

Report of the Head of Planning & Enforcement Services

Address 70 STATION ROAD WEST DRAYTON

Development: Erection of a residential building to accommodate 35 flats (consisting of 12 one-bedroom units, 21 two-bedroom units and 2 three-bedroom units) with associated parking and landscaping.

LBH Ref Nos: 2954/APP/2010/1810

Drawing Nos: Design and Access Statement
Air Quality Assessment
Arboricultural Report
Energy Statement
Envirocheck Report
Environmental Noise Survey
Environmental Site Assessment
Ground Investigation Report
Transport Statement
Tree Schedule
Perspective
PO1 REV J
PO5 REV A
PO2 REV L
PO4 REV F
PO3 REV G

Date Plans Received:	04/08/2010	Date(s) of Amendment(s):	12/01/2010
Date Application Valid:	08/10/2010		04/08/2010
			07/10/2010
			06/12/2010
			16/12/2010

1. SUMMARY

Full planning permission is sought for the redevelopment of the site for a residential development comprising of 35 residential units associated amenity space and parking.

The proposed development is acceptable in principle and the density of development accords with the recommendations of the London Plan.

The site has an extensive planning history, including a recent appeal decision.

Having regard to the Inspector's decision on the previous application it is considered that the proposal would attain an acceptable appearance within the street scene, would not have a detrimental impact on neighbouring occupiers and would provide an appropriate residential environment for future occupiers.

The proposal is considered acceptable in terms of parking provision and highways impacts.

Subject to conditions an appropriate level of sustainable design could be achieved.

The proposal would provide 3 x one-bedroom and 3 x two-bedroom units as affordable housing. This level of provision has been fully justified by way of a Financial Viability Assessment as the maximum level which the development can viably provide. The applicant has also agreed to meet all other necessary planning obligations by way of a legal agreement.

Subject to a S106 agreement and conditions, the application is recommended for approval.

2. RECOMMENDATION

a) That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:

i) The provision of 3 x one bedroom and 3 x two bedroom units as affordable housing.

ii) The provision of a contribution of £102,323 toward educational facilities.

ii) The provision of a contribution of £13,682.71 toward healthcare facilities.

iii) The provision of a contribution of £30,000 toward community facilities.

iv) The provision of a contribution of £20,000 toward Town Centre Improvements.

v) The provision of a contribution of £1,452.45 toward Local Library Facilities.

vi) The provision of construction training either as a formula based financial contribution or in-kind.

vi) 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, the S106 Agreement has not been finalised, delegated powers be given to the Director of Planning and Community Services 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, community facilities, town centre improvements, library facilities and 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 Director of Planning and Community Services 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 MCD10 Refuse Facilities

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

REASON

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

4 OM2 Levels

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

REASON

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

5 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).

6 M5 Means of Enclosure - Bespoke

Before the development is commenced, details of boundary fencing or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall not include the provision of close boarded fencing adjacent to the road frontages facing Station Road or Drayton Gardens. The approved means of enclosure shall be erected before the development is occupied and shall be permanently retained thereafter.

REASON

To safeguard privacy to adjoining properties in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

7 H1 Traffic Arrangements - submission of details

Development shall not begin until details of all traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan . (February 2008).

8 H13 Installation of gates onto a highway

No gates shall be installed which open outwards over the highway/footway.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced in accordance with Policies AM3 and AM8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

9 H14 Cycle Storage - details to be submitted

No part of the development hereby permitted shall be commenced until details of 35 covered and secure cycle storage spaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be occupied or brought into use until the approved cycling facilities have been implemented in accordance with the approved plan, with the facilities being permanently retained for use by cyclists.

REASON

To ensure the provision and retention of facilities for cyclists to the development and

hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan. (February 2008).

10 TL1 Existing Trees - Survey

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:-

- (i) Species, position, height, condition, vigour, age-class, branch spread and stem diameter of all existing trees, shrubs and hedges on and immediately adjoining the site.
- (ii) A clear indication of trees, hedges and shrubs to be retained and removed.
- (iii) Existing and proposed site levels.
- (iv) Routes of any existing or proposed underground works and overhead lines including their manner of construction.
- (v) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees and other vegetation to be retained during construction work.

REASON

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

11 TL2 Trees to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

12 TL3 Protection of trees during site clearance and development

Prior to the commencement of any site clearance or construction work, detailed drawings

showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

13 TL5 Landscaping Scheme - (full apps where details are reserved)

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

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

The scheme shall also include details of the following: -

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

REASON

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

14 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).

15 TL7 Maintenance of Landscaped Areas

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

REASON

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

16 TL20 Amenity Areas (Residential Developments)

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

REASON

To ensure the continued availability of external amenity space for residents of the development, in the interests of their amenity and the character of the area in accordance with policy BE23 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (February 2008) Policy 4B.1.

17 TL21 Tree Protection, Building & Demolition Method Statement

Prior to development commencing on site, a method statement outlining the sequence of development on the site including demolition, building works and tree protection shall be submitted to and approved by the Local Planning Authority, and the scheme thereafter implemented in accordance with the approved method statement.

REASON

To ensure that trees can be satisfactorily retained on the site in accordance with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

18 NONSC Contamination

The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance on Land Contamination and approved by the Local Planning Authority (LPA). All works which form part of the remediation scheme shall be completed before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(i) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(ii) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use;

(iii) (a) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA prior to its implementation.

(b) If during remedial or development works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iv) Upon completion of the remedial works, this condition will not be discharged until a verification report has been submitted to and approved by the LPA. The report shall include details of the final remediation works and their verification to show that the works have been carried out in full and in accordance with the approved methodology.

Note: The Environmental Protection Unit (EPU) must be consulted at each stage for their advice when using this condition. The Environment Agency (EA) should be consulted when using this condition.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

19 NONSC Noise

Development shall not begin until a scheme for protecting the proposed development from road traffic noise, has been submitted to and approved by, the Local Planning Authority. The noise protection scheme shall meet acceptable noise design criteria both indoors and outdoors. The scheme shall include such combination of sound insulation, acoustic ventilation and other measures as may be approved by the LPA. The approved scheme shall be implemented in full prior to first occupation of the development and thereafter be retained and maintained for the life of the development.

REASON

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

20 NONSC Ventilation

Mechanical ventilation, air-conditioning or air handling plant and/or machinery shall not be used on the premises until a scheme which specifies the provisions to be made for the control of noise emanating from the site or to other parts of the building, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON

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

21 NONSC Air Quality - Protecting future residents

The development shall not commence until details of a scheme designed to minimise the ingress of polluted air has been submitted and approved by the LPA. The said scheme shall include such secure provision as to ensure it endures for so long as the development is available for use.

REASON

In areas where there the air pollution levels are above, or close to, the national and European limits, this is designed to safeguard the future residents from the ingress of the poor outdoor air quality in accordance with Policy OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), Policy 4A.17 of the London Plan and the Council's Air Quality SPG. 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:

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

22 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).

23 DIS5 Lifetime Homes & Wheelchair Standards - Details

No development shall commence until details have been submitted to, and approved in writing to the Local Planning Authority demonstrating that all residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. In addition 4 units shall be constructed as full wheelchair accessible units in full accordance with the details shown on drawing PO5 Rev A. Thereafter all units on site shall be constructed in full accordance with the approved details and/or drawing PO5 Rev A.

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, 4B.1 & 4B.5 and the Council's Supplementary Planning Document 'Accessible Hillingdon'.

24 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).

25 SUS5 Sustainable Urban Drainage

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

REASON

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

26 SUS8 Electric Charging Points

Before development commences, plans and details of 2 electric vehicle charging point(s), 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.

27 NON2 Roof Terrace Privacy & Safety

No development shall take place until details of measures to prevent overlooking arising from the roof terrace and to prevent future occupants from falling from the roof structure have been submitted to, and approved in writing by, the Local Planning Authority. The measures will be implemented in accordance with the approved details prior to occupation of the development and thereafter permanently retained.

REASON

To ensure the appearance of the balconies and roof terrace screening is appropriate and to prevent overlooking to adjoining properties in accordance with policies BE13 and BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

28 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.

29 NONSC CCTV & Lighting

Prior to development commencing, the applicant shall submit details of CCTV and lighting systems for the site. These shall demonstrate a number of cameras and coverage commensurate with that shown on the details at application stage. The approved details shall be installed prior to first occupation of any part of the development hereby approved and thereafter permanently maintained.

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, and to reflect the guidance contained in Circular 5/94 'Planning Out Crime' and the Council's SPG on Community Safety By Design.

30 NONSC Archaeology

No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

REASON

To ensure that the proposed development does not disturb archaeological remains of importance in accordance with policy BE1 of the Hillingdon Unitary Development Plan Saved Policies.

31 NONSC Vehicular 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.

32 NONSC No Satellite Dishes/Antennae

Notwithstanding the provisions of Schedule 2, Part 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).

33 NONSC Details of Fenestration

No development shall commence on site until full details of all fenestration, including details of any angled windows and samples of any obscure glazing, have been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in full accordance with the approved details.

REASON

In order to ensure that both neighbouring and future occupiers benefit from an acceptable level of privacy in accordance with Policy BE24 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

34 NONSC Details of Spiral Staircase

No development shall commence on site until full details of the external spiral staircase have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include elevations, details of balustrades/handrills, materials and colours. Thereafter the development shall be implemented in full accordance with the approved details.

REASON

In order to ensure the escape stairs maintain an appropriate visual appearance in keeping with the character of the area in accordance with Policy BE13 of the Hillingdon

Unitary Development Plan Saved Policies (September 2007).

35 NONSC Rainwater Recycling

No phase of the development hereby approved shall take place until details of water efficiency measures for that phase, including grey water recycling, have been submitted and approved in writing by the Local Planning Authority. The development shall not be used until the approved measures have been implemented and shall thereafter be permanently retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

REASON

To safeguard water resources in accordance with Policy 4A.16 of the London Plan

36 NONSC Evacuation Management Plan

No development shall take place until a management plan, setting out details of how disabled persons are to be evacuated from the buildings in the event of emergencies, including fires, and defining a protocol for evacuation using the new lift, as well as practices and procedures to be used in the event that disabled people are on the first floor and the lift is unreachable due to fire.

REASON

TO ensure that people with disabilities have adequate access to the development in accordance with Policy R16 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan Policies (February 2008) Policies 3A.17 and 4B.5.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

BE13	New development must harmonise with the existing street scene.
OE1	Protection of the character and amenities of surrounding properties and the local area
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
AM14	New development and car parking standards.
AM3	Proposals for new roads or widening of existing roads
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking

	facilities
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE23	Requires the provision of adequate amenity space.
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE5	Siting of noise-sensitive developments
LPP 4B.1	London Plan Policy 4B.1 - Design principles for a compact city.
LPP 3A.5	London Plan Policy 3A.5 - Housing Choice
LPP 4B.5	London Plan Policy 4B.5 - Creating an inclusive environment.
LPP 4A.3	London Plan Policy 4A.3 - Sustainable Design and Construction.
LPP 4A.7	London Plan Policy 4A.7 - Renewable Energy
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
LPP 4B.6	
BE1	Development within archaeological priority areas

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.

6 117 **Communal Amenity Space**

Where it is possible to convey communal areas of landscaping to individual householders, the applicant is requested to conclude a clause in the contract of the sale of the properties reminding owners of their responsibilities to maintain landscaped areas in their ownership and drawing to their attention the fact that a condition has been imposed to this effect in this planning permission.

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 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).

9 131 **Sites of Archaeological Interest**

The application falls within an area in which archaeological finds of importance might be uncovered and while the scale of the works does not necessitate a full archaeological evaluation, a 'watching brief' may be required. Before commencement of the proposed works, you are therefore requested to send a copy of the approved drawings to English Heritage to allow them the opportunity to keep a watching brief during the course of the works. Contact - English Heritage, 23 Savile Row, London, W1S 2ET (Tel. 020 7973 3000).

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 1980.

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).

12 149 **Secured by Design**

The Council has identified the specific security needs of the application site to be:
Appropriate boundary treatment, including provision of defensive spaces adjacent to the ground floor units;
Full access control to the car parking area;
CCTV coverage of the site, in particular the car parking area and cycle parking.

You are advised to submit details to overcome the specified security need(s) in order to comply with condition 28 of this planning permission.

(Please Note: This Informative must accompany Condition OM14).

13 158 Opportunities for Work Experience

The developer is requested to maximise the opportunities to provide high quality work experience for young people (particularly the 14 - 19 age group) from the London Borough of Hillingdon, in such areas as bricklaying, plastering, painting and decorating, electrical installation, carpentry and landscaping in conjunction with the Hillingdon Education and Business Partnership.

Please contact: Mr Peter Sale, Chief Executive Officer, Hillingdon Training Ltd: contact details - c/o Hillingdon Training Ltd, Unit A, Eagle Office Centre, The Runway, South Ruislip, HA4 6SE Tel: 01895 671 976 email: petersale@hillingdontraining.co.uk

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The applicant is encouraged to discuss with Council officers in conjunction with the Metropolitan Police Crime Prevention Officer whether on site CCTV cameras can be linked to the Councils central CCTV system.

3. CONSIDERATIONS

3.1 Site and Locality

The application site has an area of approximately 0.26ha and a disused garage building, formerly used as a car showroom and vehicle workshop. The existing building on site comprises a largely single storey structure, with a part two storey projection located over the middle of the site. The remainder of the site is covered by hard standing. The site has recently been fenced off with hoardings.

The site is bounded by Station Road to the north, to the east by Drayton Gardens and to the west and south by residential properties. The site has an overall frontage to Station Road of approximately 59 metres and extends around the corner to partially front Drayton Gardens by approximately 16 metres. The site, while located within a Town Centre location is located within an area that reflects a predominant scale of two to three storey residential and mixed use development. The application site is bounded by two storey detached residential dwellings to the south and east, and to the west is a larger scale three storey flatted development and on the north side of Station Road, there is a mix of two and three storey office and mixed use development.

Station Road is designated as a Local Distributor Road on the Proposals Map of the adopted Hillingdon Unitary Development Plan. The site is located approximately 300 metres from West Drayton Rail Station and has a Public Transport Accessibility Level (PTAL) score of 3 on a scale of 1 to 6 where 6 represents the highest level of

accessibility.

The site has three existing vehicle access points, two off Station Road and one (an egress only) off Drayton Gardens.

3.2 Proposed Scheme

Full planning permission is sought for the redevelopment of the site for a residential development comprising of 35 residential units associated amenity space and parking.

The proposal provides for a residential mix comprising 12 one bedroom units, 21 two bedroom units and 2 three bedroom units. The scheme proposes 10% of the units to be designed to wheelchair accessible standards (units 4, 16, 22 and 29) all of which are on floors serviced by two lifts.

The development provides for a part two, part three storey development, supported by an undercroft parking area with 35 spaces (four of which are designed to standards appropriate for disabled occupiers).

The development is supported by approximately 840sq.m of communal amenity space comprising two areas of ground floor communal amenity space and a communal roof terrace. A children's play area is proposed, located in the centre of the site well away from the road frontage. Additionally five of the ground floor units would be provided with private amenity areas or terraces.

The scheme represents a resubmission of an application previously dismissed at appeal (Appeal Ref: APP/R5510/A/10/2120328/NWF) in an attempt to overcome the Inspectors concerns. A summary of the amendments is:

- * reduction in height to a maximum of three storey
- * reduction in the number of proposed units;
- * replacement of undercroft amenity area with 3 units; and
- * additional information relating to security of the undercroft parking area.

3.3 Relevant Planning History

2954/APP/2007/2344 70 Station Road West Drayton

ERECTION OF A PART TWO, PART THREE, PART FOUR, PART FIVE STOREY RESIDENTIAL BUILDING TO ACCOMMODATE 66 FLATS WITH ASSOCIATED BASEMENT PARKING AND LANDSCAPING.

Decision: 30-10-2007 Refused **Appeal:** 27-02-2008 Withdrawn

2954/APP/2008/1160 70 Station Road West Drayton

ERECTION OF A RESIDENTIAL BUILDING TO ACCOMMODATE 59 FLATS WITH ASSOCIATED BASEMENT PARKING AND LANDSCAPING CONDITIONS.

Decision: 08-09-2008 Refused

2954/APP/2009/118 70 Station Road West Drayton

Mixed-use development consisting of a single retail unit (internal floorspace of 310 sq metres), and 41 residential dwellings with associated parking.

Decision: 05-05-2009 Refused

2954/APP/2009/1488 70 Station Road West Drayton

43 residential dwellings (consisting of 14 one- bedroom units, 26 two-bedroom units, 3 three-bedroom units) with associated parking and landscaping.

Decision: 30-11-2009 Refused

Appeal: 18-05-2010 Dismissed

Comment on Relevant Planning History

The application site has an extensive history of 4 previous applications for residential redevelopment, each of which has been refused for individual reasons.

The most relevant planning history is application 2954/APP/2009/1488 which was refused on the 30 November 2009 for the following reasons:

1. The proposed development, by reason of its density, design, layout and scale, represents an over-development of the site, which fails to harmonise with the existing street scene and is out of keeping with the character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE13 and BE19 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27th September 2007 and Policy 3A.3, and 4B.1 of the London Plan.

2. The proposed development will have a detrimental impact upon the outlook, visual amenity and privacy currently enjoyed by occupiers of neighbouring residential properties, in particular No 2 Drayton Gardens, contrary to Policies BE21 and BE24 of the London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007 and Hillingdon's HDAS Residential Layouts SPD.

3. The proposed development by reason of its design and layout fails to provide for both a high quality and safe external living environment for future occupiers, in particular the scheme provides for a poor quality design response for all ground level communal amenity areas within the site that immediately adjoin the proposed undercroft parking areas and access road. The proposal fails to incorporate measures to minimise the risk of crime and meet the specific security needs of the application site, including the proposals lack of access controls into the site and inadequate levels of natural surveillance over the main communal amenity spaces. As such, the development is contrary to Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies 2007, and Policies 3A.3, 4B.1 and 4B.6 of the London Plan 2004 and the design principles contained within the adopted Hillingdon Design and Access Statement (HDAS): Residential Layouts.'

4. The development fails to reserve appropriate space on the road frontage to enable the establishment of tree planting which would be of an appropriate scale alongside the proposed building. Without the provision of appropriate tree planting the development as a whole would fail to achieve an appropriate appearance within the street scene contrary to policies BE13, BE19 and BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5. The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in

respect of education, health, community facilities, town centre improvements and open space facilities). The scheme therefore conflicts with Policy R17 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27th September 2007.

6. The applicant has failed to provide, through an appropriate legal agreement, an adequate provision of on site affordable housing. The proposal is therefore contrary to Policy Pt1.17 of the London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007, Policies 3A.10 and 3A.11 of the London Plan (February 2008) and the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations.

An appeal; supported by a unilateral undertaking securing affordable housing and contributions towards education, health, library, public realm and community facilities; was subsequently lodged with the Planning Inspectorate.

The appeal was dismissed on the 18 May 2010, with only limited aspects of the Council's refusal reasons upheld. The Inspectors conclusion on each of the Council's concerns and where appropriate officer comment are provided below for reference.

1. CHARACTER AND APPEARANCE

Inspectors conclusion - 'On this issue I conclude that, whilst the acceptability of the proposals would not depend on trees and that it has not been shown that the flats would constitute over-development, neither of these points would outweigh the harm to the character and appearance of the area as a result of the uncharacteristic height. The proposals would therefore conflict with current adopted Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (UDP) which require the appearance of development to harmonise with the existing streetscene and for new development within residential areas to complement the character of the area.'

Officer comment - It is noted that the Inspector found harm only by way of the developments height.

2. LIVING CONDITIONS OF NEIGHBOURING OCCUPIERS

Inspectors conclusion - 'For all these reasons I find that the proposals would not lead to an unacceptable loss of privacy to No.2 Drayton Gardens. I therefore find that the living conditions for neighbouring residents would be acceptable and would accord with UDP Policies BE21 and BE24 which do not permit a significant loss of residential amenity and require privacy to be protected.'

3a.AMENITY SPACE

Inspectors conclusion - 'A small part of the proposed amenity space would be under the building adjoining the proposed parking area. While this arrangement might keep rain off a barbecue I consider it would otherwise be unsuitable as an amenity space. However, this area does not need to be included as part of the overall calculations for the proposed amenity spaces to satisfy the Council's Supplementary Planning Document (SPD) titled Hillingdon Design and Access Statement: 'Residential Layouts' (HDAS). While a larger area would be alongside the parking, conditions could require screening to separate these areas. On this issue I find that the proposals would accord with UDP Policy BE23 which requires new residential buildings to provide sufficient external amenity space.'

3b. CRIME

Inspectors conclusion - 'Given the extent of access and the lack of supervision from adjacent flats I consider that the parking area would be likely to attract criminal activity. For these reasons I find that the proposals would be poorly designed with regard to the need to minimise crime. The proposals would therefore conflict with the need to minimise crime. The proposals would therefore conflict with the design principles in the adopted HDAS which aims to 'design out' crime.'

4. FRONTAGE LANDSCAPING

The Inspectors conclusion on reason for refusal 1 incorporated consideration of this matter.

5. & 6. UNILATERAL UNDERTAKING

Inspectors conclusions - 'The undertaking would provide for 20% of the flats to be affordable housing. While this would be below the normal expectation the Council confirmed that, in light of the submitted Financial Viability Assessment, this would be acceptable. I agree and find that this provision would satisfy Local Plan Policy Pt1.17 and meets the tests in Regulation 122.:'; and

'The financial contributions would be in accordance with the adopted formulae in the Council's SPD on Planning Obligations. However, other than generalised claims at the Hearing that these would be local projects, I have little information on how they would be related to the proposed development. Consequently I am not persuaded that these contributions would accord with the tests in Regulation 122 and I am therefore unable to take them into account in determining this appeal.'

Officer comment - The Inspectors conclusion is a material consideration, however the conclusion in relation to planning obligations relates to the information before the Inspector at the time. Officers are of the view that the contributions are robust and can be fully justified.

GENERAL

In addition it is noted that the Inspector acknowledged that the proposals would be acceptable with regard to the loss of the existing garages, sustainability, the use of brownfield land, the mix of housing, traffic and parking, proximity to facilities and transport link, and offer benefit to regeneration.

The current application is a resubmission, which is very similar in layout and design to the proposal considered at appeal, however the applicant has made amendments to key aspects of the scheme such as height, in an attempt to overcome the Inspectors concerns.

4. Planning Policies and Standards

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement Planning and Climate Change

Planning Policy Statement 3 (Housing)

Planning Policy Guidance Note 13 (Transport)

The London Plan (2008)

Hillingdon Unitary Development Plan Saved Policies September 2007.

Hillingdon Design and Accessibility Statement - New Residential Layouts

Accessible Hillingdon Supplementary Planning Document

Hillingdon Supplementary Planning Document, Planning Obligations

UDP / LDF Designation and London Plan

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

Part 1 Policies:

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

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- AM14 New development and car parking standards.
- AM3 Proposals for new roads or widening of existing roads
- AM8 Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- BE23 Requires the provision of adequate amenity space.
- OE11 Development involving hazardous substances and contaminated land - requirement for ameliorative measures
- OE5 Siting of noise-sensitive developments
- LPP 4B.1 London Plan Policy 4B.1 - Design principles for a compact city.
- LPP 3A.5 London Plan Policy 3A.5 - Housing Choice
- LPP 4B.5 London Plan Policy 4B.5 - Creating an inclusive environment.
- LPP 4A.3 London Plan Policy 4A.3 - Sustainable Design and Construction.
- LPP 4A.7 London Plan Policy 4A.7 - Renewable Energy
- OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
- LPP 4B.6
- BE1 Development within archaeological priority areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **16th November 2010**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

The application was advertised in accordance with the statutory requirements and 98 nearby owner/occupiers consulted including the Yiewlsey & West Drayton Town Centre Action Group and the Yiewsley Community Involvement Group.

4 letters of objection have been received raising concerns regarding:

- (i) Construction impacts;
- (ii) Traffic and congestion implications;
- (iii) Adequacy of infrastructure (plumbing etc.);
- (iv) Loss of privacy;
- (v) Potential damage to property arising from proposed landscaping;
- (vi) Adequacy of proposed parking arrangements; and
- (vii) Adequacy of infrastructure (schools, healthcare etc.)

ENGLISH HERITAGE

I do not consider that any further work need be undertaken prior to determination of this planning application but that the archaeological position should be reserved by attaching a condition to any consent granted under this application.

THAMES WATER

No objections, but would seek to provide advice to the applicant by way of informatives should approval be granted.

DEFENCE ESTATES

No objection.

BAA

No objection.

NATS

No objection.

CRIME PREVENTION DESIGN ADVISER

No objection, subject to conditions to ensure:

- (i) Achievement of Secure by Design Standards; and
- (ii) The provision of the CCTV system which has been previously discussed with the applicant.

Internal Consultees

POLICY

No objection, as per previous applications.

HIGHWAYS

No objection.

URBAN DESIGN

Background:

This application, on a site currently occupied by a garage, lies on the edge of the commercial area in West Drayton. The proposal has been refused permission on four previous occasions, and on the last occasion it was dismissed on appeal.

Whilst the principle of a modern flatted development would be quite acceptable in an area such as this, and the overall height has been reduced to two and three storeys to fit better with its context, there are aspects of the proposed design which give rise to concern. These include the rolled zinc hipped, crown roofs (flat roofs are considered preferable), the bland, undercroft parking at pavement level and the lack of adequate planting space along the Station Road frontage.

Both the concern at the design and the inadequacy of the planting, were aired in full at the recent appeal hearing, but the Inspector, in his report, found these elements satisfactory and registered

concern only at the overall height of the scheme. Given that the height has now been lowered, there is not considered to be room for manoeuvre on other matters. In the circumstances, the scheme is considered acceptable.

Recommendations:

Acceptable

TREES AND LANDSCAPE

There are several trees close to the site, but none on it.

The application includes an arboricultural (tree) survey and report (from 2009). The report confirms that there are no trees on the site, but there is a group of trees (off-site) close to the southern boundary of the site, which includes one significant tree, a Sycamore (tree 5), in the group. Tree 5 affords some screening of the site and is a constraint on the development of the site.

The report refers to proposed layout and confirms that, subject to a detailed methodology of works about 5-6m from the Sycamore, the scheme makes provision for the long-term retention of the existing trees of merit. Tree-related matters can be dealt with by conditions TL1 (levels and services), TL2, TL3 (referring to the submitted/approved tree protection drawing), and TL21 (tree protection and construction method statement).

There is very limited space for landscaping on the road frontage of the site and for trees close to the front wall of the building. However, this matter was considered by the Inspector, who dismissed the appeal against the Council's refusal to grant permission previously. The Inspector found that, whilst such trees might either be unsuccessful or may have to be pruned, the lack of planting would not in itself harm the character or appearance of the street scene.

In the light of the Inspector's decision, and subject to conditions TL1, TL2, TL3, TL5, TL6, TL7 and TL21, the application is acceptable in terms of Saved Policy BE38 of the UDP.

ACCESS OFFICER

The amended plans address all of my previous comments with the exception of the following:

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

No objection, subject to the above point being addressed.

S106 OFFICER

The applicant has submitted a Financial Viability Assessment which demonstrates that the scheme is able to provide a maximum of 3 x one bedroom and 3 x two bedroom units as affordable housing alongside the planning obligations required. This assessment has been independently verified and accordingly affordable housing is not sought in relation to the development.

The proposed development of 43 residential units would therefore necessitate the following contributions in line with the Council's Supplementary Planning document for Planning Obligations:

Affordable Housing: 3 x one bedroom units and 3 x two bedroom units;
Education: a contribution in the sum of £102,323;
Health: a contribution in the sum of £13,682.71;
Community facilities: a contribution in the sum of £30,000;
Town centre: a contribution in the sum of £20,000;
Libraries: a contribution in the sum of £1,452.45;

Construction Training: either a contribution in accordance with the adopted formula or in-kind; and Project Management and Monitoring fee: 5% of total cash contributions.

ENVIRONMENTAL PROTECTION UNIT - CONTAMINATION

I refer to the new planning application for the above development and my previous e-mail to Nigel Bryce of 26 June 2008 regarding the previous application for 59 Flats (2954/APP/2008/1160).

The information submitted with the new application is the same information considered previously for the last application. There is no separate detailed remediation strategy yet for the site. Therefore the comments in my previous e-mail still apply.

Briefly the two reports in the new application are: A summary report (Phase 1) by Arcadis Consultants dated November 2001 provides details on the 1997 decommissioning of the petrol station by the removal of underground fuel tanks and contaminated soil found near the tanks. A second report by GEA Consultants dated June 2007 provides a new site investigation, and advice on contamination levels and remediation issues.

There will likely be some significant remediation necessary at this site. However it may be that the proposed large car basement will account for the removal of much contaminated soil. I would advise adding out contaminated land condition to any permission as below.

Recommendation: Should permission be granted the Council's standard contamination and remediation condition be imposed.

ENVIRONMENTAL PROTECTION UNIT - NOISE & AIR QUALITY

Noise:

I confirm that the environmental noise survey and PPG24 assessment report has been received. The front facade of the building falls within category C of PPG24 Noise Exposure Categories for Dwellings.

PPG24 NEC Category C states that: -

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

A condition requiring a scheme for noise mitigation measures is therefore required.

Air Quality:

The proposed development will introduce a number of residential units to an area that falls within APEC-B. The London Councils Guidance states that :-
where a site falls within APEC B consideration should be given to mitigation measures aimed at reducing the exposure of future occupants to elevated pollution levels.

As indicated in the submitted Air Quality Assessment, consideration should be given to additional measures such as the use of non-opening windows for ground floor units, the internal design of each unit, locating habitable rooms away from the front facade facing onto Station Road and the installation of mechanical ventilation, which would provide further protection against exposure to elevated pollution concentrations. The most appropriate measures need to be discussed and agreed with LBH.

Ideally , we would want to be seeing ventilation systems that minimise polluted air from outside being drawn into residential dwellings. This could be secured by way of condition.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy LE4 considers proposals that involve the loss of existing industrial floorspace or land outside designated industrial and business areas.

Whilst the garage is a Sui Generis use, the workshop type functions would bring it within industrial floorspace consideration. The site has been vacant for two years, however it is noted that recently limited use has been reintroduced on site. The site is immediately adjacent to a residential area. There are other vacant sites in nearby designated employment locations which are considered more appropriate for industrial and warehousing activities. The site has the potential to contribute to the regeneration of Yiewsley and West Drayton town centre. As a result Policy LE4's requirements are met in terms of the re-use.

Policy H4 states that a mix of housing units of different sizes should be provided in residential developments and in particular one and two bedroom units within Town Centre locations will be preferable. The supporting text states: 'The Council recognises the importance of residential accommodation in town centres as a part of the overall mix of uses which is necessary to ensure their vitality and attractiveness. Such housing offers particular advantages in terms of accessibility to town centre facilities, employment opportunities and public transport. In order to maximise the residential potential of town centre sites, residential development within them should comprise predominantly one or two-bedroom units.

The scheme provides for a percentage mix of 35% 1-bed and 60% 2-bed 5% 3 bed units. This mix is considered to be acceptable with respect to Policy H4.

Policy H5 states that the Council will encourage the provision of dwellings suitable for large families. However, the proposal will promote an appropriate mix of 1, 2 and 3 bed units within this Town Centre location and provides for an increase in the number of units which would meet other forms of housing need in the Borough.

On the basis that there is an established need and that the re-use of brownfield land is encouraged, provided site specific issues are addressed, the principle for the re-use of the site for residential can be established.

7.02 Density of the proposed development

London Plan Policy 3A.3 seeks to maximise the potential of sites. The site is in a District centre with an urban character with a PTAL of 3. The London Plan (2008) provides for a density range between 70-170u/ha or 200-450hr/ha for sites with a PTAL 3 in an urban location and with an indicative average unit size of 2.7hr-3.0hr/unit.

The scheme would result in a density of 131 units per hectare or 363 habitable rooms per hectare.

The proposed scheme therefore falls within the London Plan table 3A.2 Density matrix indicative guidelines in terms of number of units and habitable room guidelines. Subject to the scheme achieving an appropriate design in relation to other planning policies and other material considerations the proposed density is considered acceptable.

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

The site is located within an Archaeological Priority Area, being an area where archaeological remains may be anticipated. English Heritage has requested that an archaeological condition be carried through in the event that the scheme is approved.

7.04 Airport safeguarding

Defence Estates Safeguarding, BAA and NATS (En Route) Limited have no safeguarding objections to the proposal.

7.05 Impact on the green belt

The proposal is not located within the Green Belt and therefore no Green Belt policies are relevant to the consideration of this scheme.

7.07 Impact on the character & appearance of the area

The design and layout of the scheme remain consistent with those previously considered under application 2954/APP/2009/1488, in particular the roof form, fenestration and materials are consistent with the previous proposal. However the density of the development has been reduced by 8 units and this has enabled the development to be accommodated with a maximum height of 3 storeys, as opposed to the 4 storey height which was sought previously.

The Council's first and fourth reasons for refusal on the previous application stated:

'The proposed development, by reason of its density, design, layout and scale, represents an over-development of the site, which fails to harmonise with the existing street scene and is out of keeping with the character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE13 and BE19 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27th September 2007 and Policy 3A.3, and 4B.1 of the London Plan.'; and

'The development fails to reserve appropriate space on the road frontage to enable the establishment of tree planting which would be of an appropriate scale alongside the proposed building. Without the provision of appropriate tree planting the development as a whole would fail to achieve an appropriate appearance within the street scene contrary to policies BE13, BE19 and BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).'

Accordingly, these issues were subject to deliberation by the Inspector under the Secretary of State's appeal decision (Ref: APP/R5510/A/10/2120328) finding that:

'The flats would be in a contemporary style with relatively low pitched roofs and varied materials which would help to break up the street façade. Nonetheless, simply on account of its height, I find that the proposed block would stand out as uncharacteristic in the street scene. I have noted that there is a 4 storey development in nearby Swan Road but also that the substantial fall in ground level means that this does not rise significantly higher than the 3 storey buildings along Station Road. I have considered the claim that the block of flats would be a landmark building. However, not only is the site away from any significant junction but its fragmented design seems to me to aim to blend in rather than stand out. For the above reasons I find that the increased height would create an unwelcome rise in roof levels and be significantly out of keeping not only with most of the adjacent residential streets but also with the nearby commercial buildings.';

'The street elevation would include a number of trees which might further break up and soften the facade. The trees would be narrow specimens to fit into the limited space behind the footway and minimise the likelihood that they would block light to windows. The Council has argued that there would be inadequate space for these trees. I accept that the trees might either be unsuccessful or that, if they did grow well, they might lead to

requests for pruning which would lessen their effect. Nonetheless, I saw few appreciable areas of planting in front of nearby buildings and conclude that, while important as part of the elevational composition, lack of significant planting would not in itself harm the character or appearance of the street scene.'; and

'On this issue I conclude that, whilst the acceptability of the proposals would not depend on trees and that it has not been shown that the flats would constitute over-development, neither of these points would outweigh the harm to the character and appearance of the area as a result of the uncharacteristic height. The proposals would therefore conflict with current adopted Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (UDP) which require the appearance of development to harmonise with the existing streetscene and for new development within residential areas to complement the character of the area.'

It is clear from the Inspectors conclusion that the density, layout and design approach were considered acceptable and that the Inspector did not consider the acceptability of the scheme to fail on the landscaping proposals along the frontage. In fact the only concern raised by the Inspector in dismissing the appeal was that the height of the 4 storey element was considered uncharacteristic in the street scene.

The height of the current proposal at three storeys dropping to two storeys adjacent to no.2 Drayton Gardens, has been reduced from that considered by the Inspector and is considered to provide an appropriate interface between the three storey buildings at Classon Close and the 2 storey buildings (including no.2 Drayton Gardens) to the east. The height now proposed is commensurate with that of surrounding buildings and considered appropriate within the wider street scene.

Having regard to the appeal decision, which found no harm with other aspects of the design the proposed scheme is considered to have addressed the Inspectors concerns and would retain an appropriate appearance within the street scene in accordance with Policies BE13 and BE19 of the Saved Policies UDP.

7.08 Impact on neighbours

The footprint of the proposed building is identical to that previously considered and while the height of the building has been reduced by one storey, which would serve to reduce its bulk, all fenestration above ground floor level remains identical to that contained within the previous application. Similarly the location and size of the proposed roof terrace remains identical. The Council's second reason for refusal on the previous application stated:

'The proposed development will have a detrimental impact upon the outlook, visual amenity and privacy currently enjoyed by occupiers of neighbouring residential properties, in particular No 2 Drayton Gardens, contrary to Policies BE21 and BE24 of the London Borough of Hillingdon Unitary Development Plan Saved Policies September 2007 and Hillingdon's HDAS Residential Layouts SPD.'

As this formed part of the Council's reasons for refusal it was considered subject to consideration by the Inspector who made the following comments in determining the appeal:

'No.2 Drayton Gardens adjoins part of the rear boundary of the appeal site. It has planning permission for a rear extension (Document 6). Some of the windows to the proposed flats would be quite close to the boundary with No.2. However, as a result of the design of the windows, the glazing would be at an oblique angle to the rear windows of No.2, both as

existing and as proposed by the permitted extension. Top floor windows to the 4 storey part of the block would have a view down towards the garden but also be rather further away. While the new flats would be readily apparent in views from No.2 the separating distance would prevent them being oppressive and as they would be to the north they would not prevent sunlight reaching the back garden.'; and

'For all these reasons I find that the proposals would not lead to an unacceptable outlook or loss of privacy to No.2 Drayton Gardens. I therefore find that the living conditions for neighbouring residents would be acceptable and would accord with UDP Policies BE21 and BE24 which do not permit a significant loss of residential amenity and require privacy to be protected.'

Similarly it is evident that the Inspector did not consider that the proposal would have resulted in an unacceptable impact on any other nearby residential properties.

The current proposal does not include any amendments to the footprint of the building, the location of habitable rooms, the location of above ground amenity space or the location of habitable rooms which would result in increased impacts on neighbouring properties above those considered under the appeal. Having regard to the the appeal decision, which represents a material consideration, and subject to conditions to ensure the provision of privacy screen to the roof terrace and the implementation of the proposed obscure glazing, it is not considered that the proposal would result in any significant harm to the amenity of neighbouring occupiers. The application is therefore considered to comply with Policies BE19, BE20, BE21 and BE24 of the Saved Policies UDP.

7.09 Living conditions for future occupiers

Policy BE23 of the Hillingdon Unitary Development Plan requires the provision of external amenity space which is sufficient to protect the amenity of the development and surrounding buildings and which is usable in terms of its shape and siting. The council's HDAS Residential Layout provides further guidance on this issue indicated that in flatted development communal amenity space should be provided in a quantum equating to 20sq.m per 1 bedroom unit, 25sq.m per 2 bedroom unit and 30sq.m per three bedroom unit.

In accordance with the Council's guidance a total of 825sq.m of communal amenity space would be required.

The application includes the provision of approximately 840sq.m of communal amenity space separated into three areas:

- * a ground floor area on the corner of Drayton Gardens (circa 115 sq.m);
- * a ground floor area in the centre of the site incorporating a children's play area (circa 390sq.m); and
- * a roof terrace(circa 335sq.m).

In addition, the two ground floor units adjacent to no.2 Drayton Gardens (nos.31 and 32)are also served by private terraces totalling approximately 35 sq.m, the three ground floor units to the south west of the site (nos. 33, 34 and 35) benefit from private external spaces totalling approximately 275sq.m, and a number of units are served by winter gardens, a form of specialised internal balcony.

All of the communal areas are sited to the south of the development and would achieve high levels of light. The area of amenity space adjacent to Drayton Gardens would suffer from slightly higher levels of noise due to it's proximity to the road, however the area

would remain usable for a number of outdoor amenity purposes and it is not considered that the slightly higher level of noise would detract from the external amenity environment provided by the scheme as a whole.

The layout of these spaces is similar to that proposed under the previous application, with the exception that a covered amenity area to provide for barbecues is no longer proposed, as the reduction in the number of units means this is not required in terms of meeting the external space standards within the HDAS - Residential Layouts.

The Council's third reason for refusal on the previous scheme stated that:

'The proposed development by reason of its design and layout fails to provide for both a high quality and safe external living environment for future occupiers, in particular the scheme provides for a poor quality design response for all ground level communal amenity areas within the site that immediately adjoin the proposed undercroft parking areas and access road. The proposal fails to incorporate measures to minimise the risk of crime and meet the specific security needs of the application site, including the proposals lack of access controls into the site and inadequate levels of natural surveillance over the main communal amenity spaces. As such, the development is contrary to Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies 2007, and Policies 3A.3, 4B.1 and 4B.6 of the London Plan 2004 and the design principles contained within the adopted Hillingdon Design and Access Statement (HDAS): Residential Layouts.'

This issue of the adequacy of external amenity space provision for future occupiers was discussed at length as part of the Public Inquiry held for appeal APP/R5510/A/10/2120328 and the Inspector concluded that:

'A small part of the proposed amenity space would be under the building adjoining the proposed parking area. While this arrangement might keep the rain off a barbecue I consider that it would otherwise be unsuitable as an amenity space. However, this area does not need to be included as part of the overall calculations for the proposed amenity spaces to satisfy the requirements of the Council's Supplementary Planning Document (SPD) titled Hillingdon Design and Access Statement: Residential Layouts (HDAS). While a larger area would be alongside the parking, conditions could require screening to separate these areas. On this issue I find that the proposals would accord with UDP Policy BE23 which requires new residential buildings to provide sufficient external amenity space.'

While the Inspector did raise some concerns with regard to security (discussed under the relevant section of this report), these related solely to the car parking area, and no concerns were raised as to the adequacy of natural surveillance or the security in general of the communal amenity spaces provided.

The appeal decision represents a material consideration in determining the current application and the layout and quality of amenity spaces is consistent with that considered acceptable by the Inspector and in terms of quantum exceeds the standards set out within the HDAS - Residential Layouts. The reduction in the number of units also means that the proposal is no longer reliant on an undercroft barbecue area which is considered to be beneficial. Accordingly, it is considered that the proposal would provide an adequate quality and quantity of external amenity space to secure the amenity of future occupiers in accordance with Policy BE23 of the Saved Policies UDP.

The HDAS - Residential Layout sets out minimum size standards for residential units,

these being 50sq.m for a one bedroom units, 63sq.m for a two bedroom units and 77sq.m for three bedroom units. All of the units within the proposed scheme comply with the minimum floorspace standards set out within the HDAS - Residential Layouts, this is an improvement over the previously refused scheme where a small number of units fell below these requirements.

While the overall height of the building has been reduced by one-storey the fenestration (including winter gardens partly treated with obscured glazing and angled windows) on the rear elevation remain the same as proposed within the previous scheme, under which the arrangements were considered to secure an appropriate internal environment for future occupiers in terms of light, outlook and privacy.

It is noted that no. 2 Drayton Gardens has recently been the subject to a two storey rear extension, the impact of which was considered under the previous application and appeal. The windows within the closest of the proposed units to 2 Drayton Gardens are angled away from this property and as such the proposed properties would retain adequate levels of outlook and privacy.

It is considered that all of the units within the proposed development would benefit from adequate levels of outlook, daylight and privacy and accordingly no objection is raised to the proposal in terms of Policies BE19, BE20, BE21 and BE24 of the Saved Policies UDP.

Overall, and having regard to Secretary of State's appeal decision, it is considered that the proposed development would result in an appropriate residential environment for future occupiers. No objection is therefore raised in this regard.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The previous application 2954/APP/2009/1488 was not refused on grounds relating to highways matters.

A total of 35 residential parking spaces are provided within an undercroft car park to serve the 35 residential units, a ratio of 1:1. This ratio of car parking provision for residential units on the site is the same as that which was proposed under the previous application and is considered acceptable on highways grounds.

4 of the proposed parking spaces are designed to wheelchair standard and are located appropriately within the undercroft car park. This level of provision represents 10% of the total parking spaces in accordance with the requirements of the Council's Parking Standards. Accordingly, the level of disabled parking is considered acceptable.

The Council's Highways Engineer has reviewed the layout of the development and parking proposals in detail and considers the scheme to be acceptable in terms of highway/pedestrian safety and car parking provision.

7.11 Urban design, access and security

Issues of design and access are addressed elsewhere in this report.

In relation to security issues the Inspector considered crime as part of the appeal, and did raise concerns, albeit limited to the appropriateness of the car parking area, finding that:

'The ground floor parking area would be contiguous with the area towards the rear designated for use for barbecues. From most angles the parking area would be screened and enclosed and conditions could require this to include the vehicular access. On the other hand, I note that there would be 43 flats and so presumably a controlled access

would still entitle 43 households to enter the site. Even disregarding the likely adverse impact on the street scene from a gated access, in my view the number of residents and their associates would allow a high degree of access to the parking area. There would only be two flats on the ground floor and neither would have windows onto the car park. Given the extent of access and the lack of supervision from adjacent flats, I consider that the parking area would be likely to attract criminal activity. For these reasons I find that the proposals would be poorly designed with regard to the need to minimise crime. The proposals would therefore conflict with the design principles in the adopted HDAS which aims to 'design out crime.'

In order to address this concern the applicant has reduced the density of the application, thereby reducing the number of residents with access to the car park, and entered into correspondence with the Metropolitan Police Crime Prevention Design Adviser. While, by virtue of the site constraints it has not been possible to introduce natural surveillance of the car parking area the applicant has now proposed an extensive closed circuit surveillance system within the undercroft car park in order to improve security. The applicant has also committed to ensuring that the vehicular access to the car parking area is gated and secured and the plans demonstrate that the car parking area in its entirety would be secured and access controlled. The final details of these measures could be adequately secured by way of conditions.

The applicant has taken into account the comments of the Metropolitan Police Crime Prevention Design Adviser who is satisfied that, subject to the provision of closed circuit surveillance and appropriate access control, the car parking areas would benefit from an appropriate level of security and that subject to a condition requiring the development to achieve Secured by Design accreditation the development as a whole would provide for a secure environment.

Subject to appropriate conditions it is considered that the application has overcome the concerns raised by the Inspector and accordingly no objection is therefore raised in terms of security.

7.12 Disabled access

In assessing this application, reference has been made to the London Plan Policy 3A.5 (Housing Choice) and the Council's Supplementary Planning Documents " Accessible Hillingdon" and Residential Layouts", adopted July 2006. Policies 4B.1 and 4B.5 of the London Plan also require developments to provide for inclusive environments.

The scheme indicates that all units are proposed to be built to Lifetime Homes standards, 4 units (10%) would be fully wheelchair accessible, 4 disabled car parking spaces would be provided and two lifts would be provided to allow access to all floors of the development.

The scheme has been amended in order to address all but one of the issues raised by the Council's Access Officer, this issue relates to the internal layout of of bathrooms within the units and could be adequately addressed by way of condition.

Subject to conditions ensuring that the accessibility measures are implemented and amended bathroom layouts provided the development proposal would satisfy both Lifetime Home and Wheelchair Home Standards and is considered to comply with Policies 3A.5, 4B.1, 4B.5 of the London Plan and the Council's Supplementary Planning Guidance.

7.13 Provision of affordable & special needs housing

The Council's Housing Section has advised that a contribution of 50% of the development

as affordable housing in accordance with the Council's Affordable Housing Supplementary Planning Document. However, the developer has proposed no affordable housing provision on site and as such Housing Services Department object to the current proposal.

Policy 3A.9 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.9, 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 policy subtext further confirms that 'The Mayor wishes to encourage, not restrain residential development and boroughs should take a reasonable and flexible approach on a site-by-site basis....'

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 applicant has submitted a Financial Viability Assessment which demonstrates that the development is able to incorporate a maximum of 3 x one bedroom units and 3 x two bedroom units as affordable housing (equivalent to 17% of the total units), this assessment has been validated as accurate by an independent expert employed by the Council.

On the basis of the submitted Financial Viability Assessment, and in accordance with the London Plan and the Council's Planning Obligations SPD, the scheme would provide the maximum possible level of affordable housing. It should be noted that the lack of affordable housing provision does enable the development to meet all other planning obligation requirements set out within the 'Planning Obligations' section of this report.

Subject to a S106 agreement being formalised to secure the provision of the above mentioned level of affordable housing the development would comply with the provisions of the London Plan and the Council's Planning Obligations SPD. The applicant has agreed the level of provision and the principle of entering such an agreement.

7.14 Trees, landscaping and Ecology

The application is supported by an arboricultural assessment addressing the proposed development and a tree protection plan. The report confirms that there are no trees on the site, but there is a group of trees (off-site) close to the southern boundary of the site, which includes one significant tree, a Sycamore (tree 5), in the group. Tree 5 affords some screening of the site and is a constraint on its development.

The arboricultural assessment is tailored to the development proposals and details methods which could be utilised in order to ensure the retention off-site trees, in particular the sycamore, and is supported by a tree protection plan.

Having regard to this information the Council's Trees and Landscaping Officer considers that the retention of three off-site trees, particularly the sycamore, would be feasible alongside the development proposal and could be ensured by condition.

The fifth reason for refusal on the previous application (Reference: 2954/APP/2009/1488) was that 'The development fails to reserve appropriate space on the road frontage to enable the establishment of tree planting which would be of an appropriate scale alongside the proposed building. Without the provision of appropriate tree planting the development as a whole would fail to achieve an appropriate appearance within the street scene contrary to policies BE13, BE19 and BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).'

The Local Planning Authorities refusal of this previous application has subsequently been the subject of an appeal (Reference: APP/R5510/A/10/220328) under which the Inspector commented that 'The street elevation would include a number of trees which might further break up and soften the facade. The trees would be narrow specimens to fit into the limited space behind the footway and minimise the likelihood that they would block light to windows. The Council has argued that there would be inadequate space for these trees. I accept that the trees might either be unsuccessful or that, if they did grow well, they might lead to requests for pruning which would lessen their effect. Nonetheless, I saw few appreciable areas of planting in front of nearby buildings and conclude that, while important as part of the elevational composition, lack of significant planting would not in itself harm the character or appearance of the street scene.'

The Inspector's decision represents a material consideration and the Council's Trees and Landscape Officer considers that in light of the appeal decision no objection can be raised to the amount of space available for planting on the site frontage and that other aspects of the site's external layout would be capable of providing an appropriate environment in terms of landscaping.

Subject to conditions to ensure that opportunities for feasible landscaping are maximised no objection is raised to the scheme in relation to Policy BE38 of the Saved Policies UDP.

7.15 Sustainable waste management

The scheme is to be supported by a communal bin storage facility which identifies 6 x 1,100 litre bins to service the 35 residential units. This level of provision is considered to be adequate to serve a development of this size and could be appropriately allocated to provide for waste and recycling needs.

The bin storage area would be within the undercroft car park, it would be easily accessible via an internal route for all of the proposed residential units and is located so that it could be easily serviced by refuse vehicles.

Accordingly, the proposal is considered to make adequate provision for the storage and management of waste and recycling within the development.

7.16 Renewable energy / Sustainability

Policy 4A.7 of the London Plan advises that boroughs should ensure that developments will achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

Policy 4A.4 of the London Plan requires submission of an assessment of the energy demand and carbon dioxide emissions from proposed major developments, which

should demonstrate the expected energy and carbon dioxide emission savings from the energy efficiency and renewable energy measures incorporated in the development.

The application is supported by an Energy Statement prepared by Quinn Ross Consultants Ltd, which indicates that the development can meet the Mayor's renewable targets by adopting solar collectors, achieving a 20% reduction in carbon dioxide emissions through renewable technology.

Subject to conditions to secure the installation of measures in accordance with the London Plan requirements the scheme complies with London Plan Policies 4A.3, 4A.4 and 4A.7.

7.17 Flooding or Drainage Issues

The site is not within a flood zone, and no other drainage issues have arisen.

7.18 Noise or Air Quality Issues

NOISE

An acoustic report has been submitted as a part of the application. The study was prompted due to the proximity of busy roads adjoining the site. The assessment states that the facades of the residential buildings will be within NEC B to the rear and NEC C to the front close to the road.

Residential development within NEC C is acceptable so long as conditions can be imposed which would ensure a commensurate level of protection against noise.

The Council's Environmental Protection Unit have reviewed the proposal and subject to the imposition of conditions to protect the development from Road Noise and have raised no objection.

AIR QUALITY

The application has been supported by an air quality assessment which indicates the proposed would not result in an increase in nitrogen dioxide levels. The Council's Environmental Protection Unit have reviewed the report and raise no objections on the grounds of air quality.

Given that the proposal would bring new residents into an area of poor existing air quality a condition requiring details of mitigation measures to protect the internal environment for future occupiers would be recommended should the scheme be approved.

7.19 Comments on Public Consultations

It is considered that the following objections to the scheme have been addressed through out the report and by way of condition, where appropriate:

- (i) Construction impacts;
- (ii) Traffic and congestion implications;
- (iv) Loss of privacy;
- (vi) Adequacy of proposed parking arrangements; and
- (vii) Adequacy of infrastructure (schools, healthcare etc.).

In relation to point (iii) Thames Water have raised no objections to the scheme and it is not considered that the proposal would place undue pressure on local water or sewerage systems.

In relation to point (v) landscaping would be controlled by condition and would be considered by the Council's Trees and Landscaping Officer prior to approval.

7.20 Planning obligations

Policy R17 of the 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, culture and entertainment activities and other community, social and education facilities through planning obligations in conjunction with other development proposals'.

Affordable Housing is address separately under the relevant section.

The Council's S106 Officer has advised that the proposed development of 43 residential units would necessitate the following contributions in line with the Council's Supplementary Planning document for Planning Obligations:

Education: a contribution in the sum of £102,323;

Health: a contribution in the sum of £13,682.71;

Community facilities: a contribution in the sum of £30,000;

Town centre: a contribution in the sum of £20,000;

Libraries: a contribution in the sum of £1,452.45;

Construction Training: either a contribution in accordance with the adopted formula or in-kind; and

Project Management and Monitoring fee: 5% of total cash contributions.

The applicant has agreed to the principle of these planning obligations, all of which can be achieved alongside the proposed level of affordable housing. Subject to an appropriate legal agreement being secured the scheme would accord with Policy R17 of the UDP.

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

Full planning permission is sought for the redevelopment of the site for a residential development comprising of 35 residential units associated amenity space and parking.

The proposed development is acceptable in principle and the density of development accords with the recommendations of the London Plan.

The site has an extensive planning history, including a recent appeal decision.

Having regard to the Inspector's decision on the previous application it is considered that the proposal would attain an acceptable appearance within the street scene, would not have a detrimental impact on neighbouring occupiers and would provide an appropriate residential environment for future occupiers.

The proposal is considered acceptable in terms of parking provision and highways impacts.

Subject to conditions an appropriate level of sustainable design could be achieved.

The proposal would provide 3 x one-bedroom and 3 x two-bedroom units as affordable housing. This level of provision has been fully justified by way of a Financial Viability Assessment as the maximum level which the development can viably provide. The applicant has also agreed to meet all other necessary planning obligations by way of a legal agreement.

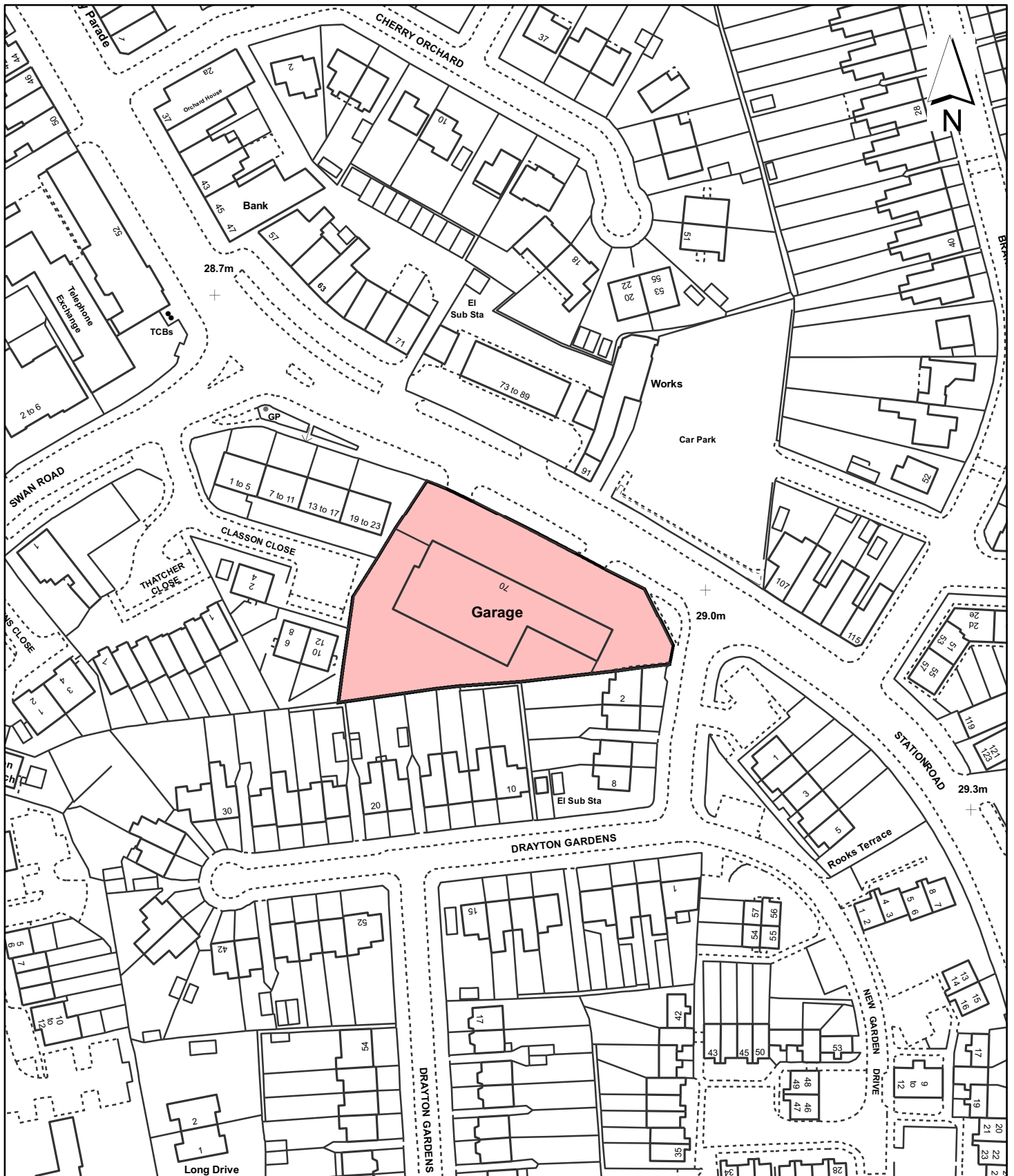
Subject to a S106 agreement and conditions, the application is recommended for approval.

11. Reference Documents


- (i) Planning Policy Statement 1 (Delivering Sustainable Development)
- (ii) Planning Policy Statement Planning and Climate Change
- (iii) Planning Policy Statement 3 (Housing)
- (iv) Planning Policy Guidance Note 13 (Transport)
- (v) The London Plan (2008)
- (vi) Hillingdon Unitary Development Plan Saved Policies September 2007.
- (vii) Hillingdon Design and Accessibility Statement - New Residential Layouts
- (viii) Accessible Hillingdon Supplementary Planning Document
- (ix) Hillingdon Supplementary Planning Document, Planning Obligations

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Notes

 Site boundary

For identification purposes only.

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70 Station Road West Drayton	
Planning Application Ref:	Scale
2954/APP/2010/1810	1:1,250
Planning Committee	Date
Central and South	January 2011

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