

## **Report of the Head of Planning & Enforcement Services**

**Address** 132 RYEFIELD AVENUE HILLINGDON

**Development:** Conversion of first and second floors to 2, two-bedroom flats and 1, one-bedroom flat, involving installation of external staircase at rear first floor level and demolition of single storey rear extension, rear store and detached garage to provide space for the creation of a private communal garden and 5 car parking spaces.

**LBH Ref Nos:** 1728/APP/2011/1565

**Drawing Nos:** Design & Access Statement (revised)  
LOCATION PLAN  
08 Rev. A  
02/C  
04/D  
07/C

<b>Date Plans Received:</b>	27/06/2011	<b>Date(s) of Amendment(s):</b>	27/06/2011
<b>Date Application Valid:</b>	07/07/2011		09/09/2011

### **1. SUMMARY**

This application seeks approval for the conversion of the first and second floors to 2 x two-bedroom flats and 1 x one-bedroom flat.

The proposed flats would comply with relevant standards in relation to internal floor space and external amenity space. Subject to conditions being imposed on any consent to require screening there would not be any objection raised in terms of overlooking.

The alterations would not cause harm to the appearance of the building and no objection has been raised by the Council's Highways Officer to the proposed parking arrangements.

Subject to the imposition of appropriate planning conditions the scheme would be considered acceptable in planning terms.

### **2. RECOMMENDATION**

**APPROVAL** subject to the following:

#### **1 T8 Time Limit - full planning application 3 years**

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

#### **REASON**

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

#### **2 OM1 Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the

plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

**REASON**

To ensure that the external appearance of the development is satisfactory and complies with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

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

**REASON**

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and 6.1 of the London Plan. (July 2011).

**4 RPD3 Obscured Glazing**

The rear bathroom window and hall window serving Flat 2 shall be glazed with permanently obscured glass for so long as the development remains in existence.

**REASON**

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

**5 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 facing Ryefield Avenue and facing either No 130 Ryefield Avenue or No 134 Ryefield Avenue.

**REASON**

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

**6 H7 Parking Arrangements (Residential)**

The rear car parking areas shown on the approved plans, shall be constructed, designated and allocated prior to the occupation of the development and thereafter be permanently retained and used for no other purpose.

**REASON**

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 6.1 the London Plan (July 2011).

**7 DIS2 Disabled access**

Development shall not commence until details of reasonable and feasible design features in each of the units hereby approved to meet the needs of people with disabilities have

been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

**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 (July 2011) Policies 3.1, 3.8 and 7.2.

**8 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 London Plan (July 2011) Policies 7.1 and 7.3

**9 MCD10 Refuse Facilities**

No part of the development shall be occupied until the secure and screened storage 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 (July 2011).

**10 SUS5 Sustainable Urban Drainage**

No development shall take place on site until details of the incorporation of sustainable urban drainage to the year car parking area 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 the London Plan (July 2011).

**11 SUS3 Energy Efficiency DC Applications**

No development shall take place on site until an energy efficiency report has been submitted to, and approved in writing by the Local Planning Authority. The report shall identify measures that will be integrated into the development to improve energy

efficiency in accordance with the Mayor's energy Hierarchy. The methods identified within the approved report shall be integrated within the development and thereafter permanently retained and maintained.

**REASON**

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

**12            A39            Contaminated Land**

All soils used for gardens and landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted for approval to the Local Planning Authority.

**REASON**

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

**13            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).

**14            NONSC            Non Standard Condition**

Prior to occupation of the development details of the 1.8m high privacy/acoustic screen shown on the approved first floor plan surrounding the 3 open sides of the 1st floor outdoor amenity area shall be 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 the occupiers of adjoining properties are not adversely affected by the development from overlooking and noise in accordance with policies BE24 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007)

#### **15            B21            Noise Insulation of Residential Development**

Prior to occupation of the development details shall be submitted of sound insulation measures to:

- i) prevent noise transmission between the 3 flats and also between the flats and the retail unit.
- ii) prevent noise from plant and equipment from impacting on the amenity of occupiers of the residential units.

Thereafter the development shall be carried out in accordance with the approved details.

#### REASON

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

#### **16            TL5            Landscaping Scheme**

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),
- Details of contamination free soil in the landscape proposals.
- 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,
- The first floor terrace acoustic/privacy screen,
- 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).

#### **17            TL6            Landscaping Scheme - implementation**

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

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

#### REASON

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

### **18 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).

### **19 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 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 (July 2011) Policy 7.1.

### **20 M3 Boundary treatment - details**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.



#### REASON

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

#### **21 M2 External surfaces to match existing building**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

#### REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **22 NONSC CCTV**

No development shall commence until a scheme for the provision of Closed Circuit Television (CCTV) on and/or around the building has been submitted to, and approved in writing by, the local planning authority and the building shall not be occupied until the approved scheme has been implemented. Thereafter the approved scheme shall be permanently retained.

#### 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 that the development provides a safe and secure environment in accordance with policy 7.3 of the London Plan (July 2011).

### INFORMATIVES

#### **1 I52 Compulsory Informative (1)**

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

#### **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE23	Requires the provision of adequate amenity space.

BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

### **3            I13            Asbestos Removal**

Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (Tel. 020 7556 2100).

### **4            I15            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.

### **5            I1            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.

## **6            I25A            The Party Wall etc. Act 1996**

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

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

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

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

## **3.        CONSIDERATIONS**

### **3.1      Site and Locality**

The application site is a former public house, (formerly known as The Oak Tree), on Ryefield Avenue. The site is roughly rectangular in shape with a street frontage of approximately 22m and is located within the Ryefield Avenue Shopping Parade. The site has a public transport accessibility level of 1b.

Opposite, the parade continues with a two storey terraced block with a distinctive green roof.

A service/access road is located adjacent to the site which provides rear access to the site and neighbouring residential properties.

The former public house itself is set back from the primary building line providing a hardstanding area. The former public house has a distinctive hipped roof appearance with tall chimneys and pane glass windows, which adds to the variety within the street scene.

The general locality is flat and the site is within a 'Developed Area' as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

### **3.2      Proposed Scheme**

The application proposes to convert the upper levels of the former public house at 132 Ryefield Avenue to 3 flats. Specifically 1 x 1 bedroom residential flat of 59.2 square metres and 1 x 2 bedroom residential flat of 63 square metres on the first floor and 1 x 2 bedroom second floor flat of 70 square metres.

The outdoor amenity space would consist of a ground floor communal garden of 110

square metres and a 1st floor communal terrace of 40 square metres (useable area, finished with a balustrade and 1.8m privacy screen to the rear and sides). Access to the flats will be from the side of the property (which would be able to be accessed from the street or rear access way) via an external staircase.

Five off-street car parking spaces would be provided for the flats accessed via the existing gated service lane/accessway to the side of the site, an access lane/way that is also used to access garages serving the neighbouring residential properties. The on-site parking would not be enclosed.

A separate backyard of 50sqm would be maintained exclusively for the use of the shop. This backyard would have its pedestrian access to the service lane via a side gate and would be enclosed from the residential parking and the communal garden by a new 1.8m high boundary wall.

No alterations are proposed to the front elevations of the premises or to the front forecourt.

The alterations to the rear would consist of the demolition of the existing detached garage to provide space for the car parking bays and the provision of a new external staircase to the second floor from the first floor terrace, the blocking up of one window overlooking the terrace, plus the inclusion of privacy screen to the first floor terrace.

There would be no other external alterations or extensions made to the building itself. A new wall is proposed to the rear to serve as a distinct yard area to the shop. The chiller units for the shop are subject to a separate planning application.

Should the application relating to the chiller units (ref: 1728/APP/2011/1513) be approved, these would be screened from the ground floor communal garden by a brick wall.

All proposed habitable rooms would either gain outlook to the rear or to the street and any proposed windows or glazed doors overlooking the 1st floor terrace would be obscured glazed and would serve non-habitable rooms.

### **3.3 Relevant Planning History**

#### **Comment on Relevant Planning History**

1728/APP/2010/2003 - Installation of shopfront, part single storey front extension to house, automatic telling machine (ATM), awning and fascia, upper level front extension, replacement external staircase to the side, construction of brick wall with gate to east side of front elevation, insertion of new doors to side and new vehicular gates to the rear (Involving demolition of single storey side element and blocking up of 2 doors in front elevation, one door to side and double doors at rear). Refused 10 February 2011 for 3 reasons.

The 3 reasons of refusal concerned (a) a proposed front extension at first floor level that would result in an incongruous extension detrimental to the architectural composition of the building, (b) a proposed awning to the shop that was considered an incongruous addition detrimental to the architectural composition of the building and (c) the proposed gates serving an introduced rear delivery yard lacking adequate visibility splays for use as a service delivery route for the retail unit.

1728/APP/2009/2566 - Change of use of basement and ground floor from Class A4

(Drinking Establishments) to Class A1 (Shops), involving alterations to elevations, installation of ATM machine at front and demolition of existing single storey side extension, conversion of existing residential unit to 2 one-bedroom, 1 two- bedroom and 1 studio flat, to include 2 rooflights to rear, alterations to south elevation to include re- instalment of existing metal staircase leading to first floor flat and new roof terrace and associated parking.

The application was refused 8 August 2010 on 2 grounds relating to the proposed shop and not relating to the residential component of the scheme namely (a) insufficient parking provision for the proposed A1 retail unit and (b) the proposed servicing and access arrangement would not enable servicing by vehicles of an appropriate size.

1728/APP/2011/1123 - Change of use to from Use Class A4 Drinking Establishments) to Use Class A1 (Retail) (Application for a Certificate of Lawful Development for a Proposed Development) Granted on 25 August 2011.

1728/ADV/2011/31 Advertising consent application for installation of 3 externally illuminated fascia signs to front and 1 externally illuminated pole sign to front. Received 10 May 2011. Awaiting determination.

1728/APP/2011/1513 - Installation of chiller units to rear. Received 20 June 2011. Awaiting determination.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

PT1.10 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.

BE15 Alterations and extensions to existing buildings

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

BE20 Daylight and sunlight considerations.

BE23 Requires the provision of adequate amenity space.

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

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE5	Siting of noise-sensitive developments
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008

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

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

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

## **6. Consultations**

### **External Consultees**

340 neighbouring owner/occupiers were consulted on the application plus the local constituency Member of Parliament and Oak Farm Residents Association. 141 written objections were received. 2 petitions were received against the scheme.

1 petition reads "We urge the Council to reject these plans as these plans are very inconclusive, vague and will have a major impact on nearby residents e.g. security, lack of parking, blocked access road, lack of harmonising with street scene etc. Signed by 59 residents

2nd petition reads. This plan must be considered for refusal as the residents will not use the proposed 5 spaces at the rear as it is unrealistic and difficult access to a manoeuvre. The new flats will not complement the area especially considered the physical alterations that are not necessary. Signed by 74 residents.

A petition has also been received in support of the scheme. That petition was signed by 43 residents and simply stated that no objection was raised to the proposal.

The individual objection can be summarised as:

1. Flats above the supermarket will not look good and will be out of character with the rest of the area.
2. The lane security gates will be left open, as more people use the lane.
3. New residents will park on the street or in the shop forecourt as vehicle access down the lane is poor.
4. The scheme will make the existing problems with the delivery vehicles worse.
5. It will lead to more volume of traffic on Ryefield Avenue, the road can not cope.
6. The application does not show where delivery vehicles and shop customers will park.
7. The application involves car parking presently reserved for delivery lorries and customers being used by the residents of the new flats.
8. Underground parking is the only realistic solution to the parking issue.
9. Traffic congestion is already a big issue given the close proximity of the bus stop with the arrival of the large delivery lorries (especially an issue in the morning as parents put their children on the bus) and this will only make matters worse.
10. Concerned about privacy to residents of Midhurst Gardens from the flats.

11. The presence of the big shop on the site is out of character with the area and the parade of smaller shops.
12. Double parking is already an issue on Ryefield Avenue.
13. The delivery vehicles already park across the pavement which is dangerous for children going to school along the pavement, this will make matters worse.
14. The size of the 5 parking bays is not shown on the plans.
15. Are the chillers units safe for residents health?
16. The application will lead to more people living in the area. The population in the area is already too great putting pressure on public services.
17. Where will visitors to the flats park?
18. The impact of the supermarket and this residential scheme should be considered jointly and the scheme does not comply with relevant adopted planning policies and emerging planning Core Strategy planning policies. The opening of the retail store has led to more congestion and double parking.
19. The service road is often blocked by the delivery lorries.
20. The use of the former pub garden as a parking area is out of character with the area
21. The residential accommodation above the former public house was for the landlord of the public house. Do not understate why applicant can state these upper floor space was 2 separate dwellings.
22. The super market is attracting groups of youths outside the premises and the shop is causing noise and parking problems. Creating further accommodation will greatly increase the problems.

#### PLANNING OFFICER COMMENT

All the planning issues raised by objectors that are material to this application are addressed with the body of the report, or by way of recommended planning condition. A number of issues/objections are raised in relation to the use of the ground floor shop, however it is worth noting that the ground floor use does not form part of the current application.

#### NATS SAFEGUARDING

No objection.

#### MOD SAFEGUARDING

No objection.

#### **Internal Consultees**

##### HIGHWAY PLANNER:

Deliveries to the store are currently carried out from Ryefield Avenue and there are no changes proposed to these existing arrangements.

The existing service road provides vehicular access to garages at the rear including one at the rear of the application site.

No objections are therefore raised on highway and pedestrian safety grounds.

##### STREET HIGHWAY INVESTIGATOR:

From a Highways perspective I have no problems with the proposed access to these premises.

##### LANDSCAPE TEAM:

No objection subject to conditions TL5, TL6 and TL7.

ACCESS OFFICER:

Raises no objection.

#### ENVIRONMENTAL PROTECTION UNIT

No objection subject to planning conditions relating to noise insulation for the residential accommodation and the use of contamination free soils in any landscape proposals.

#### PLANNING OBLIGATIONS/EDUCATION:

Will not result in a net gain of 6x habitable rooms or more and as such the Council will not seek an educational contribution from this application.

#### WASTE DEVELOPMENT MANAGER:

A waste and recycling storage area has been allocated.

If the value of the construction project is likely to be in excess of £300,000, the Site Waste Management Plans Regulations 2008 apply. This requires a document to be produced which explains how waste arising from the building works will be reused, recycled or otherwise handled. This document needs to be prepared before the building works begin.

The client for the building work should ensure that the contractor complies with the Duty of Care requirements, created by Section 33 and 34 of the Environmental Protection Act.

## **7. MAIN PLANNING ISSUES**

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

The upper floors of the building were previously used as residential accommodation associated with the former public house. The current application seeks to change the arrangement from ancillary residential accommodation associated with the ground floor use to 3 flats.

There is no objection in principle to the use of the upper floors as use as a series of independent residential flats, providing the design of each flat complies with the relevant adopted London Borough of Hillingdon planning policies and supplementary design guidance, and additionally the relevant policies of the London Plan (July 2011).

The ground floor use has been changed from public house to a shop (using permitted development rights) and does not form part of the current planning application.

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

#### DENSITY:

The application site has an area of 0.08 hectares, has a public transport accessibility (PTAL) level of 1b and is considered to be located within a suburban setting. Accordingly, table 3.3 of the London Plan recommends that the site be developed at a density of 150 - 200 hr/ha.

Having regard to the mixed use nature of the site, the application seeks a residential density of approximately 187.5 hr/ha in accordance with the recommendations of the London Plan. Subject to compliance with all other relevant policies the scheme is



considered to be acceptable in terms of residential density.

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

Not applicable to this application.

#### **7.04 Airport safeguarding**

The proposal does not have any implications with regard to airport safeguarding.

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

The application site is not located in or in close proximity to any designated Green Belt land, accordingly this consideration is not relevant.

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

The scheme involves no alterations to the external appearance of the premises as viewed from the street. Only minor external alterations are proposed to the rear elevation. Car parking provision for the flats would be provided to the rear and as such it is not considered the scheme will have any detrimental impact on the street scene, or have a detrimental impact upon the wider character and appearance of the area.

It is worth noting at this point that the scheme would benefit from the introduction of a landscaped garden area (that will remove existing unsightly yard clutter) and will provide the opportunity to screen ancillary plant and equipment from views from the rear.

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

Policy BE24 of the Saved Policies UDP and guidance within the adopted Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts requires that the design of new buildings protects the privacy of occupiers and Policy OE1 of the Saved Policies UDP requires the design safeguards against the impact of noise to neighbours.

The application does not introduce any additional habitable room windows. Furthermore, all of the existing windows are located over 21m from facing habitable room windows within neighbouring properties.

Access to the roof terrace is via an existing external stairs. The roof terrace is proposed towards the southern side of the building. The roof terrace would be sufficiently separated and screened from no. 130 Ryefield Avenue and Nos. 20a - 28 Midhurst Gardens to ensure future users of this roof terrace could not overlook these properties.

The plot of no. 134 Ryefield Gardens is almost entirely covered with storage buildings associated with the commercial use at ground floor level and is not utilised as amenity space. A 1.8m privacy screen is proposed that would provide visual and acoustic screening from the proposed garden terrace to any habitable room windows serving residents living at first floor at 134 Ryefield Avenue.

The first floor rear of 134 to 140 Ryefield Avenue features a communal external accessway leading to the entrances to the upper level flats (above the ground floor uses). It is worth noting at this point that the communal nature of the external accessway is such that there is inherent overlooking of entrances of the units at 134 to 140 Ryefield Avenue. It is also worth noting that existing roof terrace at 132 Ryefield Avenue was used by the occupiers of the upper level bedrooms when in use as a Public House, and as there is no screening around the terrace, direct overlooking of the rear external accessway to 134 to 140 Ryefield Avenue did occur.

The proposal would feature a 1.8m high screen around the roof terrace to prevent overlooking, and in this regard, the scheme would reduce overlooking of the rear of 134 to 140 Ryefield Avenue when compared to the existing situation.

The proposal would not give rise to any unacceptable overshadowing impacts.

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

Policy BE24 the Saved Policies UDP and the guidance within the adopted Hillingdon Design and Accessibility Statement (HDAS) - Residential Layouts requires that the design of new buildings protects the privacy of occupiers and their neighbours. The proposed residential units are located at first and second floor levels and would not be the subject of any overlooking arising from neighbouring properties. Accordingly, the units would attain adequate levels of privacy.

The HDAS - Residential Layouts and Policy BE20 of the UDP seek to ensure that residential developments receives adequate daylight and sunlight. All habitable rooms within the proposed residential units would be served by windows and accordingly they would receive adequate levels of daylight and sunlight.

London Plan Table 3.3 sets out minimum space standards for dwellings of different sizes. For 1 bedroom two person dwelling and two-bedroom three person unit it seeks an internal floorspace provision of 50sq.m and 61sq.m respectively. All of the proposed units are in accordance with these requirements and would provide an appropriate level of internal floor space, in addition each unit is self contained and provides appropriate sanitary facilities in accordance with policy H7 of the Saved Policies UDP.

Policy BE23 of the Saved Policies UDP requires that all residential units are served by adequate levels of usable external amenity space. The HDAS - Residential Layouts recommends as a minimum 20m<sup>2</sup> of amenity space be provided one-bedroom unit and 25m<sup>2</sup> per two bedroom unit. For this scheme amenity space of 70sqm would be required, and approximately 150sqm is proposed. The HDAS guidance states that exceptions to garden area requirements can apply in circumstances such as the provision of small non-family housing above shops.

The proposal would provide a communal amenity space over two outdoor areas totaling 150sqm. The proposed level of amenity space exceeds the Council's guidelines and is considered to be appropriately set out with regard to its use by future occupiers.

The proposal would involve the creation of 3 residential flats above an existing A1 retail unit. This is a common arrangement and subject to conditions to ensure adequate sound insulations between units, it is not considered that there would be any undue noise impacts affecting the amenity of these 3 residential units.

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

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

The off street car parking provision is in accordance with the Council parking standards. The Highway Engineer is satisfied that access to the parking via the existing service lane is acceptable and is not prejudicial to highway and pedestrian safety.

Secure cycle provision would be provided located on the north flank wall elevation and

would accord with the Council and London Plan standards.

The Highway Engineer noted the security of the cars from crime is not a highway issue however consideration could be given to the installation of CCTV if considered necessary and appropriate. The service lane does currently benefit from secure gated access.

Concerns have been raised by objectors in relation to servicing of the ground floor shop, and it is worth noting that the use / operation of the shop does not form part of the current application.

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

The application has been examined by the Metropolitan Police Crime Design Advisor who advised that a condition to require the scheme to accord with Secure by Design criteria should be imposed on any permission.

Vehicular access arrangements have been considered by the Highways officer and are discussed in Section 7.10 of this report. Disabled access considerations are addressed in Section 7.12.

#### **7.12 Disabled access**

In relation to the residential units, the Council's Access Officer has reviewed the proposal in detail, indicating that given the constraints of the existing built form it would not be reasonable to require this scheme to fully achieve Lifetime Homes Standards. However, the proposed layout does incorporate aspects of improved accessibility and the Access Officer considers that the application is acceptable, subject to a condition to ensure the maximum feasible level of accessibility for these proposed units.

Having regard to the relevant guidance, and the advice from the Access Officer, the residential element of the scheme is considered acceptable.

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

The proposal seeks permission for less than 10 residential units, accordingly there is no requirement for the provision of affordable housing within the development under the London Plan or the Council's Supplementary Planning Document for Planning Obligations.

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

The application site does not contain any existing trees, accordingly the scheme does not give rise to any concerns with regard to tree protection.

Saved policy BE38 requires landscape enhancement of new developments. At present the rear of the site is mainly hard standing and rather unkempt in appearance. The proposed new arrangement to the rear would provide an opportunity to tidy up the rear external area and introduce some landscaping compliant with saved policy BE38

Further details of the proposed communal garden area to the rear of the property are required. Should the application be approved, provision for, and details of, landscape management and maintenance would be required to ensure that the communal external spaces are suitably managed.

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

Officers are satisfied that the site is large enough to accommodate bin storage and subject to the imposition of a condition on any planning permission, no objection would be

raised.

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

The application proposes the reuse of the upper floors of the former public house which is considered beneficial in terms of sustainability.

As the application is a conversion of an existing property (rather than a new build development) the Code for Sustainable Homes is not applicable. Notwithstanding this, a condition is recommended to ensure that the scheme incorporates measures to reduce its energy demands.

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

The proposal is not considered to give rise to any particular concerns regarding flooding or drainage. However, a condition requiring the use of sustainable urban drainage/porous paving would be necessary to ensure any sustainable drainage solutions were appropriately implemented within new areas of hard standing to the rear.

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

The proposal would involve the creation of three residential flats above an A1 retail unit, this is a common arrangement and it is not considered that there would be any undue noise impacts on the amenity of these residential units through the proposed A1 use at ground floor level.

A condition should be attached to any approval, requiring appropriate noise insulation for the residential accommodation.

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

The various matters raised in the submissions have either been addressed within the body of this report, by way of planning condition or are not material planning considerations.

#### **7.20 Planning obligations**

With the established ancillary residential accommodation above the former public house the scheme will not result in a net gain of 6 habitable rooms or more, accordingly no financial contribution from this application is required towards future school places.

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

Not applicable to this application.

#### **7.22 Other Issues**

None.

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

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

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

hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

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

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

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

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

## **10. CONCLUSION**

The proposal would comply with relevant guidance in relation to internal floor space and external amenity space.

It is not considered that the scheme would cause harm to the amenity of neighbouring occupiers due to overlooking or overshadowing. The highway Officer has raised no objection to the access and parking arrangements. Subject to conditions, adequate bin and cycle storage would be provided on site.

The scheme is considered complies with the relevant planning policies BBE13, E15, BE19, BE20, BE23, BE24, BE38, OE1, OE3, OE5, AM7 and AM14 the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan and is therefore recommended for approval.

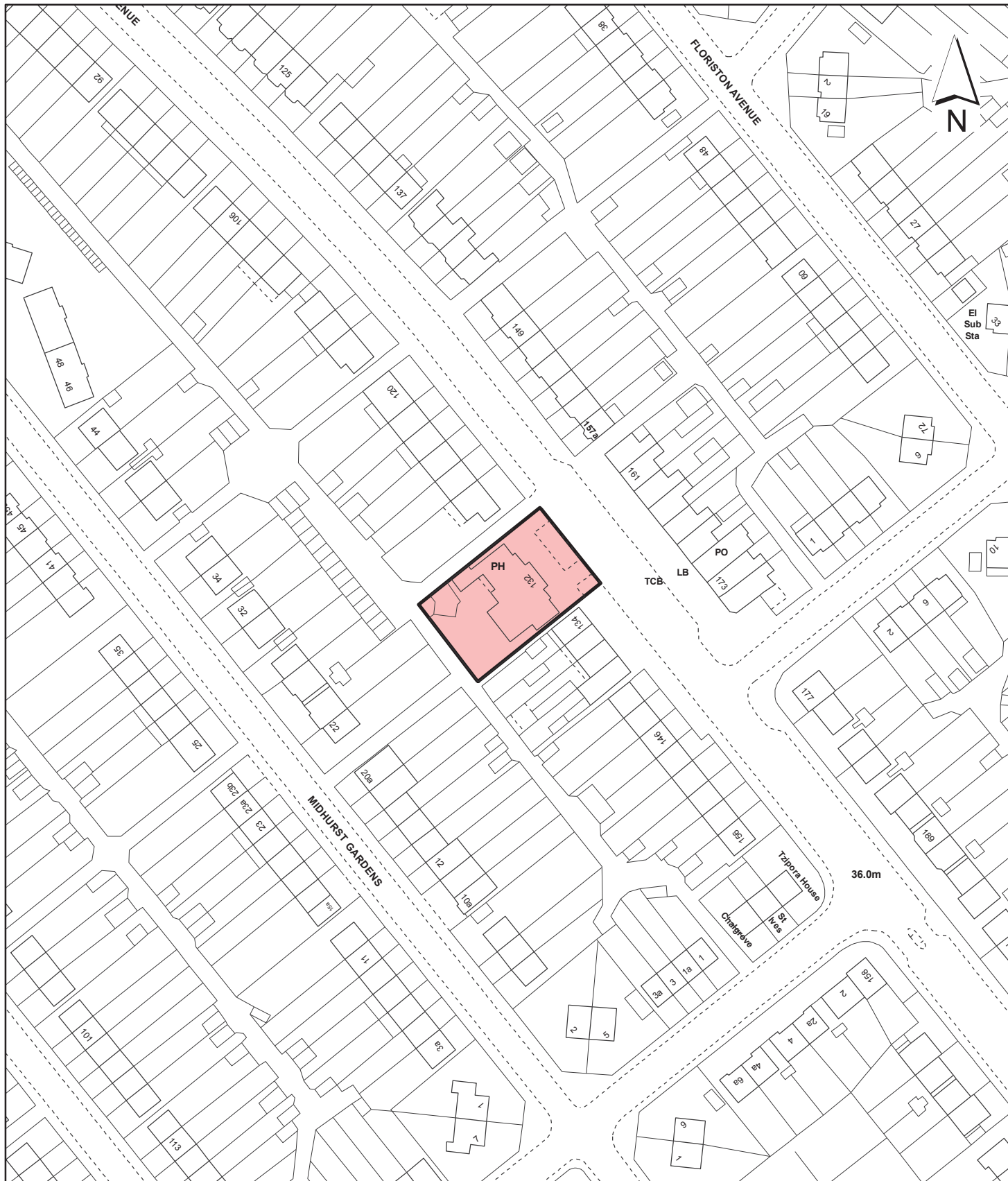
## **11. Reference Documents**

Hillingdon Design and Accessibility Statement: 'Residential Extensions'  
Hillingdon Design and Accessibility Statement: 'Residential Layouts'  
Hillingdon Design and Accessibility Statement: 'Accessible Hillingdon'  
The Hillingdon Unitary Development Plan Saved Policies (September 2007)  
The London Plan (July 2011)

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## Notes



Site boundary

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Site Address

**132 Ryefield Avenue  
Hillingdon**

Planning Application Ref:

**1728/APP/2011/1565**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**October  
2011**

**LONDON BOROUGH  
OF HILLINGDON**  
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