

## Report of the Head of Planning, Transportation and Regeneration

**Address** 5-31 GARAGE COURT, REAR OF BRAMPTON ROAD HILLINGDON

**Development:** Demolition of existing garages and construction of 3 x 4-bedroom houses with associated parking spaces and external works

**LBH Ref Nos:** 74993/APP/2020/4001

**Drawing Nos:** 1558.A1.PL02 Received 06-01-2021  
2019/D/283/03 Rev. H Received 06-01-2021  
2019/D/283/P/02 Rev. A  
2019/D/283/P/01 Received 06-01-2021  
Design and Access Statement January 2021  
Arboricultural Impact Assessment, Method Statement & Tree Protection Plan dated 17th February 2020

**Date Plans Received:** 03/12/2020      **Date(s) of Amendment(s):** 14/01/2021  
**Date Application Valid:** 14/01/2021      06/01/2021

### 1. SUMMARY

The application seeks planning permission for the demolition of the existing garages and the construction of 3 x 4 bedroom houses with all parking spaces and external works.

Planning permission was granted earlier this year for the demolition of the existing garages and construction of 3 x 4-bedroom houses with all parking spaces and external works. The difference with this application and the consented scheme is the roof design and loft layout. The roof shape now proposed is part hip, part gable, the flank walls are raised above the eaves level to reduce the extent of the hip end to both ends of the new block of three houses which result in larger loft space for the two end dwellings.

The development provides adequate car parking and external amenity space. Whilst the proposal is greater in height than the existing garages, its footprint is limited and it would not be detrimental to the adjoining area or the amenity of neighbouring residents. Given its location to the rear of existing dwellinghouses, the impact on the character and street scene would be limited.

This application is recommended for Approval.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 RES3 Time Limit

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 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete

accordance with the details shown on the submitted plans, numbers 1558.A1.PL02 Received 06-01-2021 and 2019/D/283/03 Rev. H Received 06-01-2021 and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

### **3 RES5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Arboricultural Impact Assessment, Method Statement & Tree Protection Plan

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

#### REASON

To ensure that the development complies with the objectives of Policies. [Specify]

### **4 RES6 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 DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

### **5 RES7 Materials (Submission)**

No development above superstructure level shall take place until details of all external materials and finishes (brickwork, roof tiles, windows, doors and rain water goods), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to manufacturer information, product type/code, RAL colours and photographs/images.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020).

### **6 RES9 Landscaping (car parking & refuse/cycle storage)**

No development above superstructure level shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

2.a Refuse Storage

2.b Cycle Storage

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)

2.e Hard Surfacing Materials

2.f External Lighting

3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years.

3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

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

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 14 and DMT 6 of The Local Plan: Part 2 - Development Management Policies (2020) and The London Plan (2021).

**7 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan(s) 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 (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at 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 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 3998:2010 'Tree work - Recommendations' 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 DMHB 14 of The Local Plan: Part 2 - Development Management Policies (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

**8 RES14 Outbuildings, extensions and roof alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

**REASON**

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies Policy DMHB 11 and DMHD 1 of The Local Plan: Part 2 - Development Management Policies (2020).

**9 RES15 Sustainable Water Management (changed from SUDS)**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

**REASON**

To ensure the development does not increase the risk of flooding in accordance with Policy DME1 9 of The Local Plan: Part 2 - Development Management Policies (2020) and The London Plan (2021).

**10 RES22 Parking Allocation**

The residential units hereby approved shall not be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The parking allocation scheme shall, as a minimum, include a requirement that all on-site car parking shall be allocated and dedicated for the use of each of the residential units hereby approved and shall remain allocated and dedicated in such a manner for the lifetime of the development.

**REASON**

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy DMT 6 of The Local Plan: Part 2 - Development Management Policies (2020) and The London Plan (2021).

#### **11 RES24 Secured by Design**

The dwelling(s) shall achieve '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). No dwelling shall be occupied until accreditation has been achieved.

#### **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 ensure the development provides a safe and secure environment in accordance with policy DMHB 15 of the Local Plan Part 2 (2020) and London Plan (2021) D12 .

#### **12 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 Policies DMT 1 and DMT 2 of The Local Plan: Part 2 - Development Management Policies (2020).

#### **13 NONSC Construction Logistics Plan**

Prior to the commencement of development a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall consider the cumulative impacts of construction traffic and provide details of likely construction trips generated, and mitigation proposed. Details should include;

- i) site 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),

- ii) vehicular routes,
- iii) scope for load consolidation in order to reduce the number of road trips generated,
- iv) measures to improve safety to vulnerable road users'

The CLP would also need to take account of construction of other developments in the area.

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

#### REASON

To reduce the impacts of construction on the surrounding highway network and to safeguard the amenity of surrounding areas in accordance with Policy DMT 2 of The Local Plan: Part 2 - Development Management Policies (2020) and The London Plan (2021).

#### **14 NONSC Non Standard Condition**

Prior to the commencement of works above ground floor level, a Fire Strategy Report shall be submitted to and approved in writing by the Local Planning authority. This Fire Strategy Report must be completed by a suitably qualified consultant. Thereafter the development shall not be carried out other than in accordance with the approved details.

#### REASON

To ensure that the development meets Fire Safety Standards in accordance with Policy D12 of The London Plan (2021).

#### **15 NONSC Non Standard Condition**

The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

#### REASON

To ensure that an appropriate standard of housing stock, in accordance with the 2016 London Plan policy 3.8(c) and policy D7 of the 2019 (Intend to Publish) London Plan, is achieved and maintained.

#### **16 NONSC Non Standard Condition**

No development above superstructure level shall take place until details of step free access via the principal private entrances, and all other points of entry and exit, shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

#### REASON

To ensure that an appropriate standard of housing stock, in accordance with Policy D7 of The London Plan (2021), is achieved and maintained.

#### **17 NONSC Non Standard Condition**

Before any part of this development is commenced a site survey to assess contamination levels at the site shall be carried out to the satisfaction of the Council and a remediation scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved by the Local Planning Authority. The remediation scheme shall include an assessment of the extent of any identified contaminants and provide in detail the remedial measures to be taken to avoid risk to the occupiers and the buildings when the site is developed. All works which form part of this remediation scheme shall be

completed before any part of the development is occupied (unless otherwise agreed in writing by the Local Planning Authority). The condition will not be discharged until verification information has been submitted for the remedial works.

#### REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies DMEI 11 and DMEI 12 of The Local Plan: Part 2 - Development Management Policies (2020).

#### **18 NONSC Non Standard Condition**

No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. All imported soils shall be laboratory tested for chemical contamination, and the results of analyses shall be submitted to the Local Planning Authority for approval.

#### REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Policies DMEI 11 and DMEI 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

#### **19 NONSC Non Standard Condition**

No development above superstructure level shall take place until a Waste Management Plan has been submitted to and approved in writing by the Council. Thereafter, the proposed works shall be implemented and carried out in accordance with the approved details.

#### REASON

For the convenience of residents in accordance with Policy DMHB 11 of The Local Plan: Part 2 - Development Management.

#### **20 NONSC Non Standard Condition**

No development above superstructure level shall take place until a Delivery and Servicing Plan has been submitted to and approved in writing by the Council.

Thereafter, the proposed works shall be implemented and carried out in accordance with the approved details.

#### REASON

To ensure that appropriate mitigation is provided to the surrounding highway network as a result of the proposed development in accordance with policy DMT6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

### **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 Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and national guidance.

DMH 2	Housing Mix
DMH 6	Garden and Backland Development
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
DMEI 9	Management of Flood Risk
DMEI 12	Development of Land Affected by Contamination
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

## **3**            I59                      **Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

## **4**            I2                          **Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then the validity of this planning permission may be challengeable by third parties.

## **5**            I5                              **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 Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **6            I6            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.

## **7            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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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 or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **8            I47            Damage to Verge - For Council Roads:**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction.

Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

**9            I48            Refuse/Storage Areas**

The proposed refuse and recycling storage areas meet the requirements of the Council's amenity and accessibility standards only. The proposed storage area must also comply with Part H of the Building Regulations. Should design amendments be required to comply with Building Regulations, these should be submitted to the Local Planning Authority for approval. For further information and advice contact - Residents Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250400).

**10          I60          Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [www.aoa.org.uk/publications/safeguarding.asp](http://www.aoa.org.uk/publications/safeguarding.asp))

**11          I70          LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

**12**

This permission is liable for a contribution under the Community Infrastructure Levy (CIL) and a separate CIL liability notice will be provided for your consideration.

**13          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).

**3.          CONSIDERATIONS**

**3.1        Site and Locality**

The site is a rectangular shaped plot located at the rear of Brampton Road and Clifton Gardens with an access road situated between no. 3 and 5 Brampton Road. The access road is also used by adjacent property to access rear garages and existing gates. The site is approximately 1,277sqm and currently comprises of 35 redundant garages. The site currently lacks maintenance and the garages are in poor condition with overgrown vegetation and signs of vandalism.

The surrounding area is residential in character and appearance, comprising mainly two-storey terrace housing and semi-detached dwellings.

### 3.2 Proposed Scheme

The proposal is for the demolition of the existing garages and the construction of 3 x 4 bedroom houses with all parking spaces and external works.

The proposed development include the removal of a tree at the rear of the existing garages on the northern side and the replacement of the boundary fence.

Each dwelling proposed has a gross internal floor area of a approximately 129.9 square metres with a rear garden of at least 148 square metres in size consisting of a cycle store and 2 dedicated car parking spaces.

The difference with this application and the consented scheme under planning ref: 74993/APP/2019/2504 is the roof design and loft layout. The roof shape proposed is part hip, part gable, the flank walls are raised above the eaves level to reduce the extent of the hip end to both ends of the new block of three houses which result in larger loft space for the two end dwellings.

### 3.3 Relevant Planning History

74993/APP/2019/2504      5-31 Garage Court, Rear Of Brampton Road Hillingdon

Proposed demolition of the existing garages and construction of 3 x 4-bedroom houses with all parking spaces and external works

**Decision:** 09-04-2020      Approved

74993/APP/2020/3524      5-31 Garage Court, Rear Of Brampton Road Hillingdon

Details pursuant to Condition 10 (External Materials and Finishes) of planning permission Ref: 74993/APP/2019/2504 dated 9-04-20 (Proposed demolition of the existing garages and construction of 3 x 4-bedroom houses with all parking spaces and external works)

**Decision:** 04-12-2020      Approved

74993/APP/2020/3936      5-31 Garage Court, Rear Of Brampton Road Hillingdon

Details pursuant to Conditions 3 (Construction Logistics Plan), 5 (Demolition and Construction Management Plan) and 19 (Delivery and Servicing Plan) of planning permission Ref: 74993/APP/2019/2504 dated 9-04-20 (Proposed demolition of the existing garages and construction of 3 x 4-bedroom houses with all parking spaces and external works)

**Decision:** 20-01-2021      Approved

74993/APP/2020/4002      5-31 Garage Court, Rear Of Brampton Road Hillingdon

Proposed demolition of the existing garages and construction of 3 x 4-bedroom houses with all parking spaces and external works

**Decision:**

### Comment on Relevant Planning History

1. Planning permission under ref: 74993/APP/2019/2504 was granted permission dated 9-04-20 for the demolition of the existing garages and construction of 3 x 4-bedroom houses with all parking spaces and external works.

2. Planning permission under ref: 74993/APP/2020/4002 for the demolition of the existing garages and construction of 3 x 4-bedroom houses with all parking spaces and external works (ground floor internal space increased from previously consented scheme) has been submitted simultaneously with this application. This application is yet to be determined.

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

##### **Development Plan**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The West London Waste Plan (2015)

The London Plan (2021)

##### **Material Considerations**

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

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

The following Local Plan Policies are considered relevant to the application:-

##### **Part 1 Policies:**

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

PT1.EM6 (2012) Flood Risk Management

##### **Part 2 Policies:**

DMH 2 Housing Mix

DMH 6 Garden and Backland Development

DMHB 11 Design of New Development

DMHB 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 6	Vehicle Parking
DMEI 9	Management of Flood Risk
DMEI 12	Development of Land Affected by Contamination
LPP D4	(2021) Delivering good design
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP GG4	(2021) Delivering the homes Londoners needs
LPP H1	(2021) Increasing housing supply
LPP H2	(2021) Small sites
LPP H10	(2021) Housing size mix
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

## **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 site notice was displayed to the front of the property and all public consultation expires on 11th February 2021. A total of 4 objections have been received

Summary of comments:

- The demolition has already started. Why has it started already if it has not been decided?
- Problems with noise and just witnessed builders urinating in the area.
- There is not a porta loo on-site or if there is, they are not using it.
- Massive health and safety issue.
- There is no social distancing, builders are not wearing masks working in close quarters to one another.
- We also have a security issue as the garages have been knocked down and our neighbour's garden has been left open exposing us to burglars.
- We have low fences, so no noise is being drowned out. It is very noisy and I'm sure will get very dusty and dirty. The noise is the most severe problem as our children are at home trying to remote learning.
- This building work is going to add to an already stressful situation.
- No security on site during after hours.
- I would like to know why you are sending out a consultation now when I can clearly see that work has been going on for the last week since 18/01/21. A large construction lorry has been driving in and out of the proposed area which is a very tight space on average up six times a day including

Saturday.

- I have already seen a few near misses with regards to cars and walls and I have serious concerns once the children return to school.

- The site is already started and demolition was not done incorrectly there, no asbestos survey on planning portal. All pre-commencement planning conditions are not discharged, this job should stop right now until all agreed. There were 40 garages that have asbestos roof on it were incorrectly taken and looks like thrown in ground which is totally unsafe for peoples lives.

Case Officer's Comments:

The application site currently has a consented planning permission ref: 74993/APP/2019/2504.

An informative giving advice concerning asbestos removal is included in the proposed informatives/conditions.

Ward Councillor: Raises concerns relating to accessibility due to the narrow entrance to the site.

LONDON FIRE BRIGADE: No comments were received.

METROPOLITAN POLICE: No comments were received.

### **Internal Consultees**

WASTE STRATEGY OFFICER:

Comments as per 74993/APP/2020/4160 - As per the Guidance for waste storage and collection, houses within Hillingdon should access a kerbside collection for refuse and recycling. The collection point is acceptable, however instead of 1100 litre bins, smaller bins for individual properties should be provided as the area is serviced by a domestic crew, and not a truck that lifts bulk bins.

HIGHWAYS OFFICER:

### **Site Characteristics and Background**

This site address is located within a residential catchment off Brampton Road in Uxbridge and currently consists of 35 Council garages. The proposal for 3 four bedroom terraced residential units with communal parking provisions gained planning permission in April 2020 (74993/APP/2019/2504).

### **Appraisal**

Two further separate applications have now been received which propose i) alterations to the rooflines (74993/APP/2020/4001) and ii) rear extensions to the 3 dwellings (74993/APP/2020/4002). There are no highway/transport related implications associated with each of the above applications hence there is no further comment made. For reference purposes, the previous comments related to the original permission are reprised below.

### **Site Characteristics**

This site address is located within a residential catchment off Brampton Road in Uxbridge and currently consists of 35 Council garages which are now considered surplus to requirements. It is now proposed to build 3 four bedroom terraced residential units with communal parking provisions utilising an existing access road (to be enhanced) which serves the garages at present.

The public transport accessibility level (PTAL) rating is considered as low (1b) given the relative isolation of the site from public transport services which gives rise to a higher dependency on the ownership and use of private motor transport.

### **Car Parking Provision**

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the Council's adopted parking standards unless it can be demonstrated that a deviation

from the standard would not result in a deleterious impact on the surrounding road network.

It is proposed to provide 3 new residential units consisting of 3 four-bedroom units with 6 communal parking spaces. The maximum parking standard requires up to 2 spaces per unit to be provided on-site in order to comply with the adopted parking standard which is therefore met. A parking allocation planning condition is sought in order to secure an appropriate level of parking provision per dwelling

#### Disabled Compliant Parking Provision

In accord with the Local Plan: Part 2 - 10% of parking spaces should be disabled compliant equating to 1 space. This should be secured via planning condition.

#### Electric Vehicle Charging Points

In line with the emerging London Plan, within any final parking quantum there is a requirement for a 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions. In this case, it is recommended that each dwelling should incorporate 1 'passive' and 1 'active' space. This aspect should be subject to a planning condition.

#### Cycle parking

The cycle parking provision should be at level of 2 secure and accessible spaces per unit to accord with the Council's minimum cycle parking standard. 1 space per unit has been indicated which should be uplifted accordingly to a level of 6 in total (with 2 per dwelling), again by way of planning condition.

#### Vehicular Trip Generation

Local Plan: Part 2 Policies DMT 1 and DMT 2 require the Council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

In comparison to the previous garage uses when they were fully active, the anticipated trip generation related to the new dwelling units does not raise any immediate highway concerns. This is due to the fact that, in statistical terms, traffic movement into and out of the site is not expected to exceed 1-2 vehicle movements during the peak morning and evening hours. Hence such uplift is considered marginal in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

#### Revised Vehicular Access/Internal Road Layout

It is noted that the existing access point and roadway to the site positioned between No's 3 & 5 Brampton Road is, at present, quite narrow. However, a slither of land is to be acquired from the flank of No.5 which will widen the access road to an acceptable standard. This additional width will also aid pedestrian movement into and out of the site which is further enhanced by a revised 'shared surface' block paving arrangement throughout the length of internal roadway.

In general design terms, the proposed internal parking and road layout arrangement should conform to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts as there is a highway safety benefit derived from the provision of sufficient turning space within the site arrangement which ideally should allow all vehicles using the site to enter and leave in a forward gear without hindrance possibly resulting from an inadequate road layout design (or other obstructions such as parked vehicles). This manoeuvre is achievable for passenger and vans however larger vehicles such as a full-sized refuse vehicle may not be able to leave in a forward gear with ease. This aspect is addressed further under 'Refuse Collection'. Notwithstanding this point, it is stressed that both refuse and fire appliances can achieve unencumbered access into the site in a forward gear and can therefore enter and perform their function without prejudice as the pre-requisite MfS road width parameters are met once the access road is widened. Both the Fire Brigade and Hillingdon's Waste Services confirm the acceptability of designs.

A widened carriageway crossing on Brampton Road would need to be provided to marry with the widened access road. This should be undertaken to the appropriate Council standard under S184 of the Highways Act 1980 or by suitable alternative arrangement. If a new flank wall is to be provided on the revised flank boundary of No.5 with the widened access road, it would be prudent to maintain a low wall height in the vicinity of the site entrance and boundary with Brampton Road in order to aid pedestrian and vehicle safety on sight-line grounds. If feasible, a wall height not exceeding 0.6m should be provided for at least a metre length into the site from the back of footway. This should be applied to both sides of the revised new access e.g. including the boundaries of both No's 3 & 5.

It is also observed that further within the site, there is a localised 'pinch-point' between the 'skewed' rear garden boundary of No.7 Brampton Road and No.24 Clifton Gardens however this does not raise issue given that it would informally operate as a width restriction benefiting pedestrian movement within the development envelope by limiting the speed and other untoward vehicle movements.

#### Waste Storage/Refuse Collection

Although passenger and smaller delivery vehicles will be able to access the site without undue hindrance allowing entry and departure in a forward gear which is the recommended practice on highway safety grounds, a refuse vehicle (which can enter the site in a forward gear) may experience difficulty leaving in a forward gear due to the scale of turning area within the site envelope.

To negate the need for a refuse vehicle to enter the site in the first place, the design proposes an intermediate placement of a bin storage area/collection point within the access roadway which would be set into the site some 25m from the public highway (Brampton Road).

Technically this distance exceeds the recommended maximum waste collection distance of 10m between the proposed bin store and a refuse vehicle stopping on Brampton Road. However, in practise, refuse vehicles commonly reverse into side roads which they can legitimately undertake for an approximate and recommended maximum distance not exceeding 12m. It is anticipated that this manoeuvre would be applied in this case which would then reduce the aforementioned waste carrying distance close to that required. The bin storage arrangement is therefore considered broadly acceptable.

There is also a requirement for carrying distances from each residential unit to not exceed a distance of 30m. This parameter is slightly breached when considering the furthest unit from the bin store area (Plot 3). However, this additional carrying distance is considered marginal and therefore does not give rise for concern. Hillingdon's Waste Services confirm this arrangement as acceptable.

#### Construction Logistics Plan (CLP)

A full and detailed CLP will be a requirement given the constraints and sensitivities of the local residential road network in order to avoid/minimise potential detriment to the public realm. It will need to be secured under a suitable planning condition.

#### Conclusion

The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with Local Plan Part 2 Development Plan Policies DMT 1, DMT 2 & DMT 6 and Policies 6.3, 6.9, and 6.13 of the London Plan (2016)."

#### ACCESS OFFICER:

I have considered the detail of this planning application for 3, four bed houses and deem there to be no accessibility issues raised by the proposal. However, the following Conditions should be attached



to any grant of planning permission:

1. Prior to works commencing, details of step free access via the principal private entrances, and all other points of entry and exit, shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2016 London Plan policy 3.8(c) and policy D7 of the 2019 (Intend to Publish) London Plan, is achieved and maintained.

2. The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2016 London Plan policy 3.8(c) and policy D7 of the 2019 (Intend to Publish) London Plan, is achieved and maintained.

CONTAMINATED LAND OFFICER: No comments were received.

Case Officer Comments:

Due to the similar nature of the works proposed, the comments provided by the Contaminated Land Officer under planning ref: 74993/APP/2019/2504 remains applicable:

Please apply the following conditions:

1. Before any part of this development is commenced a site survey to assess contamination levels at the site shall be carried out to the satisfaction of the Council and a remediation scheme for removing or rendering innocuous all contaminants from the site shall be submitted to and approved by the Local Planning Authority. The remediation scheme shall include an assessment of the extent of any identified contaminants and provide in detail the remedial measures to be taken to avoid risk to the occupiers and the buildings when the site is developed. All works which form part of this remediation scheme shall be completed before any part of the development is occupied (unless otherwise agreed in writing by the Local Planning Authority). The condition will not be discharged until verification information has been submitted for the remedial works.

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

2. No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. All imported soils shall be laboratory tested for chemical contamination, and the results of analyses shall be submitted to the Local Planning Authority for approval.

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). '

CONSERVATION AND URBAN DESIGN OFFICER: No comments were received.

TREES/LANDSCAPE OFFICER:

This site is occupied by a council-owned redundant (35) garage court which is accessed from a

service road between 3-5 Brampton Road. The court runs on an east -west axis and is situated between the rear gardens of 22-40 Clifton Gardens and 17-31 Brampton Road. There are occasional trees around the external boundaries, none of which are protected by TPO or Conservation Area designation.

COMMENT: This application has been preceded by several applications, including 2019/2504. A tree report by Trevor Heaps, amended in February 2020, has identified and assessed eight trees which are on, or close to, the site. There are no 'A' grade trees. There are three 'B' grade trees, of which T5 and T6 are off-site and T7, a self-sown sycamore, lies within a narrow strip of land behind 34 Clifton Gardens and the garages. The other five trees are category 'C' trees - which are not normally considered to be a constraint on development. One tree has been identified for removal in order to facilitate the development - the 'B' grade sycamore, T7. While this tree is quite visible and has some visual amenity value, its future may be compromised by its location, sandwiched behind the garage and boundary fence. For the remaining trees to be retained, full tree protection details and an arboricultural method statement have been provided. The report confirms that at least 6No. trees will be planted as part of the new development. There appears to be an excessive area of hard-standing in front of the houses, albeit access has to be maintained to some rear gardens and garages belonging to the surrounding properties. A comprehensive landscape scheme should be secured by condition.

RECOMMENDATION: No objection subject to conditions RES9 (parts 1, 2, 4 and 5) and RES10.

## **7. MAIN PLANNING ISSUES**

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

Policy H1 of the London Plan (2021) states that London Borough of Hillingdon 10 year targets for net housing completions (2019/20-2028/29) is to deliver 10,830 houses.

The site lies within an established residential area, the use of the site to provide residential use is a material consideration in favour of the development subject to all other material planning considerations being acceptable.

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

Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2 and that developments will be expected to meet habitable rooms standards.

The site has a suburban setting and a Public Transport Access Level (PTAL) of 1a (where 1 is the worst and 6 is the best). The proposed comprises of 3 x 4-bedroom residential units, which totals to 12 habitable room on the 1,277sqm land. The density would equate to 106 habitable room per hectare, within the range of the recommended 105 - 231 habitable rooms per hectare in accordance to Table 5.2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020). However, taking into consideration of the site constraints, such as the long access road onto the site, the development is considered to provide an appropriate level of accommodation for this suburban setting.

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

Not applicable to this application.

### **7.04 Airport safeguarding**

The site is located within 1.7km of Northolt RAF, however the proposed height of the development is 8.7m which is similar of the adjoining residential dwellings. As such, the proposed development would be unlikely to impact on the nearest aerodrome safeguarding.

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

Not applicable to this application.

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

Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020) ensures all development to harmonise with the local context by harmonising with the local context by taking into account the surrounding; scale of development, considering the height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

The proposal seeks to provide 2-storey terrace houses of similar height to the existing surrounding properties. The new building comprises of a part hip, part gable roof that is visually larger than the surrounding area. The flank walls are raised above the eaves level to reduce the extent of the hip end to both ends of the new block. The roof will result in a larger loft space for the two end dwellings. It should be noted that the site is to the rear of Brampton Road and Clifton Garden hence, the development will unlikely be visible when viewed from the street scene.

Boundary treatment including paving and landscaping of the site is secured by way of a condition to ensure the proposal provides an attractive, convenient and safe access to the site for its future residents and minimises opportunities for anti-social behaviour.

Overall, given the location of the proposed development, the impact on the character and appearance of the area would be minimal, the proposal would therefore considered to comply with Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019).

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

Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020) states that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Paragraph 5.38 of The Local Plan: Part 2 - Development Management Policies (2020) encourages a minimum of 21 metres separation distance between windows of habitable rooms in order to maintain levels of privacy and to prevent the possibility of overlooking.

The proposed terrace houses are two-storeys in height with loft space. The dwellings are located with a minimum setback of 1.2m from the side boundary of the property. There is a minimum of 33.4m separation between the proposed flats and the dwellings fronting onto Clifton Gardens on the north and a 15.6m separation distance to the residents of Brampton Road. The south and north elevation (side) indicate that there are no windows on the first floor however there is a small window on ground level which would be mostly hidden by the property fence. As there are no habitable room windows on the side elevations, the proposal is considered acceptable and would maintain a level of privacy to both the future occupier and adjacent neighbours. The habitable room windows to the rear elevation faces onto the dwellings' own rear garden which measures 23.5m in length. As such, complies with the 21m separation distance hence preventing any overlooking onto neighbouring properties as specified under the Paragraph 5.38 of The Local Plan: Part 2 - Development

Management Policies (2020). To the front of the property, front habitable windows are present in the loft space and the first level bedroom. The separating distance between the habitable room at a 45 degree angle would have a minimum of 23 metres hence over and above the 21 metre required. Overall, the development would unlikely to have adverse impact on the amenity, daylight and sunlight of adjacent properties.

The existing site comprises of 35 redundant garages. The proposed building would be approximately 8.7 metres high. Whilst there is an increase in height, the proposed height would be similar to the surrounding area, which is approximately 8.5 metres high.

On these basis, it is considered that the overall proposal will not have a detrimental impact on the amenity of neighbouring residents and therefore considered to comply with DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020).

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

##### **PRIVATE AMENITY SPACE**

Policy DMHB 18 of The Local Plan: Part 2 - Development Management Policies (2020) requires all new residential development to provide good quality and useable private outdoor amenity space. The minimum amenity space provision requires a minimum of 100 square metres for a house with 4 bedrooms.

Each proposed terrace dwelling consist of their individual private gardens to the rear of the properties. The rear garden amenity space ranges from 148 square metres to 167 square metres and as such, it is compliant with the requirements of Policy DMHB 18 of The Local Plan: Part 2 - Development Management Policies (2020).

##### **MIX OF UNITS**

Policy H10 of The London Plan (2021) expects that new development to deliver mixed and inclusive neighbourhoods, a range of unit types at different price points, mix of uses in the scheme and a range of tenures in the scheme, optimise housing potential on sites and provide additional family housing.

The proposed is considered appropriate within this suburban location to delivery family-size housing given that there is an identified need and as such this is a material consideration that weighs in favour of this application.

##### **UNIT SIZE**

Table 3.1 of The London Plan (2021) sets out the minimum sized residential units. For 3 storey dwellings with 4 bedrooms for:

- 5 people, 103 square metres required
- 6 people, 112 square metres required
- 7 people, 121 square metres required

The minimum gross internal floor area of the dwelling houses is 129.9 square metres, hence can accommodate up to 7 people per dwelling. The internal unit size is in accordance with the recommended floorspace standards within Table 3.1 of The London Plan (2021).

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

Policy DMT 2 of The Local Plan: Part 2 - Development Management Policies (2020) ensures development proposal have safe and efficient vehicular access to the highway

network and would provide a safe, secure and convenient access and facilities for cyclists and pedestrian.

The proposal seeks to utilise the existing access between no. 3 and 5 Brampton Road, which measures 3 metres wide. The neighbouring residents that consists of rear garages that utilises the access will maintain to have the right of access by foot and vehicle. The Highways Officer has reviewed the proposal and raised no objections in terms of the traffic impact and pedestrian safety. Therefore it is considered that the proposed is in accord with Policy DMT 2 of The Local Plan: Part 2 - Development Management Policies (2020).

Policy DMT 6 of The Local Plan: Part 2 - Development Management Policies (2020) states that development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity.

The car parking provision is proposed on site. Two car parking spaces are provided for each new dwelling, therefore a total of 6 car parking spaces for the entire site. Car parking no. 1 is a DDA compliant car parking space for owners with mobility issues. The car parking spaces are located directly to the front elevation of the dwellings for ease of access.

The Highways Officer was consulted and no objections were raised. The proposal would not result in harm to pedestrian movement or highways safety. As such, complies with Policy DMT 6 of The Local Plan: Part 2 - Development Management Policies (2020).

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

##### **ACCESS AND SECURITY**

A condition is recommended requiring the applicant to achieve secured by design certification given that it is known this site has been subject to anti-social behaviour in the past.

#### **7.12 Disabled access**

As stated by the Council's Access Officer, the proposal raises no concerns in terms of accessibility and no objections has been raised subject to planning conditions.

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

Not applicable to this application.

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

Policy DMHB 14 of The Local Plan: Part 2 - Development Management Policies (2020) expect all development to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

North of the site, there is an existing tree within the site boundaries. It is proposed that the tree is to be removed. The Council's Trees/Landscape officer was consulted and no objections was raised in regards to the proposed landscaping, subject to planning conditions.

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

Based on the nature of the site, constraints and topography, the refuse bins are located along the access road to the site. The Waste Strategy Officer was consulted and considers the proposed refuse location is acceptable, however a condition is recommended should the application be approved to ensure small bins are used.

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

Not applicable to this application.

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

The site is located within a Critical Drainage Area. Due to the similar nature of the works proposed, the comments provided by the Flood and Water Management Officer under planning ref: 74993/APP/2019/2504 remains applicable therefore a SuDs condition is recommended should the application be approved.

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

NOISE

The residential dwellings is located in a suburban area, mainly comprises of dwellinghouses. No objections are raised.

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

Refer to "External Consultees" section.

#### **7.20 Planning obligations**

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) To ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

B) Planning obligations will be sought on a scheme-by-scheme basis:

i) to secure the provision of affordable housing in relation to residential development schemes;

ii) where a development has infrastructure needs that are not addressed through CIL; and

iii) to ensure that development proposals provide or fund improvements to mitigate site specific impacts made necessary by the proposal.

C) Applications that fail to secure an appropriate Planning Obligation to make the proposal acceptable will be refused.

The Community Infrastructure Levy Regulation 2010 (Regulations issued Pursuant to the 2008 Act) and the NPPF have put three tests on the use of planning obligations into law. It is unlawful (since 6th April 2010) to request planning obligations that do not meet the following tests:

i. necessary to make the development acceptable in planning terms

ii. directly related to the development, and

iii. fairly and reasonable related in scale and kind to the development

The effect of the Regulations is that the Council must apply the tests much more strictly and is only to ask for planning obligations that are genuinely necessary and directly related to a development. Should planning obligations be requested that do not meet the policy tests the Council would have acted unlawfully and could be subject to a High Court challenge.

COMMUNITY INFRASTRUCTURE LEVY (CIL):

The scheme would also be liable for payments under the Community Infrastructure Levy.

Please be advised that as from 1 April 2012, all planning approvals for schemes with a net

additional internal floor area of 100m<sup>2</sup> or more will be liable for the Mayoral Community Infrastructure Levy (Mayoral CIL), as legislated by the Community Infrastructure Levy Regulations 2010 and The Community Infrastructure Levy (Amendment) Regulations 2011. The liability payable will be equal to £60 per square metre (from April 2019). The London Borough of Hillingdon is a collecting authority for the Mayor of London and this liability shall be paid to LBH in the first instance.

In addition the development represents Chargeable Development under the Hillingdon Community Infrastructure Levy, which came into effect on 1st August 2014. The liability payable is equal to £95 per square metre for residential development.

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

Not applicable to this application.

#### **7.22 Other Issues**

None.

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

#### **General**

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

#### **Planning Conditions**

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### **Planning Obligations**

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### **Equalities and Human Rights**

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected

characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

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

Not applicable to this application.

#### **10. CONCLUSION**

In conclusion, the development provides adequate car parking and external amenity space. Whilst the proposal is greater in height than the existing garages, its footprint is limited and it would not be detrimental to the adjoining area or the amenity of neighbouring residents. Given its location to the rear of existing dwellinghouses, the impact on the character and street scene would be limited.

The application is recommended for Approval.

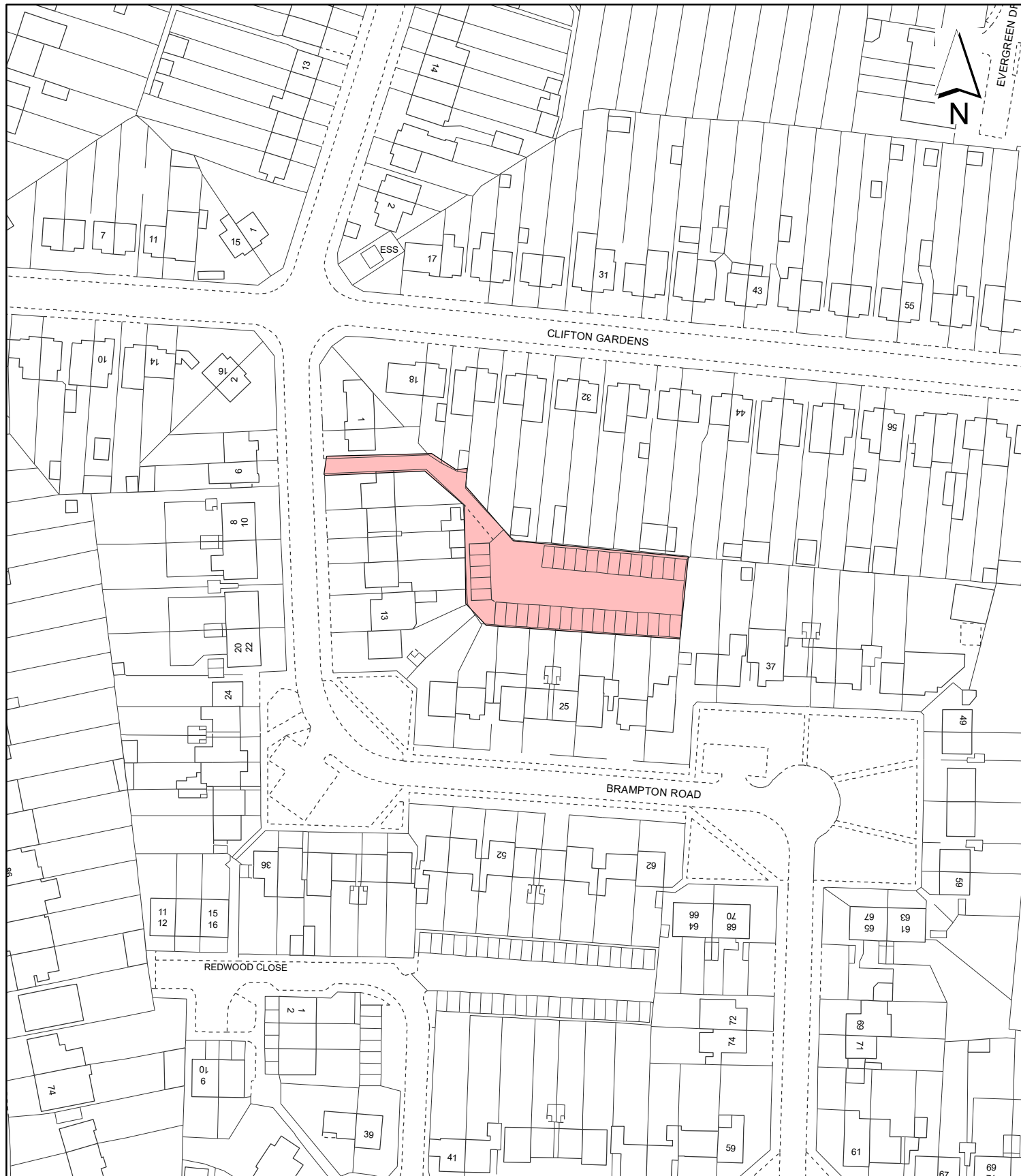
#### **11. Reference Documents**

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)  
National Planning Policy Framework (2019)  
The London Plan (2021)

**Contact Officer:** Rebecca Lo

**Telephone No:** 01895 250230





### Notes:

 Site boundary

For identification purposes only.

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Site Address:

**5-31 Garage Court,  
Rear of Brampton Road**

Planning Application Ref:

**74993/APP/2020/4001**

Scale:

**1:1,250**

Planning Committee:

**Central and South**

Date:

**April 2021**

**LONDON BOROUGH  
OF HILLINGDON**  
**Residents Services  
Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: Uxbridge 01895 250111



**HILLINGDON**  
LONDON