

Report of the Head of Planning & Enforcement Services

Address 43 - 47 AND REAR OF 35 - 43 YEADING LANE HAYES

Development: 2 three-bedroom two storey semi-detached dwellings and 3 three-bedroom two storey terraced dwellings with amenity and parking space, involving the demolition of outbuildings to rear of existing dwelling No.47 and rear extensions from No.43 and installation of new crossover.

LBH Ref Nos: 34799/APP/2009/2800

Drawing Nos: 2498-2-105
2498-2-106
2498-2-107
2498-2-109
2498-2-101
2498-2-103 Existing Site Layout
2498-2-104 Proposed Site Layout
2498-2-T112
2498-2-T113
2498-2-T110
2498-2-T111

Date Plans Received: 23/12/2009 **Date(s) of Amendment(s):**
Date Application Valid: 18/01/2010

1. SUMMARY

The proposed development seeks full planning permission for the erection of 5 dwellinghouses, in the form of a terrace of three houses and a pair of semi detached dwellings, at the land to the rear of 35-47 Yeading Lane. An outline planning application, ref: 34799/APP/2009/2800 for a very similar scheme comprising 5 dwellinghouses was refused permission on 23/12/2009, but which has been allowed at appeal. In 1984 permission was granted for 3 residential units which has long since lapsed.

The subject application is for 5 dwellings in a layout which avoids overlooking and privacy impacts on neighbouring properties and which accords with relevant saved development plan policies. The proposed development also provides for adequate amenity space and living standards for the future occupiers of the development. The proposal would utilise a former commercial nursery site and the scale and design of the dwellings is in context with the surrounding area, therefore the proposal is recommended for approval.

2. RECOMMENDATION

Approval subject to following conditions.

1 T8 Time Limit - full planning application 3 years

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

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

3 M1 Details/Samples to be Submitted

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

REASON

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

4 OM5 Provision of Bin Stores

No development shall take place until details of facilities to be provided for the screened and secure storage of refuse and recycling bins within the site 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

To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents, in accordance with Policy OE3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 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, including security gates and fencing to the access way leading to the rear of unit 2, 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.

6 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).

7 DRC6 Contaminated Land - survey and remedial works

Development shall not begin until a site survey to assess contamination levels has been carried out to the satisfaction of the Local Planning Authority. The survey shall be undertaken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved in writing by the Local Planning Authority and all works that form part of this scheme shall be completed before any part of the development is occupied.

REASON

To ensure that the occupants of the development are not subjected to any risks from soil contamination in accordance with Policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy A.33 of the London Plan (February 2008).

8 DRC7 Contaminated land - remedial works

Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the [occupants of the development /future users of the site/local environment].

REASON

To ensure that the occupants of the development are not subjected to any risks from land contamination in accordance with Policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy Policy A.33 of the

London Plan (February 2008).

9 N1 Noise-sensitive Buildings - use of specified measures

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

REASON

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

10 SUS4 Code for Sustainable Homes details

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

REASON

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

11 SUS5 Sustainable Urban Drainage

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

REASON

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

12 DIS5 Design to Lifetime Homes Standards

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

REASON

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

13 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).

14 H11A Visibility Splays

Unobstructed sight lines above a height of 1 metre shall be maintained on both sides of the entrance to the site, for a distance of at least 2.4m in both directions along the back edge of the footway or verge.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced, in accordance with Policy AM7 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

15 H12 Closure of Existing Access

The existing vehicular access at the site, shall be closed, the dropped kerb removed and the footway reinstated to match the adjoining footway within one month of the new access hereby approved being completed.

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).

16 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).

17 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.

18 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, including enclosure of the access way leading to the rear of unit 2.

- 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).

19 TL4 Landscaping Scheme (outline application)

The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme to be submitted to and approved in writing by the Local Planning Authority as part of the details of the proposed development required by condition No. *

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).

20 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).

21 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).

22 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.

23 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).

24 M5 Means of Enclosure - details

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 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).

25 OM20 Grampian Planning Obligations

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

REASON

To ensure the development provides an appropriate contribution to the improvement of /insert appropriate/ within the surrounding area, arising from the proposed development, in accordance with Policy R17 of the adopted Hillingdon Unitary Development Plan and the Council's Planning Obligations Supplementary Planning Document.

26 NONSC Accessway security measures

Prior to the commencement of development a scheme to ensure the access way leading to the rear of Unit 2 is maintained and kept secure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and the access way secured and maintained for the life of the development.

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 excising 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.

27 RPD5 Restrictions on Erection of Extensions and Outbuildings

Notwithstanding the provisions 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 extension to any dwellinghouse(s) nor any garage(s), shed(s) or other outbuilding(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

So that the Local Planning Authority can ensure that any such development would not result in a significant loss of residential amenity in accordance with policy BE21 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

28 RPD1 No Additional Windows or Doors

Notwithstanding the provisions 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 additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved at first floor level or above.

REASON

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

INFORMATIVES

1 152 Compulsory Informative (1)

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

2 153 Compulsory Informative (2)

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

AM14	New development and car parking standards.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H12	Tandem development of backland in residential areas
H5	Dwellings suitable for large families
H4	Mix of housing units
OE1	Protection of the character and amenities of surrounding properties and the local area

OE5	Siting of noise-sensitive developments
HDAS	'Residential Developments'
PPS3	Housing
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

3 11 Building to Approved Drawing

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

4 119 Sewerage Connections, Water Pollution etc.

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.
Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

5 12 Encroachment

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

6 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).

7 14 Neighbourly Consideration - include on all residential exts

You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).

8 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

9 16 Property Rights/Rights of Light

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

10 115 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.

11 123A Re-instatement of a Vehicle Access.

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

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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 comprises one detached and one semi-detached two storey dwellinghouses, together with a grassed open area of land at the rear and is located on the western side of Yeading Lane. The detached house, No 43 Yeading Lane, has a rear conservatory and single storey rear extension. No. 47 Yeading Lane has also been extended with a single storey side and rear extension and various outbuildings. Both dwellings have existing parking to the front of the site. This portion of Yeading Lane is characterised by a mixture of maisonettes, bungalows, semi-detached and detached dwellings. The site lies within the 'developed area' as identified in the Hillingdon Unitary Development Plan Saved Policies (September 2007).

The application site has a Public Accessibility Transport Level of 2 (where 1 is the lowest and 6 is the highest).

3.2 Proposed Scheme

Full planning permission is sought for the erection of three two storey terraced and a pair of semi-detached three bedroom dwellinghouses, with amenity space and parking space, involving the demolition of existing outbuildings to the rear of no. 47 Yeading Lane and rear extensions to no. 43 Yeading Lane and the installation of new crossover.

The proposal would be situated to the rear of Nos. 35-47 (odd) Yeading Lane and the proposed flank walls would be located more than 18m from the nearest dwellinghouses at Yeading Lane and Bedford Avenue. For the 4 new dwellings a total of 10 car parking spaces would be provided (2 spaces per dwelling). 2 spaces for both no.43 and no.47 would be provided to the front of each of these dwellings. Each dwellinghouse would have their own private amenity space by a way of private gardens to the rear.

The scheme is an amended submission to a previously refused outline planning application ref: 34799/APP/2009/534 determined on 17/12/2009. The scheme has been amended to address the reason for refusal. The main changes include:

- i) The creation of a 'pinch point' to the section of the access way between nos. 43 and 47 Yeading Lane.
- ii) Widening of defensible space between the access way and the properties at nos. 43 and 47 Yeading Lane; including a laurel hedge and close boarded fence.
- iii) Removal of all openings in side elevations of nos. 43 and 47 Yeading Lane.
- iv) Addition of a speed bump along the access way.
- v) Reconfiguration of the layout of the terrace of 3 dwellings to allow the middle property an external access to the rear.

It should be noted however, that planning permission ref: 34799/APP/2009/534 has been allowed at Appeal by the Planning Inspector since this application was submitted to the Council, and that this is a material consideration in the assessment of the current scheme.

3.3 Relevant Planning History

Comment on Relevant Planning History

Application ref: 34799/APP/2009/534 sought outline permission for the erection of 3 two storey three-bedroom terraced dwellings and 2 two storey three-bedroom semi-detached dwellings with associated parking and bin stores and installation of new vehicular crossover, involving demolition of existing outbuildings at no.47 (Outline application for approval of access, appearance, layout and scale). The application was refused on residential amenity grounds on 17/12/2009. This application was the subject of an appeal, which was allowed.

Application with reference 34799/APP/2008/3053 was an outline application which the applicant withdrew the application prior to determination.

Application 34799/B/99/0695 was a materially different scheme to that currently under determination.

4. Planning Policies and Standards

London Plan (February 2008)

Hillingdon Unitary Development Plan Saved Policies (September 2007)

HDAS Supplementary Planning Document: Residential Layouts

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:

AM14 New development and car parking standards.

AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

BE18 Design considerations - pedestrian security and safety

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

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE22 Residential extensions/buildings of two or more storeys.

BE23 Requires the provision of adequate amenity space.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

BE38 Retention of topographical and landscape features and provision of new planting

	and landscaping in development proposals.
H12	Tandem development of backland in residential areas
H5	Dwellings suitable for large families
H4	Mix of housing units
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
HDAS	'Residential Developments'
PPS3	Housing
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A total of 68 neighbouring occupiers/owners were initially consulted and 29 objections and 1 petition with 46 signatures. The issues raised are:-

- a) Noise and disturbance caused by future occupants of the scheme.
- b) Loss of trees and landscaping leading to a degradation of visual amenity.
- c) The road access is a 'Private Right of Way'. The proposal would increase the traffic using the access.
- d) Layout and density of building - area is being over developed.
- e) Over looking and privacy.
- f) Lack of parking/loading and turning area.
- g) Design, appearance and materials considered to be inappropriate.
- h) Traffic generation.
- i) Increase in antisocial behaviour.
- j) Parking would become unusable because it is already tight
- k) Loss of sunlight.
- l) There are enough houses in Hayes.
- m) Cramped development.
- n) Proposal for 5 houses were refused in 1999.
- o) 3 three storey and 2 two storey houses with private gardens are over development.
- p) Loss of open space.
- q) Planning condition required to ensure that there is tree protection & loss of trees.
- r) Encourages backland development.
- s) Local infrastructure (including drainage, water supply, gas, educational facilities, and health care facilities) won't cope with additional usage.
- t) There is a lack of off street parking proposed. On street parking would become under further pressure and people would park inappropriately.
- u) Increased traffic congestion.
- w) Noise, air and light pollution (caused during construction and once dwellings are occupied).
- v) Design, appearance and materials would be out of keeping with the area.

- w) Loss of outlook from existing dwellings.
- x) The site may be potentially contaminated.
- y) The access way would be too narrow for emergency vehicles to access.

CRIME PREVENTION DESIGN ADVISOR

An access way is proposed to provide access to the rear of unit 2. Such access ways are only acceptable if over very short distances and adequately maintained and secured. Relevant conditions should be imposed to address maintenance and security (namely gates).

Internal Consultees

POLICY ADVISOR

The site comprises a vacant plot and garden in a residential area. Part of the site is potentially contaminated. The key issue is the use of the site for residential purposes. There is an established need for residential accommodation. The scheme would need to comply with HDAS guidelines for room space, amenity space and impact on the amenities of adjoining properties. This is particularly pertinent due to the siting of the development and Saved Policy H12. The housing mix would appear appropriate. Whilst the proposed density would appear low for a suburban area with a PTAL of 2, at 23u/ha and 140 hr/ha (compared with an indicative standard of 150-200hr/ha and 40-80 u/ha), officers may consider that this is the maximum achievable given local circumstances and the scale of the scheme. Highways would need to be consulted. Particular attention should be made on the impact on the streetscape and character of the area.

ENVIRONMENT PROTECTION UNIT

No objections subject to planning conditions controlling noise impact and minimising risk of contamination.

LANDSCAPING & TREES

The removal of the hedge, while removing a dominant landscape feature and potential screening, will also remove the likely over-shadowing of the new development. I note that a few individual specimens are indicated to be retained on submitted plans in the rear garden of unit 3 and on the north-west boundary of the cul-de-sac.

The same layout indicates that there are areas available for soft landscape detailing (planting) within the private and shared amenity spaces, in accordance with saved policy BE38. A high quality landscape scheme, including new tree planting, should be secured through conditions. Provision for the management and maintenance of the communal areas should also be planned.

No objections to the proposal subject to conditions TL1, TL2, TL4, TL5, TL6 & TL7.

HIGHWAYS

No objections, the proposal would provide sufficient access width and appropriate turning area of refuse and larger vehicles including emergency vehicles. The proposal also provides adequate onsite parking spaces for the proposed dwellinghouse. There should be appropriately worded conditions to ensure that visibility lines are maintained, and the access road and parking areas are appropriately constructed and laid out.

EDUCATION

For the proposed development in Barnhill Ward, the requested amount towards education contribution would be £58,908.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within an established residential area and forms part of the 'developed area' as defined in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

Key changes in the policy context, since the adoption of the UDP, includes the adoption of The London Plan, the Letter to Chief Planning Officers: Development on Garden Land dated 19/01/2010, The London Plan Interim Housing Supplementary Planning Guidance adopted April 2010, and new Planning Policy Statement 3: Housing adopted June 2010 (PPS 3).

In relation to National Policy the Letter to Chief Planning Officers clarifies that "there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed" and commits to move this clarification to a more prominent position within PPS 3. It further clarifies that "the main focus of the Government's position therefore is that local authorities are best placed to develop policies and take decisions on the most suitable locations for housing and they can, if appropriate, resist development on existing gardens".

The Council provided to the Planning Inspectorate, prior to the appeal decision evidence from neighbours in relation to the historic use of the site. In allowing the appeal for planning permission ref: 34799/APP/2009/534 for the erection of 3 two storey three-bedroom terraced dwellings and 2 two storey three-bedroom semi-detached dwellings with associated parking and bin stores and installation of new vehicular crossover, involving demolition of existing outbuilding and single storey side extension at No.47 (Outline application for approval of access, appearance, layout and scale.), the inspector found that:

'Revisions to national guidance in Planning Policy Statement 3, Housing (PPS3) are a material consideration. The majority of the site is a grassed open area, apparently previously used as a nursery garden. It does not appear to fall within a residential curtilage, and there is no substantive evidence of any former use as a private residential garden. Taking into account these factors, the open grassed area falls within the PPS3 definition of previously developed land.'

The inspectors decision was informed by evidence given by neighbours to the Council in relation to the historic use of the site.

However, based on the evidence neighbouring occupiers have provided to the Council, and also from Officers site visits, it would appear that the historic Commercial Nursery use as well the private 'garden' use of the land have both been abandoned. Council officers do consider the commercial use to be 'abandoned'. If the land is abandoned it has no lawful commercial use (re: If the owner wished to re-commence the former commercial use officers would consider that planning permission was required).

PPS 3 advises that previously-developed land excludes 'land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)'.

As such the land is not considered to be previously developed land as defined in PPS3.

The changes to PPS3 have only altered the definition of 'previously developed land' to exclude private residential gardens. PPS does not state that development on previously undeveloped land, including back gardens, will never be acceptable. The alteration to the definition of 'previously developed land' means that Local Planning Authorities must consider all other relevant material planning considerations in greater detail to assess whether or not such considerations outweigh the loss of the private residential garden.

Furthermore, paragraph 41 of PPS3 states that 'The National annual target is that at least 60% of new housing should be provided on previously developed land'. It therefore follows that the remainder of new housing has to be provided on previously undeveloped land. Again, PPS3 does not state that housing development on previously undeveloped land cannot be allowed. The outcome of these changes means that Council's will have to assess all material planning considerations more closely and make decisions on a case by case basis.

The site comprises an open area of land, a former commercial nursery, as well as a small part of the rear garden of No. 47 Yeading Lane. The proposed buildings will be erected within the curtilage of what is currently the open land, with the portion of the site currently forming part of the rear garden of no. 47 remaining as garden area for the proposed semi detached dwellings. Given this, whilst the rear garden of no. 47 has been subdivided, it will remain as private amenity space (or garden area), so there is no loss of residential private amenity space. As such the scheme accords with Policies 3A.3, 4B.1 and 4B.8 of the London Plan, guidance within The London Plan Interim Housing Supplementary Planning Guidance and Planning Policy Statement 3: Housing.

7.02 Density of the proposed development

Policy 3A.3 of the London Plan advises that Boroughs should ensure that development proposals achieve the highest possible intensity of use compatible with the local context and the site's public transport accessibility. The London Plan provides a density matrix to establish a strategic framework for appropriate densities at different locations.

Table 3A.2 recommends that developments of dwellinghouses on suburban residential sites with a PTAL score of 2 should be within the ranges of 35-65u/ha and 150-250u/ha. The proposed density for the site is 23u/ha or 140hr/ha which would be in the lower or below London Plan thresholds. Whilst the proposed density would be below the recommended threshold by London Plan, the proposed density is considered to be acceptable having regard to the housing type and the character of the surrounding area. Accordingly, no objection is raised to the proposal in respect to the density being below that recommended in the London Plan.

Policies H4 and H5 seek to ensure a practicable mix of housing units are provided within residential schemes. One and two bedroom developments are encouraged within town centres, while larger family units are promoted elsewhere, according to the local needs.

The proposal provides 5 x three bedroom houses. The proposed housing is considered appropriate to the character of the surrounding area, which comprises maisonette flats, bungalows, semi-detached and detached houses. It is therefore considered that the development provides an acceptable dwelling mix in compliance with Policies H4 and H5 of the Hillingdon UDP Saved Policies (September 2007) and the London Plan (February 2008).

No objection was raised by the Planning Inspector in relation to density and there is no

difference between the current scheme and that approved at appeal.

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

Not applicable.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Not applicable.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies September 2007 highlights the importance of designing new development to harmonise with the existing streetscene while Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area. Policy BE22 seeks to ensure that all buildings of two or more storeys of the height are setback a minimum of 1m from the side boundaries.

Planning Policy Statement 1 (PPS1) and London Plan state that the appropriate density of development depends on a balance between the full and effective use of available housing land and the following important considerations; the quality of the housing layout and design, its compatibility within the density, form and spacing surrounding development and the location, configuration and characteristics of the site.

The principle visual impact of the development when viewed from Yeading Lane would be minimal as the proposed dwellings would be sited over 50m from the road, set behind Nos. 35 to 47 (odd) Yeading Lane. Furthermore, the proposed semi-detached and terraced dwellings would maintain a minimum 1m set-in from the side boundaries. It is considered that the development would not intrude in the streetscene given its siting, would maintain adequate gaps to break up the built form and would be of similar bulk and scale to neighbouring properties. Overall, the development is considered to have an appropriate appearance that would respect and harmonise with the existing character of the streetscene.

The current scheme is considered to be almost identical in appearance to the scheme allowed at appeal.

7.08 Impact on neighbours

The proposed houses would be sited over 18m from surrounding properties so that they would not result in a loss of residential amenity to the occupiers of these properties by reason of loss of sunlight or appear unduly dominant. The Council's Hillingdon Design and Access Statement (HDAS) Supplementary Planning Document (SPD) 'Residential Layouts' also state that the distance provided will be dependant on the bulk and size of the building, but generally, 15m will be the minimum acceptable distance. As such, the proposal would comply with Policies BE20 and BE21 of the adopted Unitary Development Plan (Saved Policies, September 2007).

Given the limited number of dwellings and anticipated trip generation, it is not considered that vehicles accessing the site would cause such noise or air quality issues so as to harm residential amenity of near by occupiers. Nor is it considered that the scheme would cause harm to amenity through light spillage.

There is an existing right of way between 43 and 47 Yeading Lane. This provides access

to the rear of a number of properties. Whilst it acknowledged that there will be an increase in traffic along this access way resulting from the development it is considered that it would not unacceptably increase noise or cause unacceptable air quality issues for occupiers of these dwellings. It is considered that the applicant has adequately addressed the reason for refusal by employing the following measures in the amended design:

i) Creation of a pinch point, adjacent to nos. 43 and 47 Yeading Lane, in the access way. This serves to narrow the width of the access way, create a one way traffic route at the level of the dwellings to slow down traffic and to create defensible space between the existing dwellings.

ii) Addition of a hedge and 1.2m high close boarded fence, positioned approximately 1.1m from the flank wall of both 43 and 47 Yeading Lane. This has resulted in defensible space and an acoustic/visual barrier at ground floor level.

iii) All of the ground and first floor flank wall windows on nos. 43 and 47 Yeading Lane will be bricked up. This will reduce the level of noise disturbance to these properties. It should be noted that whilst some habitable room windows are among those to be bricked, they are all secondary windows, as a result of which it is considered that the level of light and outlook afforded to these existing properties will not be compromised significantly.

It is considered that these measures have, on balance, addressed the previous reasons for refusal and that, on balance, the scheme would not result in such a demonstrable increase in traffic movements, levels of noise, fumes or overlooking of the residential dwellings, as to result in harm to the amenity of occupiers of 43 and 47 Yeading Lane.

Policy BE24 states that the development should be designed to protect the privacy of future occupiers and their neighbours. HDAS SPD 'Residential Layout' also provides further guidance in respect of privacy, stating in particular that the distance between habitable room windows should not be less than 21m. The proposed houses would be sited on 90 degree angle to the surrounding properties so that there would be no facing habitable room windows and therefore would have direct outlook to adjoining houses. The proposed dwellinghouses would also maintain the 21m minimum facing habitable room window distance and therefore there would not be any significant impact of overlooking and privacy between the future occupiers of the proposed development.

The current scheme is considered to be almost identical in appearance to the scheme allowed at appeal. No objection is raised in terms of impact to neighbours.

7.09 Living conditions for future occupiers

HDAS SPD 'Residential Layouts' specifies minimum internal floorspace standards of 81sq.m for a three bedroom houses. The proposed development would provide internal areas of approximately 114sq.m plus for each dwellinghouse and therefore the proposed dwellinghouses would provide an adequate standard of residential amenity for future occupiers.

Policy BE23 of the 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 their shape and siting. In addition, the HDAS SPD 'Residential Layouts' seeks to ensure that an adequate amount of conveniently located amenity space is provided in new residential development with a suggested minimum provision of 60sq.m for two and three bedroom houses.

The proposed scheme would adequately provide more than 60sq.m of private amenity space for each proposed dwellinghouse and retain more than the minimum requirement for the existing dwellinghouses at Nos 43 and 47 Yeading Lane. The proposal would therefore provide appropriate living conditions for the existing and future occupiers. The proposal therefore accords with the Policy BE23 of the Hillingdon Unitary Development Plan Saved Policies 2007.

The proposed houses would also provide Lifetime Homes standards in accordance with Policy 3A.5 of the London Plan and the Council's HDAS 'Accessible Hillingdon'.

The scheme is almost identical to that already allowed at appeal, as such no objection is raised in terms of living conditions for future occupiers.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policies AM2, AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) are concerned with traffic generation, road capacity, on-site parking and access to public transport.

The Council's Highway Engineer has stated that 2 spaces on-site for each proposed dwellinghouses would satisfy the Council's Parking Standards. All parking spaces and manoeuvring areas on the proposed plans meet the Council's minimum requirements. The amended scheme's proposed access is 3.0m wide at it's narrowest in the pinch point, with an additional 1.2m for pedestrian access. The proposed width together with the proposed turning area would allow for refuse and emergency vehicles to enter and exit the site in a forward gear. The applicant has demonstrated through swept path diagrams that the proposed turning area would be adequate. This area would need to be marked 'no parking' or 'keep clear', therefore an appropriate worded condition would ensure the turning area is unimpeded at all times.

The Council's Highway Engineer has raised no objection to the design and location of entrance/exit to the site from Yeading Lane.

It is considered that the proposal complies with Policies AM7 and AM14 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

It is worth noting that the same ratio of parking was considered acceptable by the appeal inspector on an almost identical scheme.

7.11 Urban design, access and security

An access way is proposed to provide access to the rear of unit 2. The scheme was referred to the Metropolitan Police Crime Prevention Design Advisor who advised that such access ways are only acceptable if over very short distances and adequately maintained and secured. Relevant conditions are recommended to address this issue.

7.12 Disabled access

The proposed houses would also provide Lifetime Homes standards in accordance with Policy 3A.5 of the London Plan and the Council's HDAS 'Accessible Hillingdon'.

7.13 Provision of affordable & special needs housing

No affordable housing provision is sought from the proposed development.

7.14 Trees, landscaping and Ecology

The Council's Tree and Landscape officer has indicated that the proposed removal of the

high conifer hedge could reduce over-shadowing but will nonetheless reduce screening. However, given that there would be areas available for soft landscaping and planting within the private and shared amenity spaces, the proposal would be in accordance with BE38 of the Unitary Development Plan Saved Policies 2007.

In addition neighbours have raised concerns about the removal of trees on site. The Council's Trees Officer has been out on site following resident concerns. The Tree Officer has advised that none of the trees on site were subject to Tree Preservation Orders. Furthermore the site does not fall within a Conservation Area.

7.15 Sustainable waste management

Each dwellinghouse would provide appropriate refuse and recycling provision within the curtilage. An appropriately worded condition will ensure that these facilities are constructed and retained throughout the lifetime of the development.

7.16 Renewable energy / Sustainability

The proposal development does not include any renewable technologies. However an appropriately worded condition will ensure that each dwelling is designed to achieve Code Level 3 for Code for Sustainable Homes to ensure that the proposed development is in line with the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008).

7.17 Flooding or Drainage Issues

There are no flooding issues relating to the site. An appropriately worded condition would ensure that details of the incorporation of sustainable urban drainage has to be implemented on site to ensure that surface water run off is handled as close to its source as possible.

7.18 Noise or Air Quality Issues

This has been discussed in other sections of the report. It is not considered that the scheme would result in an unacceptable increase in noise or worsen air quality.

7.19 Comments on Public Consultations

The issue of access for emergency vehicles has been discussed with the Council's Highway Engineer who does not object to the scheme.

There is no evidence to suggest that the proposals would result in anti social behaviour.

The other matters raised in submissions have either been addressed in the body of the report or through the imposition of relevant conditions to address concerns.

7.20 Planning obligations

Policy R17 of the UDP 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. The Director of Education has advised that a contribution of £58,908 towards school places is required. This can be secured by an appropriate planning condition.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

No other issues.

8. Observations of the Borough Solicitor

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

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

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

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

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

9. Observations of the Director of Finance

10. CONCLUSION

The amended scheme would provide for additional residential accommodation in accordance with current housing objectives. The proposal is now considered to be acceptable with regard to highway safety and the proposals for car and cycle parking are in accordance with the Council's Standards. The scheme would provide an appropriate residential environment for future occupiers in terms of all requirements set out within the Hillingdon Design and Accessibility Statement while maintaining an appropriate environment for neighbouring occupiers.

Furthermore the previously refused scheme ref: 34799/APP/2009/534 has been allowed at appeal, which is a material consideration. The current scheme addresses the previous refusal reasons and it is considered results in a better scheme than that approved at Appeal.

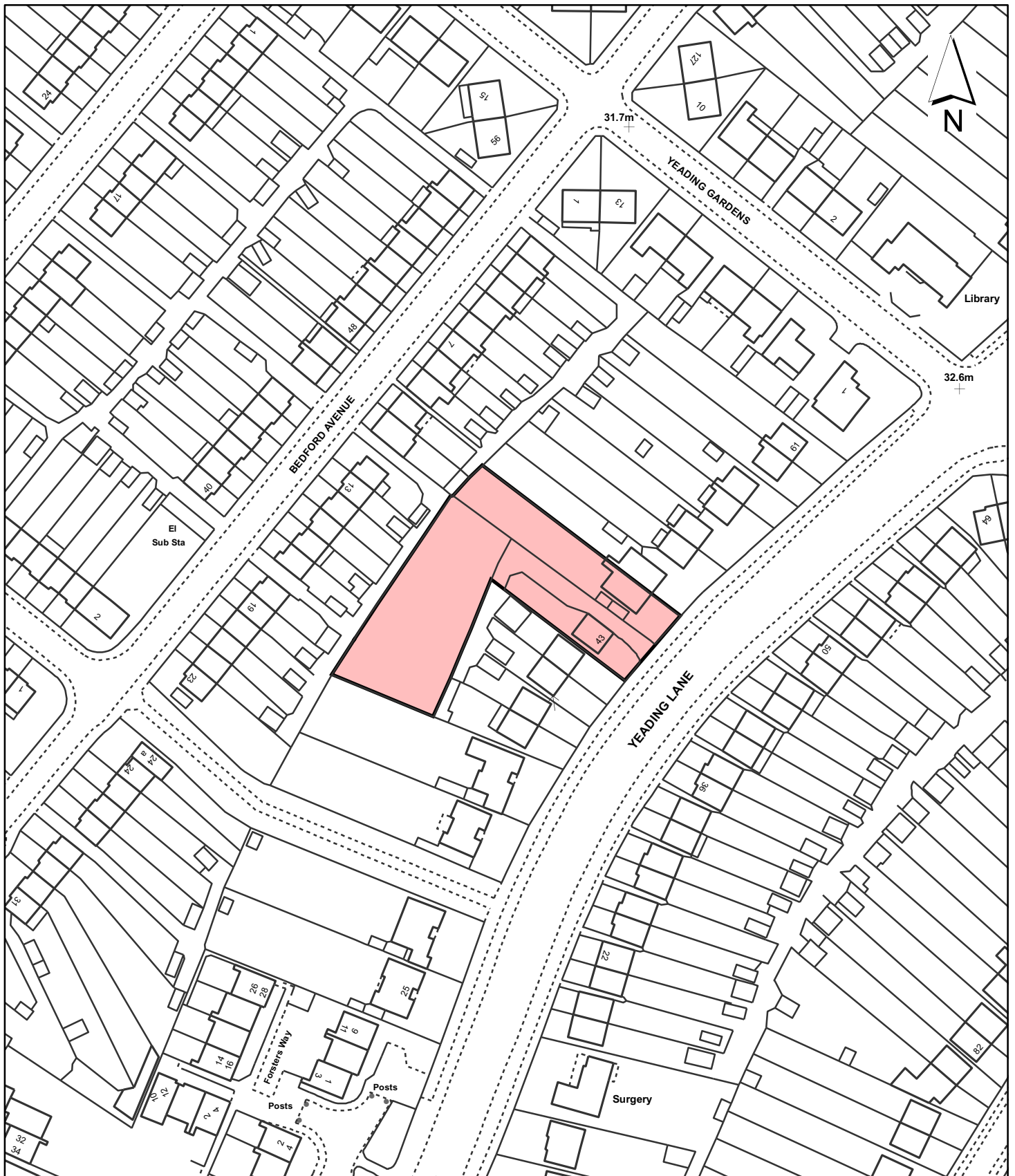
The proposal accords with all relevant saved policies within the Unitary Development Plan and the London Plan, and accordingly the proposal is recommended for approval, subject to conditions.



11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies September 2007
London Plan February 2008
Hillingdon Accessibility Design Statement SPD 'Residential Layouts'
Hillingdon Accessibility Design Statement SPD 'Accessible Hillingdon'

Contact Officer: Matt Kolaszewski

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p>	<p>Site Address</p> <p>43 - 47 and rear of 35 - 43 Yeading Lane Hayes</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Planning & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>34799/APP/2009/2800</p>	<p>Scale</p> <p>1:1,250</p>	 <p>HILLINGDON LONDON</p>
	<p>Planning Committee</p> <p>Central and South</p>	<p>Date</p> <p>August 2010</p>	