

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

**Address** 59 ELM AVENUE EASTCOTE

**Development:** Erection of a residential building comprising 4 x 2-bed flats and 2 x 1-bed flats with associated bin storage and cycle provision including demolition of existing dwelling and corner drop kerb and installation of drop kerb and widening of front drop kerb.

**LBH Ref Nos:** 60130/APP/2020/4166

**Drawing Nos:** Level Survey  
Parking Survey (Dated December 2020)  
Planning, Design and Access Statement (Dated December 2020)  
WTFR-FRA-2020/12/Q22 Flood Risk Assessment (Dated 5th January 2021)  
EA59-AP1-1002  
EA59-AP1-1003  
EA59-AP1-1004  
EA59-AP1-1005  
EA59-AP1-1006  
EA59-AP1-1007  
EA59-AP1-1008  
EA59-AP1-1001  
3647 Issue 1 Daylight and Sunlight Assessment for Planning (Dated December 2020)

**Date Plans Received:** 15/12/2020

**Date(s) of Amendment(s):** 15/12/2020

**Date Application Valid:** 14/01/2021

15/01/2020

### 1. SUMMARY

This application seeks permission for the erection of a residential building housing 4 x 2-bed flats and 2 x 1-bed flats. The residential use of the application site for flats is considered generally acceptable. However, the proposed development would result in the loss of family housing and would not optimise the provision of family housing in accordance with the Borough's housing need. Furthermore, the proposed development, by reason of its siting, scale, bulk and design, also fails to harmonise with the established local context, to the detriment of the character, appearance and visual amenities of the street scene and the wider area.

Accordingly, the application is recommended for refusal.

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Reason for Refusal - Design

The proposed development, by reason of its siting, scale, bulk and design, fails to harmonise with the established local context, to the detriment of the character, appearance and visual amenities of the street scene and the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and D6 of the

London Plan (2021) and the National Planning Policy Framework (2019).

**2            NON2            Reason for Refusal - Unit Mix**

The proposed development leads to the loss of a family sized residential unit and by reason of the proposed unit mix fails to provide sufficient family sized units, as required by the latest information on housing need in the Borough. The proposed development fails to contribute towards mixed and balanced communities and the range of housing types required within the Borough contrary to Policy DMH 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy H10 of the London Plan (2021) and the National Planning Policy Framework (2019).

**INFORMATIVES**

**1            I71            LBH worked applicant in a positive & proactive (Refusing)**

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 Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

a), b) or c) to be added depending on the refusal circumstances:

a) We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

b) In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable which the applicant chose not to implement.

c) In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable. However, the amendments required to make the application acceptable are substantial and would materially change the development proposal. They would require further consultation to be undertaken prior to determination which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider the submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

**2            I52            Compulsory Informative (1)**

The decision to REFUSE 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).

**3            I53            Compulsory Informative (2)**

The decision to REFUSE 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 1	Safeguarding Existing Housing
DMH 2	Housing Mix
DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP G5	(2021) Urban greening
LPP SI12	(2021) Flood risk management
LPP SI13	(2021) Sustainable drainage
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport

#### **4            I74            Community Infrastructure Levy (CIL) (Refusing Consent)**

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. For more information on CIL matters please visit the planning portal page at: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

### **3.            CONSIDERATIONS**

#### **3.1            Site and Locality**

The application site comprises a rectangular plot of land of approximately 536 square metres located on the corner of the junction of Elm Avenue and Oak Grove. It currently comprises a detached bungalow which has been extended at the rear and side.

The street scene is residential in character comprising a mix of housing types mainly of semi-detached properties with some detached houses and bungalows. No. 61 Elm Avenue to the West is a chalet bungalow and no. 57 Elm Avenue to the East is a semi-detached

two storey property.

Based on the Council's GIS, the site forms part of a Critical Drainage Area. Transport for London's WebCAT planning tool also confirms that the site has a moderate Public Transport Accessibility Level (PTAL) rating of 3.

### 3.2 Proposed Scheme

This application seeks permission for the erection of a residential building housing 4 x 2-bed flats and 2 x 1-bed flats with associated bins and cycle provision including demolition of existing dwelling and corner drop kerb and installation of drop kerb and widening of front drop kerb.

### 3.3 Relevant Planning History

60130/APP/2004/3119     59 Elm Avenue Eastcote  
INSTALLATION OF A VEHICULAR CROSSOVER

**Decision:** 07-01-2005     Approved

60130/APP/2019/1369     59 Elm Avenue Eastcote

Two x 2-storey, 3-bed detached dwellings with associated parking and amenity space involving demolition of existing bungalow

**Decision:** 07-08-2019     Not Determined     **Appeal:** 08-11-2019     Allowed

60130/APP/2019/98     59 Elm Avenue Eastcote

Two x 2-storey, 3-bed detached dwellings with associated parking and amenity space involving demolition of existing bungalow

**Decision:** 14-03-2019     Refused

#### Comment on Relevant Planning History

Application reference 60130/APP/2019/1369 sought permission for two x 2-storey, 3-bed detached dwellings with associated parking and amenity space involving demolition of existing bungalow. The application was refused for the following reason:

The proposed development, by reason of its siting, massing, architectural style, size, scale, bulk, and design would appear as a cramped form of development, providing a poor quality of urban design which would be detrimental to the openness of this prominent corner plot. The proposal therefore fails to complement the established character and visual amenity of neighbouring properties in Elm Avenue and in the immediate locality and represents an incongruous and intrusive form of development in the Elm Avenue street scene, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document (SPD) HDAS: Residential Layouts.

This proposal was allowed under appeal reference APP/R5510/W/19/3232952. The Inspector stated the following:

"The proposed dwellings would be modest in size and would be in keeping with the scale of built development in the area. Whilst the proposed properties would appear prominent on the corner plot, they would not be visually intrusive due to the separation with neighbouring properties. The highway junction and surrounding verges maintains visual relief within the built form. The proposal, due to its size and positioning would not encroach on this visual gap and would not have a detrimental effect on openness. The proposed dwellings are sensitive in scale and would not appear as cramped or dominating features within the street scene or surrounding area."

#### **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.EM6 (2012) Flood Risk Management  
PT1.EM7 (2012) Biodiversity and Geological Conservation  
PT1.EM8 (2012) Land, Water, Air and Noise  
PT1.H1 (2012) Housing Growth

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

DMH 1 Safeguarding Existing Housing  
DMH 2 Housing Mix  
DMH 4 Residential Conversions and Redevelopment  
DMHB 11 Design of New Development  
DMHB 14 Trees and Landscaping  
DMHB 15 Planning for Safer Places  
DMHB 16 Housing Standards

DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 6	Vehicle Parking
LPP G5	(2021) Urban greening
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NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 9	NPPF-9 2018 - Promoting sustainable transport

## **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 site and letters were sent to neighbouring properties. All forms of consultation expired on 8th February 2021. A total of 18 objections have been received with a petition in objection with 83 signatories.

The objections received are summarised as follows:

- the building will dominate the street scene and is not in keeping with adjacent properties;
- the development takes away family housing to provide six flats with cramped accommodation;
- the development provides parking for only four cars on the forecourt and will increase on-street parking and congestion elsewhere;
- traffic and pedestrian safety will be compromised at the busy junction of Elm Avenue, Oak Grove and Lime Grove by this development;
- the development does not provide enough amenity space and is an overdevelopment of the site;
- the development will overload drainage and sewage systems;
- the development will devalue neighbouring properties; and
- the development will have a noise impact on neighbours.

### **PLANNING OFFICER COMMENT:**

All material planning considerations are addressed within the main body of the report. It should be noted that any impact on the value of property in the area is not a material planning consideration.

EASTCOTE RESIDENTS' ASSOCIATION

We ask that this Application be refused.

Although another application has had approval, effectively, this application is seeking to replace a moderately sized bungalow, with a small garage, on an open corner plot with a 2.5 storey building providing 6 flats which, according to the bedroom numbers and sizes, will be able to accommodate 16 people.

The previous application, 60130/APP/2019/1369, approved at appeal, was for 2 detached 3-bedroom properties. As the Appeal Inspector said, 'these proposed dwellings would be modest in size and would be in keeping with the scale of built development in the area.'

Any comparison between the two applications is without foundation. As a single building of substantial scale and mass, the current application is not in keeping with the area. It dominates and its solid and bulky form takes away the existing sense of space. As the Inspector highlighted, the road is largely made up of two storey houses. There are many single storey garages to the sides of houses, allowing for views from front to back and further enhancing the feeling of space throughout the road. There are no blocks of flats of the proposed size, thus it neither fits in with, nor enhances, the street scene. It does not look like a development of semi-detached houses, as the applicant suggests is the aim.

The view that it is providing further much needed flats is not correct in this area - largely through permitted development, in recent years, some 250+ new units have been created nearby in Field End Road, around the Eastcote shopping centre. Furthermore, the Elm Avenue street scene is very much a reflection of the Metroland environment that should be taken into account and preserved when new developments are considered.

#### Highway Safety:-

One of the greatest concerns with this application is highway safety and we request that, this time round, the Highways Officer be asked to take a really detailed look at all aspects in this regard.

The applicant's own car parking survey quotes the NPPF regarding the fact that a reason for refusing an application can be where there is 'an unacceptable impact on highway safety' and we submit that this is the situation here.

What needs to be taken into account is that the plot is not only on the corner of Oak Grove but, as such, is also where Elm Avenue, Lime Grove and Oak Grove meet:-

- Elm Avenue is generally a busy cut through road for all types of traffic, and additionally is specifically an established east/west cut-through for emergency vehicles.

- Lime Grove - another busier than might be expected road, due to the fact that it is the sole access to a large part of Pembroke Park Estate.

- Oak Grove has one narrow footpath, on the side of the site, the road is also narrow and there is the railway bridge. Anecdotally, residents report lorries and vans frequently mounting the pavement to pass each other. It should be checked if pedestrians (perhaps someone with children, a buggy or a wheelchair) on the path will be visible from the site forecourt parking area and as cars move out onto the road.

Cars going in or out of the front forecourt parking spaces on the site will either have to back into their space from the road, or back out onto it. Whilst the D&A statement states the visibility splays show that visibility is good, this appears to be only in regard to Elm Avenue itself, ie in straight lines to right and left, and it does not take into account the configuration of roads and the individual points detailed

above. In addition to any vehicle safety issues, it does not address the safety of pedestrians.

#### Car Parking:-

As per the applicant's own Parking Survey document, they are not meeting LBH's car parking space requirements and the London Plan would also require more than the 4 they are showing.

In addition, they are specifically allocating the 4 spaces, at 1 each, to the 4 ground and first floor flats. None are available to the roof space flats, whose residents they say will not need them. In planning approval terms, is this an allowable way to allocate spaces? There is no allocation for visitors.

Elm Avenue is all 'yellow line' (Monday to Saturday 8am-6.30pm), which is something that this application does not address at all. The junction has double yellow lines to the boundaries of Nos. 57 and 59.

The Parking Survey also relies on a now very out of date 2011 Census on vehicle ownership. It also frequently states that the site is situated in an area where vehicle ownership is not essential. This is entirely at odds with the reality which, as LBH states, is that the borough has the highest number of residents travelling to work by car, reflecting the number of residents working outside London and the limited useful connectivity of public transport.

#### Crossovers:-

It is appreciated that one of the previous crossovers, the one sited on the corner of Elm Avenue and Oak Grove, is to be removed. However, in relation to new crossover applications, the Council states that 'only one crossover will be permitted per property and requests for additional crossovers will be rejected.'. We consider it unacceptable that this application provides for two crossovers onto Elm Avenue, particularly given the great width of each - 4729 and 5000mm respectively.

#### Internal Issues:-

- Flats 5 and 6 only just meet the minimum standard floor areas, each being 50 square metres, which is actually without taking into account the areas of restricted floor to ceiling height, limiting fully usable space.

- The dormer windows are to be with frosted glass and fixed shut. The bedroom in each has only one other small window, and the living area one small window and 2 small Velux - this suggests that light will be quite restricted in both the roof flats. Is the amount of light and ventilation provided actually to an acceptable level?

- The D&A statement says that each of the units has been laid out to stack bedrooms above bedrooms and living/kitchen spaces above each other as well. This is good, best practice, but it is not in fact the case here. According to the floor plans regarding the flats in the roof in relation to the flats on the first floor, the kitchen/living rooms are stacked on the bedrooms and vice versa.

#### Accessibility:-

After explaining how they cannot install a lift for commercial and technical reasons, the applicant mitigates this by saying both ground floor flats will meet accessibility standards but they do not give details of how they will fully comply with M4(2), Part M Regs and if they are to do this, they have not designated a disabled parking bay for which anyway there would not seem to be the necessary space in the parking area.



## Amenity Space:-

The 'private' amenity space for flats 1 and 2 cannot be accessed directly from either flat. In both cases, residents have to exit the flat, walk down a side pathway and enter the space via a garden gate which theoretically, unless kept locked at all times, could be accessed by anyone from any of the other flats.

## Structural Issues relating to the Oak Grove bridge

On the right-hand side of the plot, the proposed building is now shown as being only 1313mm away from the narrow Oak Gove footpath, road and railway bridge. As part of their application documentation, the applicant should be asked provide a structural engineer's report showing how the building works will be able to mitigate any risk of damage to the footpath and road.

## COUNCILLOR HEENA MAKWANA:

The desired outcome is refusal on the grounds of its sheer size and bulk, the lack of parking and the proposal of two dropped kerbs that are extremely close to a junction; this will of course have significant safety implications.

## PLANNING OFFICER COMMENT:

Regarding highway safety, car parking and crossovers, this is considered by the Council's Highways Officer and is addressed within Section 07.10 of the report. It should be highlighted that Policy T6.1 of the London Plan (2021) states that development of 1 to 2 bedroom units in outer London with a PTAL rating of 2 to 3 should provide up to 0.75 car parking spaces per dwelling. For the proposed development, this would equate to 4.5 car parking spaces.

Regarding internal issues, it is noted that any area with a headroom of less than 1.5 metres is not counted within the Gross Internal Area unless used solely for storage. The minimum floor to ceiling height must also be 2.5 metres for at least 75 per cent of the Gross Internal Area of each dwelling. The measurements are addressed within Section 07.09 of the report.

Accessibility is addressed within Section 07.12 and amenity space is addressed in Section 07.09.

The proposed development is also at least 25 metres from the Oak Grove bridge. Any structural issues relating to this are considered to be outside the remit of this application.

## Internal Consultees

### ACCESS OFFICER:

I have reviewed the addendum to the Design & Access Statement, copied below, and, based on the information submitted, now withdraw my objection to this scheme that does not incorporate lift access to the proposed four flats above ground.

However, any approval must include the following conditions:

Prior to works commencing, details of step free access via the principal private entrance 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 2021 London Plan policy D7 is achieved and maintained.

The two ground floor 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 2021 London Plan policy D7 is achieved and maintained.

HIGHWAYS OFFICER:

#### Site Characteristics & Background

The site is located within a predominantly residential catchment in Eastcote. The site is occupied by a detached 2-bedroom bungalow located on the corner of Elm Avenue (designated as 'classified') and Oak Grove which is to be demolished and replaced with a single block containing 4x2 and 2x1 bedroom flatted units. 4 on-plot car parking spaces are proposed on the frontage together with 6 cycle spaces to the rear. An existing carriageway crossing (cc) that serves the site envelope on the junction of Elm Avenue/Oak Grove is to be extinguished and relocated with modification (i.e. widening) to the other remaining cc on Elm Avenue.

The surrounding properties exhibit reasonably sized frontages with on-plot parking facilities and the area is situated on the edge of a controlled parking zone (CPZ) operating from 9am to 5pm - Monday to Saturday with double yellow lines on the immediate road junction. However neighbouring roads such as Oak and Lime Grove lie outside of the CPZ and are therefore unrestricted. The address exhibits a public transport accessibility level (PTAL) rating of 3 which is considered as moderate and as such heightens dependency on the ownership and usage of private motor transport.

A previous application for 2x3 bedroom detached dwellings (60130/APP/2019/1369) with a total of 2 on-plot parking spaces was refused (but not on highway related grounds) and thereafter allowed on appeal.

#### 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.

The maximum requirement for the 6 flatted units amounts to 1-1.5 on-plot spaces per unit. 6 to 9 spaces are therefore required. 4 spaces are proposed hence there is a deficit in provision.

It is noted that the previously refused application for 2x3 bedroom detached dwellings (allowed on appeal) accepted a lower on-plot provision of 2 spaces where 4 would normally have been required if the maximum parking standard was applied at that time.

To assist in justifying the lower provision for the current application, the applicant has undertaken parking stress surveys within the locality in order to catalogue the levels of parking demand in all roads within a walking distance of 200m of the site. Industry recognised methodology has been applied and the findings indicate that during the recommended surveyed periods there appears to be in excess of 40% spare parking capacity which can be legitimately used on the surrounding roadways. As there is no evidence to the contrary as confirmed by random checks by Council officers, the findings are considered robust and relevant and therefore supportive of a lower on-plot parking quantum.

Electric Vehicle Charging Points (EVCP's)

In line with the emerging London Plan, within any final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions. In this case, a single space should be made 'active' in order to future proof for anticipated demand with the remaining 3 spaces designated as 'passive'. This aspect should be secured by way of planning condition.

#### Cycling Provision

A minimum of 1 secure and accessible cycle space per unit should be provided in order to conform to the Council's adopted cycle parking standard. 6 communal spaces are indicated to the rear of the property with an acceptable positioning of a secure and accessible compound indicating conformity to the standard.

#### Proposed New and Revised Carriageway Crossing

There is no objection to the principle of the two separate carriageway provisions i.e. an existing to be widened with the other extinguished and relocated. Both access points should be dimensioned accordingly in line with the Council's carriageway crossing standard i.e. 3.6m at the back of footway and 4.8m (with taper kerbs) at the edge of kerb. Differing dimensions have been indicated on plan which would be remedied post-permission. Final provisions together with extinguishment of the existing crossing and corresponding reinstatement of footway on the corner would be implemented to the Council's construction standard and at the applicant's expense.

In highway safety terms, effort should be made to maintain a low frontage wall treatment onto Elm Avenue in order to help ensure conformity to the relevant mutual inter-visibility sight-line requirements, as per DfT (Manual for Streets (MfS) circa 2007) best practice for new development road and parking layouts guidance, between vehicles leaving the site and extraneous vehicles/pedestrians on Elm Avenue itself. In order to assist with improving sight-lines at both site entrances for vehicles and pedestrians, it is therefore recommended that any front boundary wall height should not exceed 0.6m to achieve the aim of improved visibility. This aspect can be secured via 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.

The proposal would produce a marginal increase in traffic generation from the site as compared to the existing single dwelling unit however peak period traffic movement into and out of the site would not be expected to rise beyond 2-3 vehicle movements during the crucial peak morning and evening hours. Hence this 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.

#### Operational Refuse Requirements

In order to conform to the Council's 'waste collection' maximum distance collection parameter of 10m i.e. distance from a refuse vehicle to the point of collection, arrangements should ensure that waste is positioned at a collection point within this set distance. The proposed positioning of the bin storage area on the frontage therefore indicates conformity. There are no further observations.

#### 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 measurable 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).

#### TREES AND LANDSCAPING OFFICER:

This site is occupied by a bungalow on an exceptionally wide plot at the junction of Oak Grove. There is evidence that some conifers lining the sloping boundary of Oak Grove have been removed relatively recently, albeit this did not require the permission or notification of the LPA. There are no TPO's or Conservation Area designations affecting the site, although there are mature trees at the end of the garden, lining the railway corridor.

#### Comment:

This submission follows a number of previous submission including applications ref. 60130/APP/2019/98 and 2019/1396. No trees will be affected by the proposal. The front garden will be dominated by car parking and bin storage, although some space has been reserved for soft landscape which will be required (by condition). The bin store should be located closer to the building where they can be better screened from public view (or to the rear). There is a significant change of level between Oak Grove and the site as the road approaches the bridge over the railway line. Details of the changes of level and any retaining structures will be required.

#### Recommendation:

If you are minded to approve this application, please add conditions RES9 (parts 1,2, 5 and 6).

#### CONSERVATION AND URBAN DESIGN OFFICER:

The application seeks permission to erect a residential building housing 4 x 2-bed flats and 2 x 1-bed flats with associated bins and cycle provision including demolition of existing dwelling and corner drop kerb and installation of drop kerb and widening of front drop kerb.

The proposed development site is situated on a prominent corner where Oak Grove meets Elm Avenue. The houses along Elm Avenue are either bungalows or detached / semi-detached houses that are traditional in character and no greater than two-storeys in height with traditional pitched tiled roof forms with hips and gables.

The proposed developments width is consistent with the semi-detached houses within the street and is considered acceptable. The proposed building, however, does not respect the front building line being set back further into the site. This has also upset the rear building line as the building's footprint extends further into the garden plot. This approach jars with the streets more consistent building lines. This inconsistency is amplified by the building's location on a prominent corner site. Despite these concerns a similar alignment was recently approved on appeal for two houses on the same site.

The roof form of the proposed development is not consistent with the neighbouring properties. The proposed development proposes 2 residential flats within the roof space which has resulted in a bulky 'crown' roof form. This is not consistent with the well-established and more modest less bulky traditional even pitched roofs that terminate to the ridge. These roof forms are appreciated in kinetic views as one moves through the area and are one of the main unifying characteristics of the houses. The impact of the inappropriate roof form is exacerbated by the building not respecting the established front and rear building lines and would draw undue attention on this prominent corner location and jar in the street scene.

The proposed development by virtue of its roof form would not harmonise with the adjacent well-established houses introducing an incongruous and 'bulky' roof form at odds with the buildings within

the local area.

The development in its current form is not considered acceptable. It is suggested that the two flats within the roof be removed and a more characteristic roof form be constructed to complement the houses within the area.

## **7. MAIN PLANNING ISSUES**

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

#### **RESIDENTIAL DEVELOPMENT**

Policy H1 of the London Plan (2021) states that in order to ensure that ten-year housing targets are achieved, boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially on sites with PTAL ratings of 3-6.

Policy H2 of the London Plan (2021) also states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs
- 2) diversify the sources, locations, type and mix of housing supply
- 3) support small and medium-sized housebuilders
- 4) support those wishing to bring forward custom, self-build and community-led housing
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.

In accordance with the London Plan, there is planning policy support for the principle of residential development.

#### **FLATS**

Policy DMH 4 of the Hillingdon Local Plan: Part 2 (2020) states that residential conversions and the redevelopment of dwellings into new blocks of flats will only be permitted where:

- i) it is on a residential street where the proposal will not result in more than 10% of properties being redeveloped into flats;
- ii) On residential streets longer than 1km the proposed redevelopment site should be taken as the midpoint of a 1km length of road for assessment purposes;
- iii) the internal floor area of the original building to be converted is at least 120 sqm; and
- iv) units are limited to one unit per floor for residential conversions.

The redevelopment of dwellings into new blocks of flats can enable more effective use of sites to be achieved. However, this type of development must seek to enhance the local character of the area. Large concentrations of flats have resulted in a range of problems, including increased on-street parking and resultant congestion on roads, the loss of front gardens, reductions in privacy, significant changes to the street scene, and loss of family accommodation.

Based on a 1km survey of Elm Avenue, the proposed redevelopment of the application site into a block of flats would not result in more than 10% of properties being redeveloped into flats. Accordingly, the proposed development is not contrary to Policy DMH 4 of the Hillingdon Local Plan: Part 2 (2020).

#### **UNIT MIX**

Policy H10 of the London Plan (2021) notes that new development should consist of a range of unit sizes. It is also noted that one and two bed units have a role in freeing up existing family housing.

Policy DMH 2 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly 3 bedroom properties, as identified in the Strategic Housing Market Assessment 2016.

In accordance with Policy DMH 2, developments should demonstrate how the provision of family housing has been optimised, to address local needs. The proposed development would provide 4 x 2-bedroom flats and 2 x 1-bedroom flats, and therefore fails to provide any family housing in accordance with need. Given that the site accommodates a detached bungalow with approximately 84 square metres internal floorspace, equivalent to a 3 bedroom 4 person single storey unit, the proposed development would result in the loss of a family unit without its re-provision. Although the site is moderately accessible with a PTAL rating of 3 and approximately 300 metres from Eastcote Town Centre, it is not agreed that the provision of family housing units has been optimised. The proposal would not consist of an appropriate mix of unit sizes and is considered to be contrary to Policy DMH 2 of the Hillingdon Local Plan: Part 2 (2020) and Policy H10 of the London Plan (2021).

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

Policy D3 of the London Plan (2021) establishes the design-led approach which requires that all development make the best use of land that optimises the capacity of sites. Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2 of the London Plan (2021) which states that Boroughs should pro-actively support well-designed new homes on small sites below 0.25 hectares in size.

The site is moderately accessible with a PTAL rating of 3 and approximately 300 metres from Eastcote Town Centre. Accordingly, a higher density of development would generally be considered to be acceptable in such a location.

The form, layout, quality and character of the proposed development is considered under Section 07.07 of the report. The experiential factors of the proposed development are considered under Sections 07.08 and 07.09.

Based on these considerations, the proposed density of the development is considered to be appropriate and is not contrary to Policy D3 of the London Plan (2021).

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

Not relevant to the consideration of this application.

#### **7.04 Airport safeguarding**

Not relevant to the consideration of this application.

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

Not relevant to the consideration of this application.

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

Policy BE 1 of the Hillingdon Local Plan: Part 1 (2012) requires all new development to

improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

i) 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.

ii) ensuring the use of high quality building materials and finishes;

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and

v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

D) 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 policies quoted above are supported by Policies D3 and D6 of the London Plan (2021)

The street scene is residential in character comprising a mix of housing types mainly of semi-detached properties with some detached houses and bungalows. No. 61 Elm Avenue to the West is a chalet bungalow and no. 57 Elm Avenue to the East is a semi-detached two storey property.

The proposal would consist of a two storey building with habitable roof space, measuring 14.9 metres in width, 12.2 metres in depth and 9.6 metres at its highest point. It would be sited approximately 6.1 metres back from the Elm Avenue footway and 1.7 metres back from the Oak Grove footway. Relative to neighbouring properties, the building would be sited approximately 2.6 metres back from the front building line and 5.5 metres passed the rear building line established by properties located along Elm Avenue.

It is noted that planning appeal reference APP/R5510/W/19/3232952 granted permission for 2 no. 2-storey, 3-bed detached dwellings. Each of the approved units measured 6.5 metres in width, 11.5 metres in depth and 8.1 metres in height. Evidently, the development currently proposed would increase the footprint and volume of development proposed on this corner plot by increasing the height, width and depth of the building proposed. Although

the height and width of the proposed building would be broadly comparable to some neighbouring properties, the depth would be considerably greater. In this sense, the proposed development is failing to harmonise with the local context.

Notably, the proposed detached house would utilise a crown roof form. The street scene comprises of hipped roof forms with no set precedent for crown roof forms. Part B)(viii) of Policy DMHD 1 of the Hillingdon Local Plan: Part 2 (2020) specifically states that large crown roofs on detached houses will not be supported. Accordingly, the proposal for a flat roof form measuring approximately 50 square metres in area is considered inappropriate and would result in an obtrusive form of development which would be to the detriment of the character, appearance and visual amenities of the street scene and the wider area.

Given the above considerations, the proposed development is considered contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and D6 of the London Plan (2021) and the National Planning Policy Framework (2019).

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

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Paragraph 5.38 of the Hillingdon Local Plan: Part 2 (2020) states: "The Council will aim to ensure that there is sufficient privacy for residents and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the possibility of overlooking. In some locations where there is a significant difference in ground levels between dwellings, a greater separation distance may be necessary."

Paragraph 5.40 of the Hillingdon Local Plan: Part 2 (2020) states: "For the purposes of this policy, outlook is defined as the visual amenity enjoyed by occupants when looking out of their windows or from their garden. The Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook."

Paragraph 5.41 of the Hillingdon Local Plan: Part 2 (2020) states: "The Council will aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development on habitable rooms, amenity space and public open space. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight. The Council will expect the impact of the development to be assessed following the methodology set out in the most recent version of the Building Research Establishments (BRE) "Site layout planning for daylight and sunlight: A guide to good practice".

The proposed building would protrude approximately 5.5 metres past the rear building line of no. 57 Elm Avenue but would not interrupt a 45 degree line drawn from the nearest rear facing habitable room window. Although the development may have some impact in terms outlook enjoyed from no. 57 Elm Avenue, it would not be considered to such an extent that a refusal reason could be justified.

The application is also supported by a Daylight and Sunlight Assessment and includes nos.



48, 50, 57 and 61 Elm Avenue within the scope. This confirms that the effect on Vertical Sky Component (VSC) is within the 80% guidance value in all cases, meaning that there will be no adverse impact on neighbouring residents in terms of daylight. The assessment also confirms that all windows retain in excess of 80% of their current values, meaning the proposed development accords with BRE guidance in relation to sunlight. The proposed development is therefore acceptable with regard to its impact on the daylight and sunlight received by neighbouring properties.

The proposed development would include side facing dormer windows, two of which would serve bathrooms and two of which would serve the living room and kitchen areas. If recommended for approval, a planning condition would ensure that the windows are obscure glazed and non-opening below 1.8 metres measured from the internal finished floor level.

Given the above considerations, the proposal is not considered contrary to Part B) of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

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

Policy DMHB 16 of the Hillingdon Local Plan: Part 2 (2020) states that all housing development should have an adequate provision of internal space in order to provide an appropriate living environment. To achieve this all residential development or conversions should meet or exceed the most up to date internal space standards.

Table 3.1 of Policy D6 of the London Plan (2021) states that a:

- one storey dwelling with 1 bedrooms and 2 occupants should provide at least 50 square metres GIA; and
- one storey dwelling with 2 bedrooms and 3 occupants should provide at least 61 square metres gross internal floor area (GIA).

Any area with a headroom of less than 1.5 metres is not counted within the Gross Internal Area unless used solely for storage. The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

The proposed development would provide the following:

- Flat 1 - 2b3p measuring 64 square metres GIA
- Flat 2 - 2b3p measuring 64 square metres GIA
- Flat 3 - 2b3p measuring 64 square metres GIA
- Flat 4 - 2b3p measuring 64 square metres GIA
- Flat 5 - 1b2p measuring 50 square metres GIA
- Flat 6 - 1b2p measuring 50 square metres GIA

A one bedspace single bedroom must have a floor area of at least 7.5 square metres and be at least 2.15 metres wide. A two bedspace double bedroom must have a floor area of at least 11.5 square metres. The proposed development would comply with this requirement.

Accordingly, the proposed development would achieve the internal floorspace standards required and would comply with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 (2020) and Policy D6 of the London Plan (2021).

#### **PRIVATE AMENITY SPACE**

Generally, private outdoor amenity space needs to be well located, well designed and usable for the private enjoyment of the occupier. In assessing the quality of all amenity

space in development proposals, consideration will be given to the shape and position and whether the layout has regard to matters such as daylight and sunlight, noise, enclosure and privacy. Outdoor amenity space will be required to provide an appropriate mix of hard and soft landscaping, including grass, shrubs and trees.

Policy DMHB 18 of the Hillingdon Local Plan: Part 2 (2020) states that all new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Specifically, Table 5.3 states that:

- 1 bedroom flats should be provided with access to at least 20 square metres of private amenity space; and
- 2 bedroom flats should be provided with access to at least 25 square metres of private amenity space.

The proposed development would provide 4 no. 2-bedroom flats and 2 no. 1-bedroom flats, requiring 140 square metres amenity space in total. Based on the plans submitted, Flats 1 and 2 would be provided with 25 square metres each of private amenity space at the ground floor. The remaining flats would have access to approximately 162 square metres of communal amenity space.

It is noted that the 'private' amenity space for Flats 1 and 2 cannot be accessed directly from either flat and are instead accessed via the side pathway and a garden gate. As noted by the Eastcote Residents' Association, unless these spaces are kept locked at all times, these could be accessed by anyone from any of the other flats. These spaces are, however, demarcated as private spaces and would be located next to the allocated flats. This is not considered to be an issue which warrants a refusal reason.

Paragraph 5.70 of the Hillingdon Local Plan: Part 2 (2020) states:

"Dwellings on upper floors should all have access to a private balcony or terrace, where this is consistent with the overall design of the building. Houses and ground floor flats should have private gardens. The Council is keen to improve the quality of housing in the Borough and therefore communal provision of private outdoor space is generally not supported unless there are strong planning reasons and the proposed scheme is of high quality with clear planning merits."

Given the residential context of the application site, the provision of balconies for the upper floor flats is not considered appropriate. As such, the communal provision of amenity space is considered acceptable. Accordingly, the proposed development would provide a sufficient quantity and quality of amenity space to serve the flats proposed, in compliance with Policy DMHB 18 of the Hillingdon Local Plan: Part 2 (2020).

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

Policy DMT 1 of the Hillingdon Local Plan: Part 2 (2020) states:

A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 (2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing roads.

Policy DMT 5 of the Hillingdon Local Plan: Part 2 (2020) states that:

A) Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including:

- i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;
- ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;
- iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and
- iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 (2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

The National Planning Policy Framework (NPPF) (2019) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is supported by Policy T4 of the London Plan (2021).

## **PARKING PROVISION**

Appendix C of the Hillingdon Local Plan: Part 2 (2020) states that 1 and 2 bed flats should be provided with a maximum of 1 to 1.5 car parking spaces per unit. Based on this, the proposal for 4 no. 2-bed flats and 2 no. 1-bed flats would require a maximum of 6 no. to 9 no. car parking spaces.

It should be highlighted that Policy T6.1 of the London Plan (2021) states that development of 1 to 2 bedroom units in outer London with a PTAL rating of 2 to 3 should provide a maximum of 0.75 car parking spaces per dwelling. For the proposed development, this would equate to 4.5 no. car parking spaces. The 4 no. car parking spaces proposed would therefore be appropriate.

A parking stress survey has also been submitted in order to catalogue the levels of parking demand in all roads within a walking distance of 200m of the site. The findings indicate that during the recommended surveyed periods there appears to be in excess of 40% spare parking capacity which can be legitimately used on the surrounding roadways. The Council's Highways Officer considers this to be robust. The on-plot parking quantum is considered to be justified and is not considered to be a robust reason for refusal in an appeal scenario.

## **ELECTRIC VEHICLE CHARGING POINTS**

Part G) of Policy T6 and part C) of Policy T6.1 of the London Plan (2021) states that all residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. Accordingly, one car parking space should be provided with an active electric vehicle charging point and three car parking spaces should be provided with passive electric vehicle charging infrastructure. If recommended for approval, this would be secured by condition.

## ACCESSIBLE PARKING

Part G) of Policy T6.1 of the London Plan (2021) requires that residential development proposals delivering ten or more units must ensure that for 3% of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset. The proposed development would not provide any disabled persons parking. However, as the proposed development would deliver less than ten units, it is not considered reasonable to recommend refusal on this basis.

## CYCLE PARKING

A minimum of 1 secure and accessible cycle space per unit should be provided in order to conform to the Council's adopted cycle parking standard. 6 communal spaces are proposed to the rear of the property and is considered acceptable.

## VEHICULAR ACCESS

The proposed development would remove an existing dropped kerb on the corner of Elm Avenue and Oak Grove, create a new dropped east of the existing one and widen the another dropped kerb serving the site. The Council's Highways Officer accepts the principle of such provisions, although with revised dimensions to achieve 3.6 metres at the back of footway and 4.8m (with taper kerbs) at the edge of kerb.

In order to maintain inter-visibility sight-line requirements between vehicles leaving the site and extraneous vehicles/pedestrians on Elm Avenue, it is recommended that any front boundary wall should not exceed 0.6 metres in height. If recommended for approval, this would be secured by planning condition.

## TRIP GENERATION

The proposal would produce a marginal increase in traffic generation from the site as compared to the existing single dwelling unit. The peak period of traffic movement into and out of the site would not be expected to rise beyond 2-3 vehicle movements during the crucial peak morning and evening hours. This 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.

## REFUSE

The proposed positioning of the bin storage area on the frontage would be accessible for collection.

## SUMMARY

The proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part 2 (2020), Policy T4 of the London Plan (2021) and the NPPF (2019).

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

#### URBAN DESIGN

Please see section 07.07 of the report.

## ACCESS

Please see section 07.12 of the report.

## SECURITY

Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020) states that the Council will require all new development to ensure safe and attractive public and private spaces by referring to the Council's latest guidance on Secured by Design principles. Where relevant, these should be included in the Design and Access Statement. Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating the following specific measures:

- i) providing entrances in visible, safe and accessible locations;
- ii) maximising natural surveillance;
- iii) ensuring adequate defensible space is provided;
- iv) providing clear delineations between public and private spaces; and
- v) providing appropriate lighting and CCTV.

If recommended for approval, a secure by design condition would be attached to achieve appropriate accreditation. Subject to such a condition, the proposal would accord with Policy DMHB 15 of the Hillingdon Local Plan: Part 2 (2020).

### **7.12 Disabled access**

Policy D7 of the London Plan (2021) states that in order to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'
- 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

Although the proposed development would not provide lift access, it is accepted that these are less viable on smaller residential schemes and it would compromise the external design of the proposed building. If recommended for approval, planning conditions would be required to secure the details of step free access via the principal private entrance and require that the ground floor units are 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. Subject to such conditions, the proposed development would not be contrary to Policy D7 of the London Plan (2021).

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

Not relevant to the consideration of this application.

### **7.14 Trees, Landscaping and Ecology**

#### TREES AND LANDSCAPING

Policy G1 of the London Plan (2021) states that development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) also requires that new development is high quality, sustainable, adaptable, and harmonises with the local context.

Landscaping and tree planting should also enhance amenity, biodiversity and green infrastructure.

Policy DMHB 14 of the Hillingdon Local Plan: Part 2 (2020) states:

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

The application site does not form part of a Conservation Area and is not subject to a Tree Protection Order. Approximately 31.5 square metres of soft landscaping would be created towards the front of the site, equalling circa 30% of the site frontage.

If recommended for approval, a detailed landscape scheme would be secured by condition, alongside conditions to ensure the protection of on-site trees. Subject to such conditions, the proposed development would accord with Policy G1 of the London Plan (2021) and Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part 2 (2020).

## ECOLOGY

Paragraph 170 of the NPPF (2019) states that planning decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This is supported by Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

If recommended for approval, an ecological enhancement plan would be secured by condition. Subject to this condition, the proposal is considered to accord with the NPPF (2019), Policy G6 of the London Plan (2021) and Policy DMEI 7 of the Hillingdon Local Plan: Part 2 (2020).

### **7.15 Sustainable waste management**

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) states that:

D) 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.

Bin storage is proposed on the frontage and can be easily accessed for collection. Accordingly, the proposed development is considered to accord with part D) of Policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020).

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

There are no specific energy requirements for a minor scale form of development. The development would, however, incorporate energy efficiency measures including insulation, high efficiency boilers and low energy lighting.

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

Policy SI 12 of the London Plan (2021) requires that development proposals ensure that flood risk is minimised and mitigated. Policy SI 13 of the London Plan (2021) also requires that development proposals utilise sustainable urban drainage systems (SuDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.

This is supported by Policy EM6 of the Hillingdon Local Plan: Part 1 (2012) and Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020). Notably, proposals that fail to make appropriate provision of flood risk and surface water flooding mitigation will be refused.

If recommended for approval, a planning condition would secure the detail of a sustainable water management scheme. Subject to such a condition, the proposal would accord with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 (2020), Policy EM6 of the Hillingdon Local Plan: Part 1 (2012), Policies SI 12 and SI 13 of the London Plan (2021).

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

##### **NOISE**

The proposed development would continue to utilise the application site for residential purposes. As such, noise is not considered to be an issue with the proposed development.

##### **AIR QUALITY**

The application site is not located within an Air Quality Management Area or Air Quality Focus Area. As such, the proposal is not considered an issue with regard to air quality.

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

Please see Section 06.1 of the report.

#### **7.20 Planning Obligations**

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 (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.

On the basis of the NPPF and the Community Infrastructure Levy Regulation 2010, no planning obligations are to be secured via a Section 106 legal agreement.

#### COMMUNITY INFRASTRUCTURE LEVY

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £60 per square metre.

The proposal produces a net increase of 257 square metres gross internal floorspace.

Hillingdon CIL £24,415.00

London Mayoral CIL £15,420.00

Total CIL £39,835.00

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

Not applicable.

#### **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.

#### **10. CONCLUSION**

In conclusion, the erection of a residential building housing 4 x 2-bed flats and 2 x 1-bed flats would result in the loss of family housing and would not optimise the provision of family housing in accordance with the Borough's housing need. Furthermore, the proposed development, by reason of its siting, scale, bulk and design, also fails to harmonise with the established local context, to the detriment of the character, appearance and visual amenities of the street scene and the wider area.

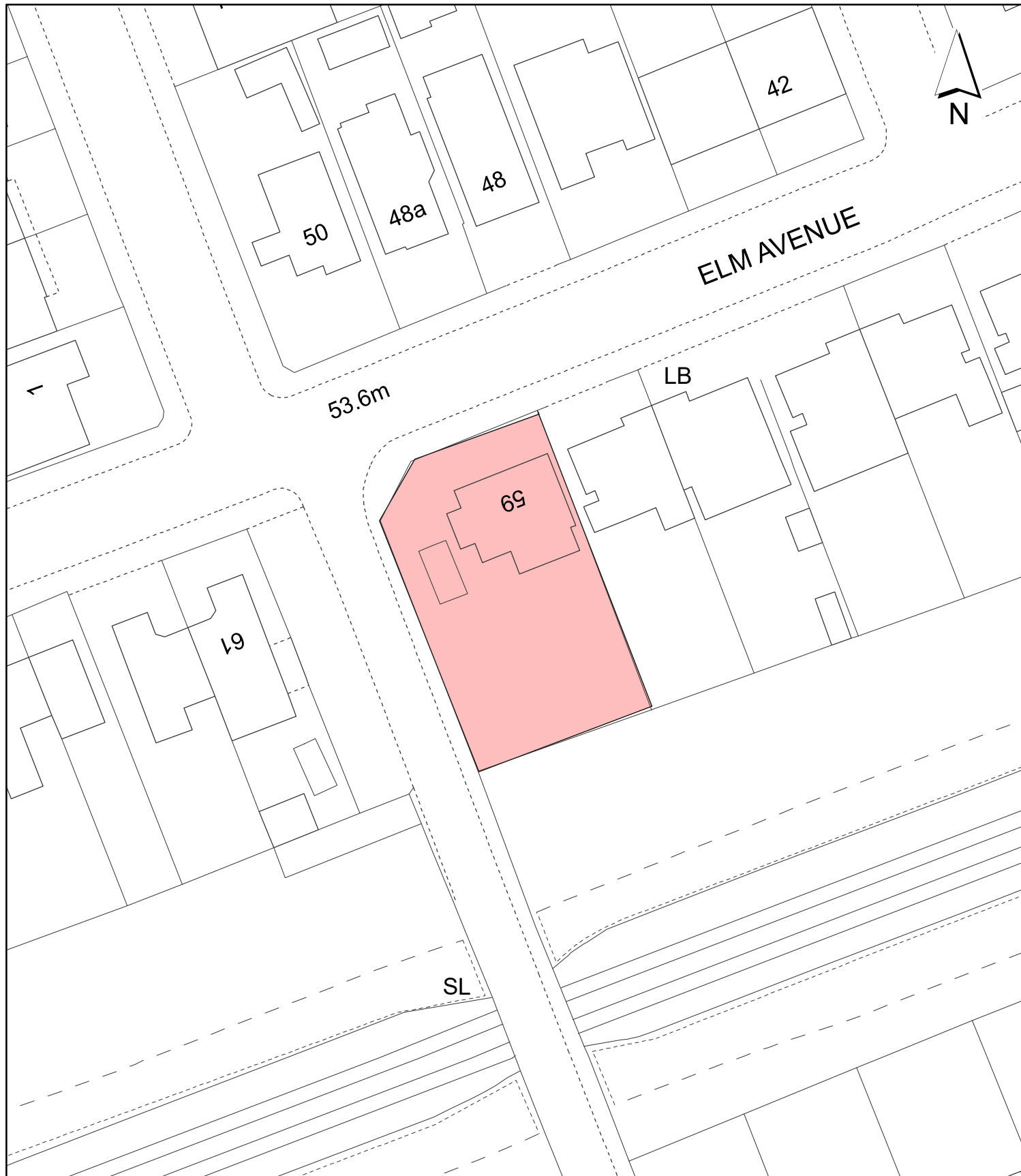
Accordingly, the application is recommended for refusal.

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

National Planning Policy Framework (February 2019)  
The London Plan (March 2021)  
Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)  
Accessible Hillingdon Supplementary Planning Document (September 2017)  
Planning Obligations Supplementary Planning Document (July 2014)

**Contact Officer:** Michael Briginshaw

**Telephone No:** 01895 250230



# Notes:



Site boundary

For identification purposes only.

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Site Address:

**59 Elm Avenue,  
Eastcote**

Planning Application Ref:

**60130/APP/2020/4166**

Planning Committee:

**North**

Scale:

**1:500**

Date:

**May 2021**

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

Civic Centre, Uxbridge, Middx. UB8 1UW  
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**HILLINGDON**  
LONDON