thereafter the crossover shall be installed in accordance with the approved plans and the redundant crossover reinstated to footway prior to any occupation of the development.

**REASON**

To ensure highway and pedestrian safety in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**16            SUS2            Energy Efficiency Major Applications (outline where energy s**

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 energy efficiency report shall demonstrate how the Mayors Energy Hierarchy will be integrated into the development, including a full assessment of the site's energy demand and carbon dioxide emissions, measures to reduce this demand and the provision of 20% of the sites energy needs through on site renewable energy generation. 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 policies 4A.1, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, and 4A.10 of the London Plan (February 2008).

**17            SUS8            Electric Charging Points**

Before development commences, plans and details of at least 1 conveniently located 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.

**18            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.

**19            NONSC            Car Park Access Gate**

Prior to the commencement of the development hereby approved details of the access gate to the undercroft car park, incorporating facilities for its operation by disabled persons, and capable of being manually operated in the event of a power failure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the access gate shall be installed in accordance with the approved details and maintained for 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 - Residential Layouts.

#### **20 SUS4 Code for Sustainable Homes details**

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).

#### **21 NONSC Contamination**

Prior to commencement of development full details showing how water efficiency measures, rainwater or greywater recycling facilities will be built into the design of the commercial/residential development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be maintained and retained for the lifetime of the building.

#### REASON

In order to provide a sustainable form of development and promote water conservation in accordance with Policy 4A.16 of the London Plan.

#### **22 NONSC Water Efficiency**

Prior to commencement of development full details showing how water efficiency measures, rainwater or greywater recycling facilities will be built into the design of the commercial/residential development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed prior to occupation of the development and thereafter be maintained and retained for the lifetime of the building.

#### REASON

In order to provide a sustainable form of development and promote water conservation in accordance with Policy 4A.16 of the London Plan.

#### **23 HLC3 Hours of Use**

The use class B1 office space shall not be used outside the hours of 08:00 to 20:00 hours Mondays to Fridays, 08:00 to 13:00 Saturdays and at no time on Sundays, Bank or Public holidays.

#### REASON

To prevent harm to the amenity of surrounding areas due to noise in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **24 NONSC Delivery Hours**

No deliveries or private waste collections shall be permitted to service the office (Use Class B1a) premises outside the hours of 08.00 hours and 18.00 hours Mondays to

Friday, 08.00 hours and 13.00 hours on Saturdays, or any time on Sundays, Public or Bank 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).

**25 RPD11 Restrictions on Changes of Uses (Part 3, Sch. 2 GPDO 1995)**

Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the building(s) shall be used only for purposes within Use Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

**REASON**

To protect the amenity of future and neighbouring residential occupiers in accordance with Policies OE1, OE3 and OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**26 N11 Control of plant/machinery noise**

No air conditioning or other plant shall be used on the office premise until a scheme for the control of noise emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is occupied/use commences 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 surrounding area 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).

**27 NONSC No aerials/antennae**

Notwithstanding the provisions of Schedule 2, Parts 24 or 25 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no satellite dishes or antennae shall be installed on the building hereby approved.

**REASON**

To enable the Local Planning Authority to assess all the implications of the development and in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**28 NONSC Lifetime Homes and Wheelchair Units**

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, or easily adaptable for residents who are wheelchair users, and that provision be made for the internal storage and charging of mobility scooters/wheelchairs as set out in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement: Accessible Hillingdon'.

The 'Lifetime Homes' Standard units shall each contain at least 1 bathroom with a clear

700mm side transfer area to one side of the WC. This dimension is measured from the outside edge of the cistern (or cistern housing if concealed) and must extend for the full depth of the WC bowl and cistern (or equivalent if the cistern is concealed). The bowl of a wash basin may overhang the back edge of the side transfer space by no more than 250mm.

#### 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.

### **29 NONSC Evacuation Lift**

Prior to the commencement of the development details of the lift shall be submitted to, and approved in writing by the Local Planning Authority. The lift and lift shaft shall be specified to be suitable for means of escape in the event of a fire.

#### REASON

To ensure that the development provides adequate means of escape for disabled persons in accordance with Policies 3A.5, 3A.17 and 4B.5 of the London Plan and the Hillingdon Design and Accessibility Statement - 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)**

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

BE13	New development must harmonise with the existing street scene.
BE14	Development of sites in isolation
BE18	Design considerations - pedestrian security and safety
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.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE39	Protection of trees and woodland - tree preservation orders Protection of the character and amenities of surrounding properties

OE1	and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
H4	Mix of housing units
R2	Provision of recreation, entertainment and leisure facilities in Town Centres
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LE1	Proposals for industry, warehousing and business development
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
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
PT 1.10	To seek to ensure that development does not adversely affect the amenity and the character of the area.

### **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            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.

### **5            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.

**6            12            Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

**7            123            Works affecting the Public Highway - Vehicle Crossover**

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

**8            123A            Re-instatement of a Vehicle Access.**

You are advised by London Borough of Hillingdon, Highways Management, that any works on the Highway, in relation to the reinstatement of any existing vehicle access, must be carried out with approval from the Highway Authority. Failure to reinstate an existing vehicle access will result in the Highway Authority completing the works, and the developer may be responsible for the costs incurred. Enquiries should be addressed to: Highways Maintenance, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

**9            13            Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

**10            143            Keeping Highways and Pavements free from mud etc**

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

**11            147            Damage to Verge**

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

## 12

You are advised that that any balustrade proposed to balconies in relation to condition 4 should be constructed of a opaque or obscured material in order to ensure an appropriate visual appearance within the street scene.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site is located on the south-western corner of Clayton Road and Blyth Road, in Hayes and contains a two-storey end-terrace building and rear service yard, both of which were most recently used as a Builders Merchants/Timber Yard. The building has a part-single/part-two-storey rear extension (for the full width of 12 Clayton Road only), which extends to the rear boundary, whilst the service yard is littered with a number of other structures.

The application site is located in an area which is mixed in character, with the remainder of the terrace having commercial uses at ground floor level, and residential above. Directly adjacent the rear boundary is a private accessway which leads to the rear of the terrace. Beyond the accessway are the rear gardens of properties on the part of Blyth Road that roughly runs parallel with Clayton Road.

Almost opposite the site is the recently erected Sheringham Court - a contemporary residential block of 29 one-bedroom flats and 18 two-bedroom flats with associated basement car parking; and vacant restaurant at ground floor level. Also nearby is the former Hayes and Harlington Station Goods Yard, which is currently being significantly redeveloped.

The site falls within the Hayes Major Town Centre, the Hayes/West Drayton Corridor and an Air Quality Management Area. The site is covered by Tree Preservation Order 490 (Clarendon Road/Clayton Road, Hayes). The Public Transport Accessibility Level (PTAL) of the site is 4 (above average accessibility). The site is located within close proximity to where the Crossrail development is proposed.

The site has is 0.0604 ha in area and has frontages of 18m and 29.8m to Clayton Road and Blyth Road, respectively.

#### 3.2 Proposed Scheme

It is proposed to demolish the existing building, extension and other structures; and to erect a part 3 and part 4-storey block with 136sq.m of office (Class B1) floorspace and an enclosed car park at ground floor level, and 13 flats on the upper floors (1 studio, 5 x 1 bed and 7 x 2 bed flats).

The 'footprint' of the proposed building covers the application site, but is effectively L-

shaped above ground floor level; with the block extending to at a three storey height down the Blyth Road and Clayton Road frontages and a communal amenity area to the rear. The fourth floor is set in by approximately 1.8m on all sides.

The proposed development incorporates 13 parking spaces (including 2 disabled space) at ground floor level, which would be accessed off Blyth Road.

Separate refuse storage areas integral to the building are proposed for both the residential and commercial units adjacent Blyth Road, with capacity for four and two 1100l bins respectively. Integral cycle parking areas for the residential and office units are proposed off of Blyth Road containing 13 and 3 covered spaces, respectively.

Communal amenity space totalling 204.2sq.m is proposed at first floor level, units 1.1 and 1.5 have access to 4.3sq.m and 14.5sq.m terraces adjacent to the communal amenity space, nine of the flats have access to 3.4sq.m - 4sq.m balconies, and all flats at third floor level would have access to private roof terrace areas between 12.8sq.m and 33.4sq.m.

### 3.3 Relevant Planning History

62528/APP/2006/3503 8, 10, 12 Clayton Road Hayes

CHANGE OF USE FROM SUI GENERIS USE (BUILDER'S MERCHANTS YARD, STORAGE, DISTRIBUTION DEPOT AND RETAIL SALES) TO CLASS B2 (OFFICES) INCLUDING THE REPLACEMENT OF THE SHOPFRONT AND GROUND FLOOR WINDOWS ON THE FRONTAGE WITH DOUBLE DOORS AND NEW WINDOWS, AS WELL AS THE INTRODUCTION OF NEW WINDOWS TO THE FIRST FLOOR

**Decision:** 12-03-2007 Approved

62528/APP/2008/1011 6, 8, 10 & 12 Clayton Road Hayes

Demolition of existing building/structures; and erection of new mixed use development consisting of 14 residential units over office unit and car parking

**Decision:** 10-06-2009 Refused

#### Comment on Relevant Planning History

A previous application (ref: 62528/APP/2008/1011) sought the 'Demolition of existing building/structures; and erection of new mixed use development consisting of 14 residential units over office unit and car parking redevelopment of the site' and was refused on the 10/06/2009 for the following reasons:

1. The proposal represents an over-development of the application site, by way of poor design, and excessive height, bulk and density, and would subsequently appear incoherent and unduly dominant, failing to respect the character of the adjoining terrace, to the detriment of the character and appearance of the streetscene, contrary to Policies BE13, BE19, BE26 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), the 'Residential Layouts' Hillingdon Design and Accessibility Statement (July 2006), and Policies 3A.3, 3A.6 and 4B.1 of the London Plan (February 2008).

2. The proposed development would cause a loss of amenity to adjoining addresses/residents by way of overlooking/loss of privacy, and undue dominance

(specifically 14A and 16A Clayton Road; and 1-5 Blyth Road), and overshadowing/loss of light (specifically 14A Clayton Road), contrary to Policies BE14, BE19, BE20, BE21, BE24 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), the 'Residential Layouts' Hillingdon Design and Accessibility Statement (July 2006), and Policies 3A.3 and 4B.1 of the London Plan (February 2008).

3. The proposed development would fail to provide an adequate standard of residential amenity, due to the provision of under-sized flats (proposed one-bedroom units at first and second levels; and one of the one-bedroom units at third floor level), overlooking/loss of privacy to habitable windows from the proposed first floor amenity space, and failure to achieve 'Secure by Design' Standards, contrary to Policies BE18, BE19 and BE24 of the Hillingdon Unitary Development Plan saved Policies (September 2007), the 'Residential Layouts' Hillingdon Design and Accessibility Statement (July 2006), Policies 3A.6 and 4B.1 of the London Plan (February 2008), and Supplementary Planning Guidance 'Community Safety by Design'.

4. The proposed access/exit points to the car parking areas would jeopardise pedestrian, highway and driver safety, by way of poor design (i.e. insufficient visibility, excessive gradient/failure to provide level refuge adjacent to pavement, for vehicles leaving the site), contrary to Policies R16 and AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5. The proposed development would not comply with Lifetime Home Standards, or Wheelchair Accessible Standards (at least one of the proposed units should comply with Wheelchair Home Standards), and would therefore fail to provide adequate accommodation for all people, contrary to the 'Accessible Hillingdon' and 'Residential Layouts' Hillingdon Design and Accessibility Statements (July 2006), Policies 3A.6, 3A.17, 4B.1 and 4B.5 of the London Plan (February 2008), and Greater London Authority Best Practice Guidance 'Wheelchair accessible housing' (September 2007).

6. The proposed development fails to provide adequate refuse storage and collection facilities in accordance with the Council's standards. This would create a poor environment for the future occupiers, contrary to the aims of Policy BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7. The application has not demonstrated that sufficient consideration has been given to ensuring sustainability criteria are met through the design and layout of the proposal - significantly no energy efficiency assessment has been provided. Accordingly the proposal is contrary to the sustainability, energy efficiency and renewable energy generation requirements set out in Policies 4A.1, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, and 4A.10 of the London Plan (February 2008).

8. The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of education, health and construction training facilities). The scheme therefore conflicts with Policy R17 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

The current proposal contains significant amendment to all aspects of the scheme and seeks to overcome these previous reasons for refusal.



## 4. Planning Policies and Standards

### UDP / LDF Designation and London Plan

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

#### Part 1 Policies:

- PT1.12 To avoid any unacceptable risk of flooding to new development in areas already liable to flood, or increased severity of flooding elsewhere.
- PT1.13 To seek to ensure the provision of 8000 additional dwellings in the Borough between 1 January 1987 and 31 December 2001.
- PT1.16 To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.
- PT1.17 To seek to ensure the highest acceptable number of new dwellings are provided in the form of affordable housing.
- PT1.18 To maintain, enhance and promote town centres as the principle centres for shopping, employment and community and cultural activities in the Borough.
- PT1.19 To maintain a hierarchy of shopping centres which maximises accessibility to shops and to encourage retail development in existing centres or local parades which is appropriate to their scale and function and not likely to harm the viability and vitality of Town or Local Centres.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

#### Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- BE14 Development of sites in isolation
- BE18 Design considerations - pedestrian security and safety
- 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.
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE26 Town centres - design, layout and landscaping of new buildings
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- BE39 Protection of trees and woodland - tree preservation orders
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE3 Buildings or uses likely to cause noise annoyance - mitigation measures
- H4 Mix of housing units
- R2 Provision of recreation, entertainment and leisure facilities in Town Centres

R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LE1	Proposals for industry, warehousing and business development
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
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
PT 1.10	To seek to ensure that development does not adversely affect the amenity and the character of the area.

## 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

The application was advertised in a local newspaper, a site notice posted and 152 nearby owner/occupiers were consulted on the proposal.

2 letters of objection have been received raising concern that:

- (i) The proposal will create or worsen parking problems in the surrounding area;
- (ii) The building is too large and out of character with the surroundings;
- (iii) The proposal represents an overdevelopment of the site;
- (iv) The size of the proposal will make the road seem narrower;
- (v) The existing shops will appear small in comparison to the proposal;
- (vi) Inadequate car parking is proposed;
- (vii) The scheme will result in a loss of privacy and light enjoyed by nearby occupiers;
- (viii) TV and mobile phone coverage will be adversely affected;
- (ix) The scheme will block access road, which is an emergency access;
- (x) There are already a number of half finished developments, including poor demand. The area is saturated with empty flats, houses in multiple occupancy and 'gyms' in gardens; the scheme proposed flats, when houses would be preferred; and
- (xi) Existing infrastructure (drainage) may not be able to cope with additional loading;
- (xii) Construction impacts may affect residential amenity.

3 letters have also been received supporting the scheme, including one from the occupier of no.14a Clayton Road. The letters reference the following positive attributes of the scheme:

- (a) Supportive of proposal to remove covered yard to rear of 14a Clayton Road and replace with amenity space and a covered parking area;
- (b) Design will improve the overall appearance of the area, particularly the rear walkway of 14a Clayton Road;
- (c) Proposal will increase level of light and outlook for occupiers of 14a Clayton Road;
- (d) Proposal adequately protects the privacy of 14a Clayton Road.

An additional consultation has been carried out for properties which could potentially be impacted by the amended plans, no additional comments have been received.

### **Internal Consultees**

#### **POLICY**

Policy comments were provided on the previous application and the principle of the development considered acceptable. The principle of the development remains acceptable.

#### **URBAN DESIGN**

From an urban design point of view, the proposed regeneration scheme is regarded as an opportunity to make more efficient use of the site, and to enhance and reinvigorate the existing townscape surrounding the site, which is situated in Hayes Town Centre.

The application site is characterised by a varied range of existing buildings and structures which forms the previous builders and timber merchants yard. The existing buildings along the frontage are 2 storeys in height. The flank onto Blyth Road comprises a blank gable and frontage and an untidy array of walls, fences and a raised steel canopy. A rear spur extends to the depth of the site and is partially timber and partially brick clad. The site gives currently an unattractive impression from Clayton Road, and presents an opportunity to for visual improvement and more efficient land use. From an urban design point of view there are no objections to the demolition of the existing 2-storey terrace, which is of no particular architectural significance.

The proposal is for a ground floor office development with an additional 3 storey residential construction and undercroft car parking.

The proposed layout continues the existing street edge on Clayton Road and strongly reinforces the corner of Blythe Road, an approach which is strongly supported from an urban design point of view. The scheme provides a continuation of the existing building line and creates a clearly defined back of pavement line to Blythe Road. The proposed development takes a L-shaped form with a rear back garden space, an approach coherent with the existing built pattern and traditional back garden layout of Clayton Road and Blythe Road.

A new entrance is provided on the Blyth Road elevation, which is considered positive as it changes the appearance to an active frontage.

The scheme has been considerably reduced in terms of height and massing from the previously refused planning application ref 62528/APP/2008/1011. This proposal has four main storeys, 3 residential levels on top of a commercial ground floor storey. From an urban design point of view the current scheme is considered to accord with the existing built context in terms of scale, height and massing, which the submitted photomontages along Clayton Road and Blythe Road clearly demonstrates. The visual impact of the development has also been alleviated by the redesign of the roofscape, notably the continuous, calm roofline, of particular importance from Clayton Road.

The set back of the top floor and the change of material from facing bricks on the lower storeys to white render on the top floor strongly reduces the visual impact of the new development, and creates a subservient top structure and a softer, more seamless interface with the sky.

The choice of red facing bricks as the main material is considered to be an improvement as it is more in tune with the local distinctiveness than the previously proposed yellow brickwork. Feature panels of glazed green brickwork will create an element of interest, and creates a link to the existing local built heritage. Generally the building design composition is considered to benefit from a clean, well balanced elevational design. However, to ascertain a positive end result, samples of all building materials as well as details of fenestration, doors and balconies would be required by conditions.

#### HIGHWAYS ENGINEER

##### New Vehicular Access to Car Park:

The location of the new access is an improvement from the existing which was located closer to the rear service road and was much wider.

Notwithstanding the submitted plans a condition is required for details of the new crossover with a width reduced to 4.1 metres, incorporating dropped kerbs and kerb radii shaped to reflect no left turn out of the site, to be submitted to the Local Planning Authority for approval prior to the commencement of the development and the cross over implemented prior to any occupation of the development.

##### Car and Cycle Parking Provision:

The original scheme proposed 12 parking spaces, including 1 disabled, to be provided for 13 residential units( 1- studio, 5- one bed and 7- two bed) at a rate of 0.92:1. This ratio is higher than other consented schemes nearby and considered satisfactory in this location.

The current application has been amended to provide a disabled parking space for the commercial unit in place of one of the standard spaces which previously served the residential component. The proposed parking provision would therefore be:

11 spaces (including 1 disabled space for the residential component (a ratio of 0.84 spaces per unit); and

1 disabled space for the commercial unit.

The proposed parking ratio for the residential component, while reduced, remains consistent with decisions on other applications within the vicinity such as Sheringham Court (0.75 spaces per unit), 42-44 Station Road (0.6 spaces per unit) and the Hayes Station Goods Yard (0.75 spaces per unit). As such the level of parking proposed for the residential component is considered to remain acceptable, having regard to the sites Town Centre Location and high level of Public Transport Accessibility.

The proposal to provide an additional disabled parking space within the undercroft parking area, which could be utilised by the commercial unit is considered to be beneficial in terms of securing improved accessibility of the office space to those with disabilities.

The minimum requirement for cycle parking is 1 space per residential unit and 1 space for 50 sq m for offices. 13 secure cycle parking spaces have been provide for the residential element and 3 for the offices in compliance with LBH/London Plan standards.

No objections are raised on highway grounds.

#### ACCESS OFFICER

Addiotional information has been received in relation to the application. No objection is raised

subject to:

A condition requiring that the development be built in full accordance with Lifetime Homes Standards and that 10% of the units be to Full Wheelchair Standards (and that at least 1 bathroom within each unit provides appropriate transfer space).

A condition requiring details of the evacuation lift.

#### ENVIRONMENTAL PROTECTION UNIT - NOISE

The PPG24 Survey & Noise Design Study prepared by Cass Allen Associates has been reviewed. The site lies in NEC C for both the day and night-time periods. Therefore the site is classed as NEC C. Annex 1 of PPG24 states that for NEC C sites,

Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

If planning permission is approved, then please ensure the following condition is applied:

##### Sound insulation scheme

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from road traffic and rail traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is brought into use, and thereafter shall be retained and maintained in good working order for as long as the development 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.

#### ENVIRONMENTAL PROTECTION UNIT - AIR QUALITY

##### Demolition and Construction Phase

A method statement shall be submitted to, and approved by, the Local Planning Authority, before the development is commenced for a management scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition and/or construction of the development. The scheme shall set out the secure measures which can, and will, be put in place.

Reason: Dust and other air pollution from demolition and construction can impact greatly on the health and quality of life of people working on and living close to these sites if they are badly managed. Advice as in The control of dust emissions from construction and demolition Best Practice Guidance published by London Councils and GLA should be used as a basis for the method statement.

##### Residential Development

We have reviewed the Air Quality Impact Assessment written by AEA Energy & Environment dated November 2009.

The assessment of the air quality at the corner of Clayton Road and Blyth Road predicts that the NO<sub>2</sub> and PM<sub>10</sub> concentrations at residential properties close to the proposed development

currently meet the Government's air quality objectives and will continue to meet the objectives in 2010.

However, the development site is within an Air Quality Management Area (AQMA) where there are areas of NO<sub>2</sub> exceedences. Where NO<sub>2</sub> levels are above 40ugm<sup>3</sup> then it is exceeding the National Air Quality Objective set by the Government. It should be highlighted that the measured levels of NO<sub>2</sub> within our AQMA are static (as also seen in a number of other London Councils) where the levels are showing no decrease in the future years. This is currently shown in our Progress Report of 2008. For example, Harold Avenue diffusion tube 2005 = 40.7 ugm<sup>3</sup>; 2008 = 41.7 ugm<sup>3</sup>; Phelps Way diffusion tube 2005 = 37.0 ugm<sup>3</sup>; 2008 = 38.5 ugm<sup>3</sup>

A precautionary approach should be taken to the improvements assumed. In addition there are residential receptors predicted to be above the EU limit value in 2010.

#### Condition regarding New Receptors

Before the development is commenced a scheme for protecting the proposed residential accommodation from external air pollution shall be submitted and approved by the LPA. Any works which form part of such a scheme shall be completed before any part of the development is first occupied or used and measures put in place to ensure it is maintained for the life of the development.

Reason: For the protection of future residents in areas of poor air quality (London Councils AQ and Planning Guidance Jan 2007).

Note- the design must take into account climate change pollutants and ensure there are no trade-offs between local and global pollutant emissions.

Suitable ventilation systems will need to:-

- Take air from a clean location or treat the air and remove pollutants;
- Designed to minimise energy usage;
- Be sufficient to prevent summer overheating;
- Have robust arrangements for maintenance

#### ENVIRONMENTAL PROTECTION UNIT - CONTAMINATION

There was no land contamination report submitted with the application. The former use is identified as sui generis Builders Merchant Yard, storage and distribution depot and retail sales.

A contaminated land condition is advised to be included in any permission that may be given as this is an area of Hayes with a long industrial history.

#### TREE AND LANDSCAPE OFFICER

I refer to the above application, HJF's Design & Access Statement, drawing Nos.0431.001.P1, 010.P2, 011.P2, 012.P2, 020.P2, 021.P2, 022.P2, 023.P2, 100.P6, 101.P6, 102.P6, 103.P6, 104.P6, 200.P4, 201.P4, 202.P4, 203.P4 and a recent site visit:

#### The Site

The site is within the Hayes Town Centre on the south side of Clayton Road, occupying a corner plot at the junction with Blyth Road. The area is generally built up and urban in character with a number of tall industrial buildings nearby. Immediately to the east there are shops within two-storey Victorian buildings - beyond which the south side of Clayton Road is residential.

There are no trees or other landscape features on, or close to, the site and no TPO's or

Conservation Area designations.

#### The Proposal

The proposal is a re-submission of an earlier (refused) scheme ref. 2008/1011. The current scheme involves the demolition of the existing building (two-storey office/shop/storage) and erection of a new mixed use development comprising B1 (business use) at ground-floor level with 13No.flats above together with parking for 12 cars within an undercroft car park accessed from Blyth Road.

The Design & Access Statement (D&AS) describes the proposed building as 'an L-shaped block that creates a rear 'back garden' space that continues the back gardens of Clayton Road and Blyth Road' (3.1). The D&AS fails to follow the CABE guidance in as much that there is no section describing the landscape analysis or objectives. However, at 3.5 'Amenity' is addressed and an illustrative plan shows a 204 square metre communal amenity space / roof garden at first floor level. Further (private) amenity space is to be provided in the form of balconies - giving an estimated amenity provision of 318.9 square metres.

The first floor roof garden /amenity space is shown (illustrative only) on drawing No. 101.P6. This indicates the provision of an 'intensive' roof garden - a high cost /high maintenance scheme designed for recreational use. The plan shows raised planters around the perimeter which are capable of supporting small trees/large shrubs. On the outside edge there will be a 1.5 metre high obscure glazed privacy is proposed. On the inside edge there will be a 1.1 metre high glazed balustrade. It is not clear why two screens are necessary or how the plants will be maintained if they are 'trapped' between two barriers. Other features indicated include seating areas and areas of green with large plants in containers.

The planting should be of a suitable size and scale to ensure that the plants help to define/ contain the space and are attractive to the site occupants as well as being visible from outside the site - as indicated on the section drawing No. 202.P4 and 203.P4.

Drawing No. 103.P6 (third floor plan) indicates a small area of 'green roof' which is annotated 'no access'. If the site is not designed to be accessed by the residents the planting should be visible from within the site and from outside. It should also be accessible for maintenance purposes.

Bin and bike storage areas have been integrated within the ground-floor of the building, to be accessed from Blyth Road (drawing No. 100.P6).

#### Key Landscape Issues

The proposals will have no impact on existing trees or the wider landscape.

At present there is insufficient supporting information about the proposed design / detailing of the intensive green roof - for which there will be cost and structural implications. Further details will be required at an early stage to ensure that the building is designed to accommodate the loading and other requirements of a roof garden.

If the roof garden is designed and detailed in accordance with the illustrative sections, the resultant scheme could be very attractive and well-used by residents.

In addition to detailed design, schedules and specifications the successful establishment and maintenance of the roof garden will be dependent on robust management and maintenance proposals.

#### Recommendation

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

## S106 OFFICER

### Proposal:

Demolition of existing building and erection of a new mixed use development comprising of 13sq.m of Class B1 (Business) floorspace at ground level with 13 residential flats (7x2bed, 5x1 bed and 1xstudio) above, together with parking for 12 vehicles within an undercroft car park and access off Blythe Rd.

7 x 2 beds (4 habitable rooms including kitchens)  
5 x 1 beds (3 habitable rooms including kitchens)  
1 x studio (2 habitable rooms including kitchens)

Total Population 22.51

### Affordable Housing

A financial viability assessment has been provided which demonstrates that the provision of affordable housing is not viable within the development. The findings of the document are considered accurate and as such no affordable housing should be sought.

### Proposed Heads of Terms

1. Education: A contribution of £27,933 is sought in line with the SPD on Education.
2. Health: A contribution in the sum of £4,558.74 is sought in line with the SPD for Health will as a bid has been received from the PCT.
3. Libraries Contribution: A contribution in the sum of £517.73 is sought in relation to libraries.
4. Construction Training: In line with the SPD it is likely that a financial contribution towards training schemes will be sought as a result of this application given its nature and scale.

Under the SPD document a contribution equal to £2,500 for every £1 million build cost could be sought for employment training initiatives.

5. Project Management and Monitoring: In line with the SPD a contribution towards project management and monitoring is sought equal to 5% of the total cash contributions secured from this proposal.

## **7. MAIN PLANNING ISSUES**

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

The proposed development would result in the loss of the disused Builders Merchants/Timber Yard (sui generis); which would be replaced by 136sq.m of Office floorspace (Use Class B1), and 13 flats (1 x studio, 5 x 1 bed and 7 x 2 bed units).

The existing use is not considered to be appropriate within the Hayes Major Town Centre and no objection is therefore raised to the loss of the Builders Merchants/Timber Yard.

Policy H4 (Housing Mix) of the Hillingdon Unitary Development Plan Saved Policies (September 2007), seeks to encourage additional housing in Town Centres. The provision of studio, one and two-bedroom units is appropriate in the Hayes Major Town Centre.

Additionally, no objection is raised to the provision of a small level of office floorspace on the site which could contribute to the vitality of the Hayes Major Town Centre.

The application site is appropriately located for a mixed-use development. As such, no



objection is raised to the principle of the proposed development.

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

Policy 3A.3 of the London Plan seeks to ensure the highest density of development on sites compatible with the local context. For the application site, which has a Town Centre Location and Public Transport Accessibility Level (PTAL) of 4, the Density Matrix (Table 3A.2 of the London Plan) recommends a density of 200 - 700 hr/ha.

The proposed development would have 33 habitable rooms and this would constitute approximately 95% of the total floorspace within the mixed use development. Accordingly, the residential density of the proposal is considered to be approximately 575hr/ha, which is consistent with the London Plan recommendations for this site.

As such, there is no objection to the density of the proposed development subject to compliance with other relevant policies and guidance.

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

The proposed development:

1. Would have no impact on the archaeological heritage of the Borough;
2. Does not fall within a Conservation Area or Area of Special Local Character; and
3. Would not affect the setting of a Listed Building.

#### **7.04 Airport safeguarding**

The proposed development does not conflict with any airport safeguarding criteria.

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

The proposed development is not located within or close to any designated Green Belt land.

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

The existing buildings on site are not considered to be of any particular architectural merit and there is no objection to their demolition.

The previous application was refused partially on design grounds, in particular the poor design of the rear elevation and because the detailed design of the elevations, height, massing and bulk of the development did not respect the character of the adjoining terrace. However, no objection was raised to the principle of a more contemporary design in this prominent location which would not be out of character with the varied architectural styles present within the area and could make a positive contribution to the Hayes Major Town Centre.

The design of the current proposal has been amended in order to address concerns which were raised under the previously refused scheme (ref: 62528/APP/2008/1011). A number of the key amendments relating to the design and appearance of the building are summarised below:

- \* The height of the building has been reduced by 1.85m;
- \* The width of the southern flank elevation has been reduced by 2.9m;
- \* The design of the front and southern elevations have been amended;
- \* The western end of the building has been set-in at 4th floor level.

The visual height, bulk and mass of the current proposal has been significantly reduced through the amendments, in particular through the reduction in height and set in of the fourth floor. Additionally, the detailed amendments to the design of the elevations now means that the pattern of fenestration on the proposed building appropriately align to that of the existing terrace.

The amended scheme also treats the rear elevation adjacent to the alley from Blyth Road with feature panels and the introduction of obscure glazed windows, which adds to the detailing of the flank wall and would result in an appropriate visual appearance when viewed from Blyth Road.

Overall, it is considered that the design amendments have resulted in a scheme which respects the character of the existing terrace and would sit comfortably alongside it while enhancing the appearance of the site and contributing towards the varied character of the Town Centre in accordance with Policy BE13 of the Saved Policies UDP.

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

In relation to this issue it is necessary to consider the existing conditions for the occupiers of the existing neighbouring flats at nos. 14a and 16a Clayton Road which are first floor flats with no amenity space. In addition the rear first floor bedroom window of no. 14a Clayton Road currently has a poor outlook being enclosed on two sides by built form and facing the roof of the covered courtyard.

The proposed building is designed in an L-shape, with the built form abutting the proposed boundary with no.16 Clayton Road being approximately 4.8m in height (subject to an increased height of privacy screen secured by condition), including the provision of a privacy screen to remove any overlooking, and being set back 1m from the boundary, which is covered in its entirety by a large commercial outbuilding and does not serve a residential amenity space.

The first floor amenity area would be located to the rear of no. 14 Clayton Road and the necessary privacy screen would mean that the built form would come to a height of approximately 4.8m at a distance of 7m from the habitable window, a landscaped area would be provided to soften the appearance of the privacy screen.

The HDAS - Residential layouts seeks a separation distance of 15m where a two storey building is proposed. The privacy screen at a maximum height of 4.8m would be significantly lower than a standard two storey building, which would generally be upwards of 6m in height, and the proposed separation distance would be adequate to ensure an acceptable level of light reached this habitable room window. In addition it is noted that the outlook of the window is onto three pitched roofs in the existing situation and the proposal would provide an outlook onto an area of soft landscaping which would serve to enhance the outlook from this window.

The flank wall of the proposed building abuts the boundary with no. 14a Clayton Road, while the height on the boundary is slightly higher than the eaves of the existing building and would encroach on the 45 degree guidance set out within the HDAS - Residential Layouts. The difference in height is marginal and the wall extends only 3m to the rear of the neighbouring building line, whereas the existing building runs along the boundary for the full depth of the site in the existing situation. Having regard to the existing situation, it is not considered that the design would have any significant detrimental impact on the neighbouring occupier through loss of light or dominance when compared to the existing situation.

Overall, it is considered that scheme currently proposed would result in an enhancement to the outlook for the occupier of unit 14a Clayton Road than is present in the existing situation and the scheme would have no detrimental impacts on the occupiers of 16a Clayton Road. Accordingly, the application is considered to address concerns with the previous scheme and comply with Policies BE19 and BE21 of the Saved Policies UDP.

It is considered that the design amendments and the introduction of privacy screens to the scheme would ensure an adequate level of privacy for the neighbouring properties at 14a and 16a Clayton Road, thereby addressing previous concerns over privacy for these occupiers and complying with Policy BE24 of the Saved Policies UDP.

In relation to the neighbouring property at no. 1 Blyth Road the current scheme would maintain a separation distance of at least 15m between this property and the aspect of the block which is two or more stories in height, and as such it is not considered that it would give rise to a dominant impact on this property with respect to the guidance contained within the HDAS - Residential Layouts.

The first floor communal amenity area is within 21m of habitable room windows within 1-5 Blyth Road, a privacy screen on this boundary could be secured by condition and would provide an adequate level of privacy for these properties. As such, no objection is raised to the scheme with regard to privacy for these properties.

Subject to conditions it is considered that the proposal would have no detrimental impacts on the occupiers of neighbouring properties at nos. 14a and 16a Clayton Road or nos 1-Blyth Road. As such it is considered to address concerns relating to the previous application and to comply with Policies BE19, BE20, BE21 and BE24 of the Saved Policies UDP.

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

Policy H8 states that the change of use from non-residential to residential will only be permitted where a satisfactory residential environment can be achieved.

The HDAS - Residential Layouts specifies minimum internal floorspace standards of 63sq.m for two-bedroom units, 50sq.m for one-bedroom units and 33sq.m for a studio flat, inclusive of usable balcony areas up to 5sq.m.

The development provides for a total of 7 two-bedroom unit, 5 one-bedroom units and 1 studio flat all of which accord with the HDAS recommendations for and would provide a satisfactory internal living environment.

Policies BE20 and BE24 of the UDP require that all proposed units benefit from adequate privacy and light. The HDAS - Residential Layouts details that all residential developments and associated amenity space should receive adequate daylight and sunlight, including habitable rooms and kitchens.

An assessment of the Daylight Factor which would be achieved within the south facing bedrooms of units 1.1 and 2.1 of the proposed development has been carried out and indicates that the rooms would achieve an appropriate level of daylight in accordance with Building Research Establishment (BRE) guidelines.

Amended plans have also been received which alter the internal layouts of units 1.4 and 2.4 which will achieve an improved level of light to the kitchen areas of these units while maintaining appropriate light levels to all other habitable rooms.

Having regard to the amendments it is considered that all habitable room windows within the proposed development benefit from either a window or french doors and accordingly would receive adequate levels of daylight.

Each of the first floor units adjacent to the communal amenity space would benefit from

defensible space in the form of a private terrace area and none of the proposed windows would be overlooked either from existing or proposed properties, accordingly it is considered that all of the proposed units would benefit from an appropriate level of privacy.

The HDAS - Residential Layouts also details recommended minimum requirements of on-site amenity space provision in accordance with policy BE23 of the Saved Policies UDP, which seeks the provision of satisfactory usable amenity space for future occupiers.

Amended plans have been received which remove a small area of non-accessible green roof adjacent unit 3.1 and replaced this with an accessible terrace. Given the height of this terrace the proposal does not give rise to any concerns over privacy.

The non-accessible green roof is to remain adjacent to unit 3.3 as this area is within 21m of habitable room windows and to make this accessible would have resulted in unacceptable implications with regard to the privacy of neighbouring occupiers.

The proposed development would require 295sq.m of communal amenity space in order to comply with these recommendation. The amended scheme provides a total of 339.6sq.m of amenity space would be provided by the development, comprising a 204sq.m communal amenity area at first floor level and 135.6sq.m in the form of private terraces and balconies. The level of amenity space provision is appropriate with respect to its quantum and is set out in a usable manner meaning adequate external amenity space would be provided for future occupiers.

Overall, it is considered that the proposed development would provide an adequate level of residential amenity for future occupiers.

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

##### TRAFFIC GENERATION/HIGHWAY PEDESTRIAN SAFETY

The application seeks the erection of 13 residential units and a 136sq.m office, the Council's Highways Engineer has reviewed the proposals in detail and does not consider that the scheme would give rise to any significant increase in local traffic.

It is proposed to remove the existing vehicular crossover and replace it with a new vehicular crossover serving 12 car parking spaces. The amended plans now submitted provide an amended layout to the access and undercroft parking area which would provide a 5m clear distance between the roller shutter and footpath.

The proposed crossover is a greater distance from the rear service road, and subject to a condition would be narrower than, the existing vehicular crossover serving the site and this is considered to represent an improvement in terms of highway and pedestrian safety, there would also be adequate space for cars to wait and enter the car parking area without obstructing the pedestrian footpath.

The vehicular access/egress arrangements are therefore considered acceptable.

##### CAR PARKING PROVISION

The application site is located in a Town Centre with a PTAL of 4 and within 200m of Hayes Station.

The application previously considered by the Central and South Planning Committee sought to provide 12 car parking spaces, including 1 disabled space for the 13 residential units. No parking provision was proposed for the office unit. This level of parking (0.92 spaces per unit) accorded fully with the Council's maximum and disabled parking standards for both the residential and office components and was considered acceptable by the Council's Highways Engineer having regard to the presence of a public car park opposite the site, the high Public Transport Accessibility Level and the parking ratios accepted on recent nearby developments.

The current application has been amended to provide a disabled parking space for the commercial unit, in place of one of the standard spaces which previously served the residential component. The proposed parking provision would therefore be: 11 spaces (including 1 disabled space for the residential component (a ratio of 0.84 spaces per unit); and 1 disabled space for the commercial unit.

The proposed parking ratio for the residential component, while reduced, remains consistent with decisions on other applications within the vicinity such as Sheringham Court (0.75 spaces per unit), 42-44 Station Road (0.6 spaces per unit) and the Hayes Station Goods Yard (0.75 spaces per unit). As such the level of parking proposed for the residential component is considered to remain acceptable, having regard to the sites Town Centre Location and high level of Public Transport Accessibility.

The proposal to provide an additional disabled parking space within the undercroft parking area, which could be utilised by the commercial unit is considered to be beneficial in terms of securing improved accessibility of the office space to those with disabilities and accordingly the revised parking arrangements are considered acceptable.

No objection is raised of the parking proposals.

#### CYCLE PARKING

The amended application proposes 13 cycle parking spaces within a secure internal room for use by the residential units and 3 cycle parking spaces in a secured internal rooms for use by the office unit. This level of cycle parking is in accordance with the requirements of the Saved Policies UDP which requires a minimum provision of 15 spaces to serve the entire development and all of the parking spaces would be both secure and covered.

Overall, the application is considered acceptable on highways grounds and fully complies with Policies AM2, AM7, AM13, AM14 and AM15 of the Saved Policies UDP.

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

Issues of design and accessibility are addressed elsewhere within this report.

In relation to security the proposed car parking area would be gated and all amenity spaces would be accessible only be residents. Subject to a condition to ensure the detailed design of the scheme achieved Secured By Design accreditation no objections are raised with respect to security of crime prevention.

#### **7.12 Disabled access**

Policy 3A.5 of the London Plan and the HDAS - Accessible Hillingdon require that all new residential units are built to lifetime homes standards and that 10% of new residential units are built to wheelchair standards, or easily adaptable for use by a wheelchair disabled person.

The submitted design and access statement indicates that the development seeks to achieve Lifetime Homes Criteria and that a wheelchair unit will be provided, the plans also indicate that the proposed wheelchair unit is of sufficient size to accord with the HDAS - Accessible Hillingdon (adopted January 2010)

The scheme has been reviewed by the Council's Access Officer who has raised no objection to the scheme. Subject to a condition ensuring that a number of detailed design issues are carried through to implementation the scheme complies with Policy 3A.5 of the London Plan.

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

Policy 3A.8 of the London Plan advises that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with policy 3A.7, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

The Council's Affordable Housing SPD further advises that in circumstances where a proposed development does not propose to meet the affordable housing requirements a financial viability assessment will be required. Furthermore, if the results of a financial viability appraisal confirm that the affordable housing requirement cannot be provided as per LDF and London Plan policies, the Council will apply a cascade approach by which the Council will agree dependent upon the site specifics and local circumstances to either: alter the tenure split requirement; and/or reduce the affordable housing requirement.

The developer has provided a financial viability assessment demonstrating that it is not feasible to provide any affordable housing within the redevelopment. The appraisal has been considered by the Council's S106 Officer who has confirmed that the provision of affordable housing on the application site is not viable.

It is clear from the adopted development plan that a policy requirement for affordable housing should not restrain or stagnate housing provision where affordable housing on site is not economically viable it is therefore considered that the proposal satisfies policy 3A.8 of the London Plan and accords with guidance in the Council's Affordable Housing SPD.

#### **7.14 Trees, landscaping and Ecology**

The application site is covered by Tree Preservation Order 490 (Clarendon Road/Clayton Road, Hayes). However, the site accommodates no trees or planting and the proposed development would have no impact on existing trees/planting in the vicinity.

Soft and hard landscaping is proposed at first floor, third floor and roof levels (amenity spaces) and while detailed plans have not been provided at this stage appropriate planting would potentially be visible above the parapets of these raised amenity areas in order to contribute to the character of the area. No soft landscaping is proposed at street level, however this is not a feature of the surrounding area and the development has been designed to respect neighbouring building lines. The lack of street level planting is therefore considered to be appropriate having regard to the context of the site.

The provision of external amenity space at first, third and roof levels provides the opportunity for incorporation of a mix of hard and soft landscape within the development.

The indicative plans demonstrate a communal amenity area which has the potential to be attractive and well used by future residents and will represent a significant improvement on the current lack of any landscape provision on the site and will be an enhancement to the locality.

Sedum roofs are proposed at roof level which would provide additional landscaping and sustainability benefits.

The Council's Trees and Landscape Officer has reviewed the scheme and raises no objection to the scheme which, subject to conditions, is considered to comply with Policy BE38 of the Saved Policies UDP.

#### **7.15 Sustainable waste management**

Policy 4A.22 of the London Plan requires that all developments make adequate provision for the storage of waste and recycling.

Separate integral refuse/recycling stores are provided to serve the residential and office components of the scheme. A total of 4 bins would be provided for the residential component and 2 for the office.

Amended plans have been received which show the stores located such that they could be access internally from the part of the development they serve (office/residential) and could be easily serviced via Blyth Road. The storage facilities are therefore considered to be located conveniently for both residents and for collection.

The design and quantum of refuse/recycling storage facilities are considered appropriate for the proposed development which would therefore comply with Policy 4A.22 of the London Plan.

#### **7.16 Renewable energy / Sustainability**

Policy 4A.4 (Energy assessment) of the London Plan (February 2008) requires, an assessment of the energy demand and carbon dioxide emissions from the proposed development in order to demonstrate that the proposal accords with the Mayor's Energy Hierarchy.

Further, Policy 4A.7 (Renewable Energy) of the London Plan (February 2008), stipulates that the proposed development would need to achieve a reduction in carbon dioxide emissions by 20% from on site renewable energy generation, unless it can be demonstrated that such a provision is not feasible.

The application is supported by an energy assessment which demonstrates that it will be possible to secure a 20% reduction in carbon dioxide emissions either through the use of solar hot water heating or a ground source heat pump.

The proposal also incorporates areas of green and brown roofing which are supported by Policy 4A.11 of the London Plan.

Subject to a condition ensuring that detailed energy efficiency measure sand renewable technology are incorporated into the final scheme it is considered that the application would comply with the requirements of the London Plan.

#### **7.17 Flooding or Drainage Issues**

The application site does not fall within a designated Flood Zone, therefore it is not considered that the proposal would give rise to any flooding or drainage issues.

#### **7.18 Noise or Air Quality Issues**

The submitted noise report indicates that the application site falls within an area with Noise Exposure Category (NEC) C, which stipulates that 'planning permission should not normally be granted', unless conditions can be imposed to ensure a satisfactory level of protection against noise.

As such, an acceptable sound insulation scheme would need to be submitted to ensure that the future occupiers of the proposed development would not be unduly affected by road/rail noise.

Mitigation measures would need to be incorporated to ensure that the proposed development does not have a detrimental impact on air quality in the area.

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

Issues i, ii, iii, iv, v, vi and vii of the objections are addressed within the body of the report.

Issue viii relates to the loss of mobile phone and television reception. It is not considered that the scheme is of a scale or design which would have any significant implications on telecommunications.

Issue ix raises concerns relating to emergency access to the rear alley. The proposal does not extend outside of the application site and would have no implication for emergency access to the alley which lies outside of the site.

Issue x raises concern that there are a number of ongoing and new developments in conjunction with limited demand. Each application needs to be assessed on its own merits and there is a recognised need for housing provision within London, no objection is raised with regard to the principle of a residential development on the site which would accord with adopted policy.

Issue xi relates to drainage. It is not considered that the proposed application would place undue pressures on the drainage infrastructure in the area.

Issue xii relates to construction impacts which could be appropriately addressed by a condition, as recommended.

The support comments are noted.

#### **7.20 Planning obligations**

Policy R17 of the Council's Unitary Development Plan states that: The Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals

The proposed development will result in an increased population, which will in turn increase demand on local services and facilities. Policy R17 of the Council's Unitary Development Plan requires the Council to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities and other community, social and education facilities through planning obligations in conjunction with other development proposals.

The Council's Section 106 Officer has advised that the development will increase demands on local facilities and infrastructure. In line with the Council's Planning Obligations SPD the contributions set out below should be sought to improve these



facilities to meet the increased demands of the development.

Proposed Heads of Terms

1. Education: A contribution of £27,933 is sought in line with the SPD on Education.
2. Health: A contribution in the sum of £4,558.74 is sought in line with the SPD for Health will as a bid has been received from the PCT.
3. Libraries Contribution: A contribution in the sum of £517.73 is sought in relation to libraries.
4. Construction Training: In line with the SPD it is likely that a financial contribution towards training schemes will be sought as a result of this application given its nature and scale.

Under the SPD document a contribution equal to £2,500 for every £1 million build cost could be sought for employment training initiatives.

5. Project Management and Monitoring: In line with the SPD a contribution towards project management and monitoring is sought equal to 5% of the total cash contributions secured from this proposal.

The applicant has agreed to these contributions, which will be ensured through the completion of an appropriate legal agreement. No, objection is raised to the proposal subject to receipt of a finalised legal agreement.

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

Not applicable.

#### **7.22 Other Issues**

None.

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

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

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

infringed and must not go beyond what is needed to achieve its objective.

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

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

## **10. CONCLUSION**

The application proposes to demolish the existing building, extension and other structures; and to erect a part 3 and part 4-storey block with 136sq.m of office (Class B1) floorspace and an enclosed car park at ground floor level, and 13 flats on the upper floors (1 studio, 5 x 1 bed and 7 x 2 bed flats).

The application incorporates significant amendments which seek to overcome the reasons for refusal on a previous application on this site and the reasons for deferral of the scheme from the Central and South Committee on the 20/04/2010.

The proposal would achieve an appropriate appearance in keeping with the character and context of the surrounding area in accordance with Policy BE13 of the Saved Policies UDP.

Careful consideration has been given to the relationship of the proposal with neighbouring properties and the current design is considered to overcome previous concerns with regard to the impact on the amenity of neighbouring occupiers.

The scheme would provide adequate residential living conditions for future occupiers and be designed to meet appropriate accessibility standards.

The amended vehicular access/egress arrangements are considered to be acceptable, as is the level or proposed car/cycle parking and the impact of the development on traffic generation.

Appropriate refuse/recycling facilities have been provided for both the residential and office aspects of the development and can be accessed internally.

It has been demonstrated that the development would comply with the sustainability policies of the London Plan and would incorporate green roofs and energy efficiency/renewable energy generation.

The applicant has also committed to enter into a legal agreement securing planning contributions which are necessary to meet the needs of the development.

Overall, the development is considered to comply with all relevant planning policies and guidance and approval is recommended subject to a legal agreement and conditions.

## **11. Reference Documents**

- (a) The London Plan
- (b) Planning Policy Statement 1: Delivering Sustainable Development
- (c) Planning Policy Statement: Planning and Climate Change - Supplement to Planning

Policy Statement 1

(d) Planning Policy Statement 3: Housing

(e) Planning Policy Statement 4: Planning for Sustainable Economic Growth

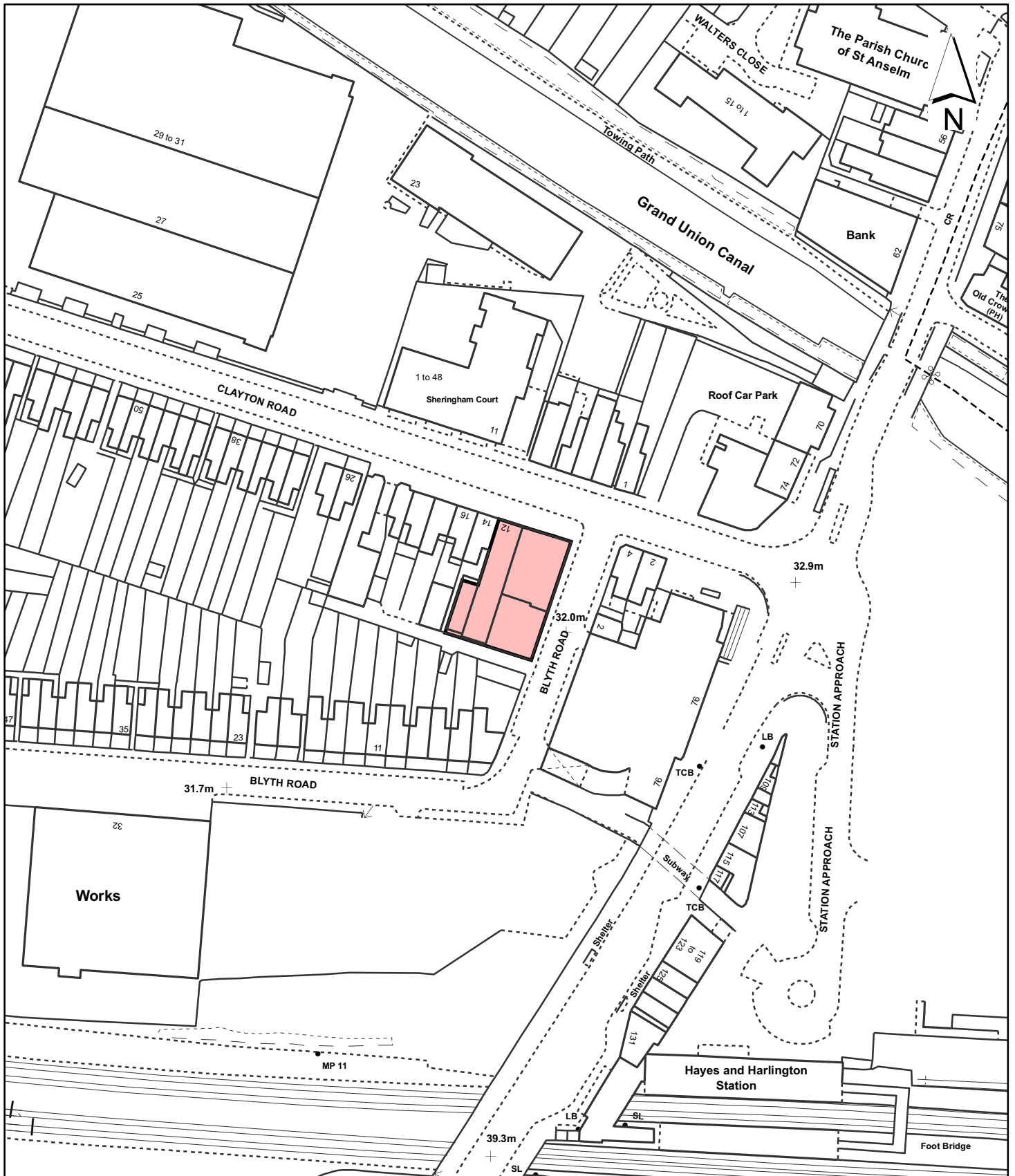
(f) Planning Policy Guidance 13: Transport

(g) Planning Policy Statement 23: Planning and Pollution Control


(e) Planning Policy Guidance 24: Planning and Noise

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**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>6 - 12 including rear of 14 Clayton Road Hayes</b>	
Planning Application Ref:	Scale
<b>62528/APP/2009/2502</b>	<b>1:1,250</b>
Planning Committee	Date
<b>Central and South</b>	<b>April 2010</b>

**LONDON BOROUGH  
OF HILLINGDON**

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