

<b>Item No.</b>	<b>Report of the Corporate Director of Planning, Environment, Education and Community Services</b>
<b>Address:</b>	229-231 YEADING LANE, HAYES (NOW KNOWN AS 1-36 (INCLUSIVE), 38 AND 40 CORNELIA DRIVE, HAYES, UB4 9AA)
<b>Development:</b>	DEMOLITION OF EXISTING INDUSTRIAL UNITS AND ERECTION OF EXISTING INDUSTRIAL UNITS AND ERECTION OF 2 THREE STOREY BLOCKS OF FLATS (FRONTING YEADING LANE) COMPRISING 4 ONE BEDROOM FLATS, 18 TWO BEDROOM FLATS AND 3 THREE BEDROOM FLATS TOGETHER WITH 14 TWO STOREY HOUSES COMPRISING 10 THREE STOREY UNITS AND 4 FOUR BEDROOM UNITS, PROVISION OF NEW MEANS OF ACCESS TOGETHER WITH ASSOCIATED CAR PARKING AND LANDSCAPING.
<b>LBH Ref Nos:</b>	54/APP/2000/885
<b>Drawing Nos:</b>	AS PER ORIGINAL COMMITTEE REPORT.
<b>Date application approved at Committee</b>	5 <sup>th</sup> December 2000
<b>S106 Agreement</b>	That the recommendation to enter into a Deed of Variation to the s106 dated 5 November 2001, as proposed below, is approved to enable an amendment to the lending provision contained in the s106 agreement

## 1.0 CONSULTATIONS

### 1.1 Internal Consultees

Planning Obligations  
Officer

The Deed of variation is considered acceptable as there are no outstanding obligations either financial or in-kind to be delivered from this scheme and therefore there is very limited risk that we would need to enforce against this s106 agreement or deed of variation if approved.

## 2.0 RECOMMENDATION

a) That the s106 agreement dated 5th November 2001 is varied as follows:

b) That Clause 2.14 (page 7) is deleted and replaced with the following:

**“It is hereby agreed and declared that the obligations contained in this deed shall not be binding upon any mortgagee or chargee of an RSL or receiver appointed by any such mortgagee or chargee or on any person deriving title by through under or from such person company or security trustee or any person acquiring 100% of the equity and the reversionary interest in any Affordable Housing Unit.”**

c) That the owner meets the Council’s reasonable costs in the preparation of the Deed of Variation and any abortive work as a result of the agreement not being completed.

d) That if the Deed of Variation is not finalised within a period of 6 months from the date of this committee resolution, or any other period deemed appropriate by the Head of Planning, Trading Standards and Environmental Protection, then the application may be referred back to the Committee for determination.

e) That subject to the above, the application be deferred for determination by the Head of Planning, Trading Standards and Environmental Protection under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

### **3.0 KEY PLANNING ISSUES**

- 3.1 The planning application was lodged on the 10<sup>th</sup> of April 2000, and was reported to the Hayes and Harlington Sub-Committee on the 5<sup>th</sup> of December 2000. Planning permission was granted on the 20<sup>th</sup> November 2001 following completion of the required s106 Agreement. The report is attached as Appendix A and the minute of that meeting is attached as Appendix B.
- 3.3 All of the financial and in-kind obligations as contained in the s106 agreement dated 5 November 2001 have been met.
- 3.4 The current wording in the s106 agreement does not take into account a security trustee arrangement for lending and as such the standard mortgagee exclusion clause in its current wording requires variation to include a scenario for these lending arrangement.
- 3.5 The precise terms of the rewording have been agreed with the Council’s legal team to ensure that the terms of the agreement are enforceable in the usual way for affordable housing units.

- 3.6 As the permission has been implemented and the planning obligations have been appropriately triggered and paid, the conditions and informatives relevant to the consent continue to be binding on the development as per the consent granted by the Hayes and Harlington Planning Sub-Committee on 5 December 2000.

## **OBSERVATIONS OF BOROUGH SOLICITOR**

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

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

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached. Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

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

## **OBSERVATIONS OF THE DIRECTOR OF FINANCE**

The report indicates that the costs of the development will be fully met by the developer, and the developer will make a Section 106 contribution to the Council towards associated public facilities. The developer will also meet the reasonable costs of the Council in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed. Consequently, there are no financial implications for this Planning Committee or the Council.

## **Reference Documents**

- (a) Hayes and Harlington Planning Sub-Committee Agenda 5<sup>th</sup> December 2000. Report for application reference 54/APP/2000/885.
- (b) Hayes and Harlington Planning Sub-Committee Agenda 5<sup>th</sup> December 2000. Minute for application reference 54/APP/2000/885.

**Contact Officer:** VANESSA SCOTT

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CONTACT OFFICER: ANDY PARKER  
EXTENSION: 2653

<u>Application No.</u>	<u>Location</u>	<u>Proposal</u>
16. 54/APP/2000/885	LAND AT 231 YEADING LANE HAYES	DEMOLITION OF EXISTING INDUSTRIAL UNITS AND ERECTION OF 2 THREE- STOREY BLOCKS OF FLATS (FRONTING YEADING LANE) COMPRISING 4 ONE- BEDROOM FLATS, 18 TWO- BEDROOM FLATS AND 3 THREE-BEDROOM FLATS TOGETHER WITH 14 TWO- STOREY HOUSES COMPRISING 10 THREE- STOREY UNITS AND 4 FOUR- BEDROOM UNITS, PROVISION OF A NEW MEANS OF ACCESS TOGETHER WITH ASSOCIATED CARPARKING AND LANDSCAPING  (Date of receipt: 7/4/00)

Drawing Nos. P01 Rev. F, P11  
Rev. A, P12 Rev. A P13 Rev. B,  
P14 Rev. B, P15 Rev. B, P16  
Rev. A, P17 Rev. A, P18 Rev. A,  
P20 Rev. A and P21 Rev. A  
received 7/6/00

Unitary Development Plan: Developed Area

(1) SUMMARY

Members are requested to approve drawings in relation to the above development which were omitted from the Officer's report to the Hayes and Harlington Committee on 22 August 2000.

(2) RECOMMENDATION – That the drawing numbers be noted and the decision of 22 August 2000 be reaffirmed.

(3) INFORMATION

Members will recall that this application was previously reported to the Hayes and Harlington Planning Sub-Committee Meeting on 22 August 2000 (attached at Appendix A) where it was resolved to approve the application subject to the applicants entering into a legal agreement with the Council.

However, whilst a set of drawings were submitted for Members' consideration the Officer's report to this Committee omitted several of the drawing numbers which

should have formed part of the approved scheme. A list of these drawings and the date on which they were received are now reported for Members' information in order that this matter is clarified prior to the legal agreement being signed and the planning permission approved.

## **APPENDIX A**

CONTACT OFFICER: MARK SILVERMAN  
EXTENSION: 3606

<u>Application No.</u>	<u>Location</u>	<u>Proposal</u>
5. 54/APP/2000/88T	LAND AT 231 YEADING LANE HAYES	DEMOLITION OF EXISTING INDUSTRIAL UNITS AND ERECTION OF 2 THREE-STOREY BLOCKS OF FLATS (FRONTING YEADING LANE) COMPRISING 4 ONE-BEDROOM FLATS, 18 TWO-BEDROOM FLATS AND 2 THREE-BEDROOM FLATS TOGETHER WITH 14 TWO-STOREY HOUSES COMPRISING 10 THREE- BEDROOM UNITS AND 4 FOUR- BEDROOM UNITS, PROVISION OF A NEW MEANS OF ACCESS TOGETHER WITH ASSOCIATED CAR PARKING AND LANDSCAPING
(Date of receipt: 07.04.00) (Last amended plans received: Sept 98)		Drawing No. 055-1A received 30/09/99

Unitary Development Plan: Developed Area

### **(1) SUMMARY**

Permission is sought to demolish the vacant industrial units formerly occupied by a firm of building and engineering contractors and erect 38 affordable housing units on the site. The development schedule comprises:

- 4 no. 1-bedroom flats
- 18 no. 2-bedroom flats
- 2 no. 3-bedroom (wheelchair) flats
- 10 no. 3-bedroom houses
- 4 no. 4-bedroom houses

The revised plans demonstrate that a development of 38 units can achieve a good standard of layout and design, at a density of 195 hrpha, within an awkwardly shaped site. The Council's standards have been met in respect overlooking, overshadowing and minimum distances between dwellings, within the site and in relation to adjoining residential properties. As a brownfield site, the proposals are also consistent with government guidance on achieving a greater proportion of new housing on recycled land.

The proposals would help meet the pressing need in the Borough for affordable housing – almost 20% of the Council's annual minimum target of 200 units – with the Council benefiting from 100% nomination rights for this 100% affordable housing scheme. A sizeable contribution of £100,000 would be made to help fund the additional school places which would be generated by the development. It is, therefore, recommended that planning permission be granted.

**(2) RECOMMENDATION:-**

**A. That the Council enter into an agreement with the applicant and other parties who have an interest in the application site under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other appropriate legislation in order to ensure the following matters:**

- (i) secure a financial contribution of £100,000 to assist with funding of additional school places;**
- (ii) secure the provision of 8 trees on the highway verge adjacent to the site**

**B. That the application be deferred for approval by the Corporate Director of Environmental Services subject to the legal agreement being concluded.**

**C. That should planning permission be granted, the following conditions and informatives be imposed.**

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| <b>1. (A1) Time Limit (i)</b>   | <b>1. (A1) Standard.</b>   |
| <b>2. Samples of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced. Development shall be carried out in accordance with the approved details.</b>   | <b>2. To ensure that the development presents a satisfactory appearance.</b>   |
| <b>3. Notwithstanding the appearance of the proposed development as shown on the approved plans, further details of design and external appearance of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced. Development shall be carried out in accordance with the approved details.</b> | <b>3. To ensure that the development presents a satisfactory appearance.</b>   |
| <b>4. Further details of refuse stores shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be brought into use prior to the first occupation of the development permitted, in accordance with the approved details and retained permanently.</b>  | <b>4. To protect the living conditions of occupiers of the area and in the interests of the visual appearance of the new development</b> |
| <b>5. Further details of garden stores and any communal drying areas shall be</b>   | <b>5. To ensure that the development presents a</b>  |



- submitted to and approved in writing by the Local Planning Authority. Such provision shall be brought into use prior to the first occupation of the development permitted, in accordance with the approved details and retained permanently.
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| <p>6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the design and materials of all means of enclosure, as shown on drawing no. PO1 Rev F, to be erected. The boundary treatment shall be completed prior to the first occupation of the development, in accordance with the approved details and retained permanently.</p> <p>7. No development shall take place until full details of both hard and soft landscaping works including a phased programme of works, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the occupation of any part of the development and in accordance with the programme agreed by the local planning authority. The new planting and landscaping operations should comply with the requirement specified in BS 3936 (1992) "Nursery Stock, Part 1, Specification for Trees and Shrubs" and in BS 4428 (1989) "Code of Practice for General Landscape Operations (Excluding Hard Surfaces)". Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.</p> <p>8. A detailed scheme shall be submitted to the Local Planning Authority specifying the provision to be made for the control of noise affecting internal rooms of residential units across the site. Such details should be submitted to and approved prior to the commencement of development carried out prior to the occupation of any part of the</p> | <p>satisfactory appearance.</p> <p>6. To protect the visual appearance of the area and the living conditions of neighbouring occupiers</p> <p>7. To ensure that the development is landscaped in the interests of the visual character and appearance of the area.</p> <p>8. To protect the living conditions of future occupiers of the site.</p> |
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- development and retained permanently.
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| <p>9. No development shall take place until further details of site contamination remediation, including a detailed remedial map to reflect the final site layout, have been submitted to and approved in writing by the local planning authority. The remediation works shall be carried out as approved prior to the occupation of any part of the development.</p> <p>10. <i>A buffer zone 8m wide, alongside Yeading Brook, shall be established in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before the development commences.</i></p> <p>11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the buffer zone between Yeading Brook and the private patios of Block F, as shown on drawing no. PO1 Rev F, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The landscape management plan shall be carried out as approved.</p> <p>12. Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.</p> <p>13. Compensatory flood storage works shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.</p> <p>14. Notwithstanding the provisions of Classes A, B, C and D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, no additions or extensions to any dwellinghouse, no additions or extensions to the roof of any dwellinghouse, no alterations to the shape of the roof of any dwellinghouse</p> | <p>9. To protect the living conditions of future occupiers of the site.</p> <p>10. To maintain the character of the watercourse and to provide undisturbed refuges for wildlife using the river corridor</p> <p>11. To protect and conserve the natural features and character of the area</p> <p>12. To prevent the increased risk of flooding and to improve water quality.</p> <p>13. To alleviate the increased risk of flooding that would otherwise be caused by a reduction in flood storage capacity.</p> <p>14. To prevent the overdevelopment of the site and to safeguard the living conditions of occupiers of other properties and the visual appearance of the site.</p> |
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- or no erection of a porch outside any external door of any dwellinghouse shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.
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| <p>15. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order, no provision within the curtilage of the dwellinghouses within Block F, as shown on drawing no. P01 Rev F, of any building or enclosure, with the exception of one shed per private patio area as shown on drawing no. P01 Rev F, shall be made out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.</p> <p>16. The car parking spaces shown on approved drawing no. PO1 Rev F shall be laid out, including the marking out of spaces in the parking bays, prior to the first occupation of the development, and these spaces shall be kept continuously available for car parking and shall not be used for any other purposes.</p> <p>17. The disabled car parking spaces shown on approved drawing no. PO1 Rev F shall be reserved exclusively for people using wheelchairs and clearly marked out using the Universal Wheelchair Symbol. These parking spaces shall be provided prior to the occupation of the development, kept continuously available for car parking and shall not be used for any other purposes.</p> <p>18. Further details of cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be brought into use prior to the first occupation of the development permitted, in accordance with the approved details and retained permanently.</p> <p>19. Development shall not begin until details of on and off-site drainage works have been submitted to, and approved by, the</p> | <p>15. To ensure that the nature conservation buffer strip between the dwellinghouses and Yeading Brook is maintained.</p> <p>16. To ensure that there is adequate provision for car parking within the site.</p> <p>17. To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances.</p> <p>18. To provide adequate facilities for cyclists.</p> <p>19. To ensure that the proposed development does not exacerbate an</p> |
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**existing flooding problem  
or cause a new flooding  
problem.**

- ## 20. (B20) Standard

5. Excessive proportion of low cost housing within the development
6. Impact of development on Greenway Nature Reserve

#### OTHER CONSULTATIONS

#### COMMENTS:

Yeading Residents Association

No response.

Environmental Protection Unit

Findings and recommendations of noise impact assessment report largely accepted, although there are concerns about high noise levels adjacent to the workshop (up to 69dB) and facing Yeading Lane (71dB). Agree with specific recommendations for sound attenuation.

Agree with findings of site contamination report which concluded that the site was found to have light contamination at shallow depth and hydrocarbon contamination at isolated deeper locations. Agree in principle with the remedial proposals of the report and suggest attaching a condition requiring a detailed remedial map to be submitted to reflect the final site layout.

Education

EYL services advise that, on the basis of recent monitoring, there is evidence to show that new affordable housing produces a shift in the borough's population. e.g. Between 13% and 67% of residents of recent new housing previously lived out of the local area. A large proportion of children from new affordable housing are under school age. e.g. 56.8% of children for the recent Stockley Road development.

Where children cannot find places in local school, they may need to be bused to an alternative school some distance away, placing a financial burden on the LEA and a burden on families.

Accept an offer of a S.106 contribution of £100,000 to be used to provide additional primary school places, although this is significantly below the maximum which could be sought and sets no precedent for other 100% affordable housing developments which will need to be considered on their merits. The information provided by Housing Services to support a reduction in the contribution has

been noted.

Area Engineer

No objection

Housing Services

The development has the full support of the Housing Department and will make up approximately 20% of the Council's stated annual target for the provision of at least 200 new affordable homes in the Borough. We will have 100% nomination rights to 100% of first lets of the development.

The proposed scheme will help meet some of this urgent housing need (1706 homeless/temporary accommodation households in the borough).

In response to the request from EYL for a school places contribution, would argue that over 99% of the new affordable housing occupied by existing residents of the borough and recent trends show that 32% of children were housed within 1 mile of their old address. Children less than one mile from their old home are unlikely to have to move school; their new homes may possibly be nearer to the school.

Trees and Landscape

Site is well screened to the south and west by brookside vegetation and whilst difficult to assess the winter time views, site is likely to be 'filtered' to some extent.

Lime tree in the highway verge can be sacrificed, if new tree planting can be agreed within the highway verge.

A plan will be needed to show which areas are within private ownership and those which will be managed/maintained by a management company. As a high-density development, it will be particularly important to achieve a high quality landscape.

Environment Agency

Objection raised to the development because of the close proximity to Yeading Brook, prejudicing the creation of an adequate buffer zone adjacent to the Brook.

Objection may be withdrawn if the houses and

their associated private gardens are replaced with an 8 metre buffer strip which can act as communal garden space.

A small area of the site is low enough to flood during a 1 in 100-year return period flood even. However, variations in external ground and internal floor level would mitigate flooding risk/damage.

*The objection to the development has since been withdrawn following compliance with the requirement to provide an 8 metre buffer strip.*

Crime Prevention Officer

Various Secure by Design improvements, including overlooking of parking spaces and front doors, have been incorporated into the scheme at the request of the Crime Prevention Officer.

English Heritage

The site lies immediately west of Yeading Lane, where there was a known medieval settlement. Recommend a condition, in line PPG 16 para.30, requiring an initial field evaluation and subsequent mitigation strategy.

#### (4) REPORT

##### **The Site**

The application relates to a 0.56 hectare site, a vacant, contaminated brownfield site laid out with buildings formerly occupied by Stanley Hugh Leach Ltd, a firm of building and engineering contractors. The site is bound to the east by Yeading Lane and to the north by a car showroom and auto workshop, also fronting Yeading Lane, along with residential properties on Avon Close. A recently completed Wilcon housing development abuts the site immediately to the south whilst it is bordered by Yeading Brook and an area of green belt open space to the west.

The surrounding area is mixed in character with a range of residential, retail and other commercial uses nearby, along with the expanse of green belt open space to the west. Access to the narrow, irregularly shaped site is achieved from Yeading Lane. The length of the site from its north east corner to the rear boundary extends approximately 160m. The widest part of the site, along the frontage with Yeading Lane, measures approximately 61.5m narrowing to 22.5m in the middle and 29.5m along the rear boundary with Yeading Brook. There are presently three substantial, one and two-storey buildings on the site with footprints of 700m<sup>2</sup>, 263m<sup>2</sup> and 217m<sup>2</sup>.

## **The Proposal**

Full planning permission is sought for the demolition of existing industrial units and the development of 38 residential units comprising 2 three-storey blocks of flats of 4 one-bedroom flats, 18 two-bedroom flats and 2 three-bedroom flats, together with 14 two-storey houses comprising 10 three-bedroom units and 4 four-bedroom units. A new “cul-de-sac” access road into the site, off Yeading Lane, would be created and a total of 47 spaces would service the 38 unit development.

The two blocks of flats would have footprints of 15.4m x 23.5m (Block A) and 13.8m x 22.6 (Block B). Although the two blocks would have the same height of 12.3m, Block B would have roof dormers to provide a further floor of accommodation in the roofspace. The internal configurations of the two blocks would differ substantially with the ground floor of Block A arranged to provide 2 three-bedroom (six person) wheelchair flats. A total of 229m<sup>2</sup> of amenity space would be provided to the rear of Block A, comprising two 37m<sup>2</sup> private patio areas for the two ground floor units and 155m<sup>2</sup> for the other 8 units. A total of 319m<sup>2</sup> of amenity space would be provided to the rear of Block B, comprising two 32m<sup>2</sup> private patio areas for the two ground floor units and 255m<sup>2</sup> for the other 8 units.

The new two-storey houses would be arranged into a terrace of four (Block C), two terraces of three (Blocks D and E) and two pairs of semi-detached houses (Block F). The houses in Block F would be built as lifetime homes and capable of use by the mobility impaired with footprints of 10m x 5.4m and built to a height of 8.3m. Most of the Block F rear garden area is shared with the 8m buffer zone adjacent to Yeading Brook sought by the Environment Agency. Consequently, beyond private patios ranging in area from 22m<sup>2</sup> to 33m<sup>2</sup>, an area of 146m<sup>2</sup> serves as both communal (rather than partitioned) garden space and the required buffer strip.

The terraced properties in Block D would have different footprints. The two houses closest to the boundary with properties on Avon Close would measure 4.1m x 10.8m whilst the third house, adjacent to the new access road would measure 5.3m x 9.7m. As with Block F, the homes in Block would be built to a height of 8.3m. Each property would have a rear garden of 60m<sup>2</sup>. The three units in the terrace comprising Block E would each measure 5.3m x 9.7m with similarly sized gardens. The largest dwellings in the new development would be the terrace of four in Block C with 5.2m x 12m footprints and rear gardens of between 65m<sup>2</sup> and 88m<sup>2</sup>.

Both curtilage and courtyard parking would be provided. Dwellings in Blocks C, D and E would mostly have one curtilage parking space per unit; one unit would have two spaces. Elsewhere, courtyard parking would consist of 6 spaces for the 4 units in Block F and 30 spaces elsewhere for the 24 flats in Blocks A and B.

## **Relevant Planning History**

3352 Redevelopment of site to provide a retail foodstore (1,342m<sup>2</sup>) together with associated car parking and landscaping (outline application)

Approval 08/10/1998.



## **Planning Policies and Standards**

The Borough's Unitary Development Plan was adopted in September 1998, the following policies from the plan are considered relevant to this application.

OL5 Permission for development adjacent to or conspicuous from the green belt only granted where the visual amenity of the green belt would not be harmed.

EC2 Nature conservation interests will be taken into account when considering development proposals.

EC5 The LPA may require certain on-site ecological features to be retained in new developments and seek to enhance the nature conservation and ecological interest of sites or create new habitats

BE3 The LPA will ensure that site of archaeological interest are investigated and recorded before any development takes place

BE13 Requires new development to harmonise with the existing street scene.

BE14 Development potential of adjoining sites should be safeguarded as part of any proposals

BE18 Development with footway frontages or facing open space should ensure there is adequate overlooking of pedestrian spaces and avoid the creation of hidden spaces which could prejudice pedestrian safety

BE19 Requires new development to improve or compliment the character of the area.

BE20 Requires that new development ensures adequate sunlight and daylight can penetrate between buildings.

BE21 Planning permission will not be granted for new development that results in a loss of residential amenity by reason of siting, bulk and proximity.

BE23 New residential buildings or extensions should provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and its siting.

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

BE34 Development adjacent to river corridors should seek to enhance the role of the river and immediate surroundings

OE5 Proposals for noise sensitive developments where the occupiers may suffer from noise or vibration will not be permitted.

OE7 Permission will not be granted for development in areas liable to flooding unless developers are prepared to implement flood protection measures.

OE11 Planning permission will not be granted for proposals involving an increase in the use by the public of contaminated land which is to remain untreated

H4 Wherever practicable a mix of housing units of different sizes should be provided in residential schemes.

H6 Applications for residential development at a density above 150 hrpha will be expected to demonstrate a layout and design producing good environmental conditions within the development and harmonise with the surroundings

H9 New housing should include units for people with disabilities

R17 The provision of education facilities will be sought, where appropriate, through planning obligations in conjunction with other development proposals

LE4 Proposals involving the loss of existing industrial floorspace outside IBAs will only be permitted if the existing use affects amenity, the site is unsuitable for industrial redevelopment or there is no realistic prospect of the land being used for Class B1/B8 in the future.

AM2 All proposals will be assessed against their contribution to traffic generation and congestion

AM7 Planning permission will not be granted for development likely to prejudice the free flow of traffic or general highway or pedestrian safety

AM14 New development will only be permitted where it is in accordance with the Council's parking standards.

#### Design Guide: Residential layouts and House Design

Outlook: Outlook from dwellings should provide a satisfactory standard of amenity and interest; 15m minimum distance between two-storey buildings and facing windows; Minimum 21m distance between facing windows.

Privacy: New residential development should be designed so as to ensure adequate privacy for their occupants and those of adjoining residential property. Adequate distance should be maintained to any area from which overlooking may occur.

Amenity space: Amenity space should be usable, attractively laid out and conveniently located in relation to the dwelling it serves. It should be of an appropriate size on the basis of 60 sq m for 2 and 3-bedroom houses and 100 sq m for 4-bedroom houses

## **Main Planning Issues**

The determining planning issues are considered to be:

1. The principle of the change of use of the site from Class B2 General Industrial land to residential use
2. The density, layout of the scheme
3. Parking and traffic impact
4. The capacity of local schools to accommodate the additional children from the development
5. Yeading Brook and related environmental issues

### **Principle of residential development**

The factory operation on the site ceased in 1997 and the buildings have since remained vacant. The site is located outside of any IBA and although the area is mixed in character, with a range of commercial uses alongside established residential properties, there appears to be little justification for resisting the loss of B2 floorspace on the site.

The replacement of the existing industrial buildings on the site, which provide a poor outlook for nearby houses, with a more benign use would provide a net improvement in terms of the environmental and streetscape quality along this section of Yeading Lane.

Noise levels at the front of the site close to the auto workshop and fronting Yeading Lane are substantial. However, EPU have accepted that potential noise pollution can be adequately mitigated both through sound attenuation in the building construction and through an appropriate internal configuration within the two blocks of flats. Whilst there is some contamination of the land, the applicant has submitted details of remedial work, acceptable to EPU. As development of a brownfield site, the proposals are in line with government guidance in PPG3 to develop more housing on recycled land. Furthermore, in proposing 100% of the scheme for affordable housing, with 100% nomination rights, the scheme represents a major windfall for the Council in terms of meeting its requirement to provide at least 200 new affordable units each year. It should also be noted that two 3-bedroom units would provide fully accessible, wheelchair dwellings whilst a further 4 units would be built as "lifetime" homes.

### **Density, layout and design of the scheme**

The density of the scheme, at 195 habitable rooms per hectare, whilst relatively high is not excessive. The adopted UDP advises that most new housing will generally be expected to lie within the range of 100-200 hrh; schemes with densities over 150 hrpha are required to demonstrate that the layout and design of the scheme achieve good environmental conditions within the site and fits in with the surrounding area. The layout of the site has been revised several times in order to meet these criteria, as well as other policy requirements.

The scheme meets the Council's standards in respect of minimum distances between dwellings (including those on Rose Park Close), overlooking and overshadowing both within the site and in relation to existing, adjoining residential properties. Despite the proximity of houses on Avon Close, some of which are less than 10m from the site boundary, Blocks D and E have been laid out so as not to be directly in the line of the sight from the nearest homes on Avon Close. The proposed development is considered to achieve a good layout, taking into the consideration the awkward shape of the site and the close proximity of nearby houses, particularly on Avon Close. Each dwellinghouse would have a rear garden of at least 60m<sup>2</sup> and the majority would have front gardens and curtilage parking.

The elevational treatment of buildings has been revised in order to produce a more distinctive design and create a sense of place within the scheme. The relatively blank side elevations of houses adjacent to the new access road have been broken up and more detailing and fenestration have been provided throughout which, along with an appropriate choice of materials, will add an element of character and distinctiveness to the development.

### **Parking and traffic impact**

The scheme proposes 47 spaces for a development of 38 units amounting to an average of 1.24 spaces per unit, including 4 disabled spaces. Although this falls below the parking requirement of 64 spaces for a scheme of this type, as prescribed in Annex 1 to the UDP, car ownership is likely to be somewhat lower for a 100% affordable housing development. It should also be added that current parking standards do not reflect government guidance in draft PPG13 which seek to achieve reduced parking levels for all types of development. Provision would be made with the site for secure cycle storage.

Some concerns had been raised by local residents about the relatively close proximity of the site to the junction of Willow Tree Lane, Shakespeare Avenue and Yeading Lane. However, traffic flows from the site would be relatively low from a scheme of this size and no objection was raised by the area engineer.

### **Capacity of local schools to accommodate the additional children from the development**

Councillors are advised that the impact of a housing development on the need for school places is a material planning consideration and as such can form a basis for Section 106 funding. The Council's Education Service have advised that the proposed development of 38 units, including 34 family units of two or more bedrooms (18 x 2 bedroom, 12 x 3-bedroom and 4 x 4-bedroom), will place additional pressure on the need for school places in the area. The pressure on primary schools in the Yeading Lane/Willow Tree Lane area is substantial with over 600 units built in the area in recent years. The new secondary school at Barnhill has relieved some of the pressure for secondary school places but there remains a need for additional primary school places and classrooms at Belmore and Yeading Junior.

The estimated child yield from the proposed development will be 50 primary school places plus 16 secondary school places. This figure can be discounted by at least a

third, on the basis of recent trends in the area, which show that 32% of children have been rehoused within a mile of their old home. As the Council is to have 100% nomination rights for the scheme, it is reasonable to expect that this trend will apply to the site at Yeading Lane and a reasonable proportion of the families will already be living locally in the area. Consequently, a contribution, to be made via a Section 106 agreement, of £100,000 would be sufficient in the circumstances to fund additional school places likely to be generated by the development.

### **Yeading Brook and related environmental issues**

The Environment Agency initially raised objection to the development because its close proximity to Yeading Brook could preclude the creation and retention of an 8m buffer zone adjacent to the Brook for nature conservation. The scheme has, however, been revised in the light of the objection and the private gardens have been replaced with smaller private patio areas which would lead onto a communal garden space, graded back in height from the watercourse, to provide an adequate buffer zone. The Environment Agency has since withdrawn its objection.

Although a small area of the site is liable to flooding, the Environment Agency have accepted the creation of the 8m wide strip for compensatory flood storage, in addition to raised internal floor levels, as adequate flood compensation measures.

The rear section of the site adjoins the green belt but it is not considered that the proposals would adversely affect the openness or visual amenity of the green belt. A line of densely planted, mature trees alongside either side of Yeading Brook provide substantial screening and only parts of the roofs of Block F dwellings are likely to be visible from the green belt to the rear.

### **Public Consultation**

Set out below are comments from residents – annotated responses are made in italic text.

#### **1. Increased traffic levels and noise and impact on road safety**

*Although the site is relatively close in proximity to the junction of Yeading Lane with Willow Tree Lane and Shakespeare Avenue, traffic flows from the site would be relatively low from a scheme of this size and no objection was raised by the Area Engineer. It is not considered that there would be any noticeable impact on road safety both within and around the site.*

#### **2. Insufficient parking**

*47 spaces are proposed for a scheme of 38 units amounting to an average of 1.24 spaces per unit. 22 out of the 38 units would be either one or two-bedroom units. Although total parking provision falls below the prescribed parking requirement for the site, car ownership is likely to be somewhat lower for an affordable housing development. It should also be added that current parking standards do not reflect government guidance in draft PPG13 which seek to achieve reduced parking levels*

*for all types of development. No objection was made by the Area Engineer in respect of the level of off-street parking provision.*

3. Density is too high

*The proposed density of 195 habitable rooms per hectare, whilst relatively high is not excessive and falls within the expected range of 100-200 hrpha prescribed in the UDP. The proposals are considered to produce a good layout within the site whilst fitting in with the surrounding area, respecting the outlook and privacy of nearby houses on Avon Close and Rose Park Close.*

4. Overlooking to properties on Rose Park Close

*The distance between directly facing windows in the proposed development (in Block A) and those in the nearest homes on Rose Park Close is 29.5m. This considerably exceeds the minimum of 21m set out in the Residential Layouts design guide. Other windows in the development which face properties on Rose Park Close at an angle and would not, therefore, produce any direct overlooking, are at least 25m away. It is not considered that there would be any significant effect on the privacy of occupiers of Rose Park Close.*

5. Excessive proportion of low cost housing within the development

*There is presently no upper threshold within the UDP in respect of affordable housing numbers within a particular development. However, given the shortage of affordable homes in the borough and that there would normally be difficulties associated with securing a minimum number of affordable homes on a windfall site, the provision of 38 affordable homes would be welcomed by both the planning and housing departments. In this context, it would be difficult to justify seeking a reduced number of affordable housing units on the site.*

6. Impact of development on local Nature Reserve

*The local nature reserve is 450m north of the site on the other side of Yeading Brook. The Environment Agency has required that an 8m buffer strip be provided alongside the Brook for nature conservation purposes. In addition, the proposed development would involve substantial remedial action to decontaminate this brown field site. It is not considered, therefore, that the development could have any detrimental effect on the local nature reserve.*

### **Conclusion**

The submitted plans, which have subsequently been revised, demonstrate that a development of 38 units can achieve a good standard of layout and design within an awkwardly shaped site. The Council's development criteria have been met in respect of density, overlooking, overshadowing and minimum distances between dwellings, within the site and in relation to adjoining residential properties. As a brownfield site, the proposals are also consonant with government guidance on achieving a greater proportion of new housing on recycled land.

There is a pressing need in the Borough for affordable housing and the proposals represent a genuine windfall for the Council with 100% of the units to be built as affordable housing and with 100% nomination rights for the Council. A sizeable contribution would be made to fund the additional school places which would be generated by the development. Planning permission is, therefore, recommended.

### **Background Documents**

The background documents used in the preparation of this report are:-

#### **The Borough's adopted UDP**

**Design Guide: Residential Layouts and House Design)**

**PPG3 (Housing); Draft PPG13 (Transport)**

**Circular 1/97 (Planning Obligations)**

**5 letters of objection (the contents of which are summarised above)**

**RESOLVED – A.** That provided no letters of objection are received within the statutory consultation period that raise new planning issues, the Council enter into an agreement with the applicant and other parties who have an interest in the site under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other appropriate legislation in order to secure the provision of a footpath to link the Grand Union Canal footpath with the Bullsbridge Centre.

B. That the application be deferred for approval by the Head of Planning and Transportation subject to the legal agreement being concluded and subject to no letters of objection raising new planning issues being received within the statutory period.

C. That should planning permission be granted the conditions and informatives set out in the officers report and amendment sheet be imposed.

ADDRESS	PROPOSAL	APPLICATION NUMBER
Land at 339-352, High Street, Harlington	Erection of a two-storey block of flats with rooms in the roof space comprising 12 two-bedroom flats and 6 one-bedroom flats with associated parking. (involving demolition of 341, 351 and 353, High Street).	53740/99/310

**RESOLVED -A.** That the Council enter into an agreement with the applicant and other parties who have an interest in the application site under Section 106 of the Town and Country Planning Act 1990 (as amended) or any other appropriate legislation in order to ensure the following matters:-

(i) secure a financial contribution of £18,000 to assist with the funding of additional school places.

B. That the application be deferred for approval by the Corporate Director Environmental Services subject to the legal agreement being concluded.

C. That should planning permission be granted the conditions and informatives set out in the officers report be imposed.

ADDRESS	PROPOSAL	APPLICATION NUMBER
Land at 231, Yeading Lane, Hayes	Demolition of existing industrial units and erection of 2 three-storey blocks of	54/APP/2000/885



	flats (fronting Yeading Lane) comprising 4 one-bedroom flats, 18 two-bedroom flats and 3 three-bedroom flats together with 14 two-storey houses comprising 10 three-bedroom units and 4 four-bedroom units, provision of a new means of access together with associated car parking and landscaping.	
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**RESOLVED** - 1. That the drawing numbers be noted and the decision of 22<sup>nd</sup> August 2000 be reaffirmed.

2. That a third head of terms be added to the proposed legal agreement, as follows:-

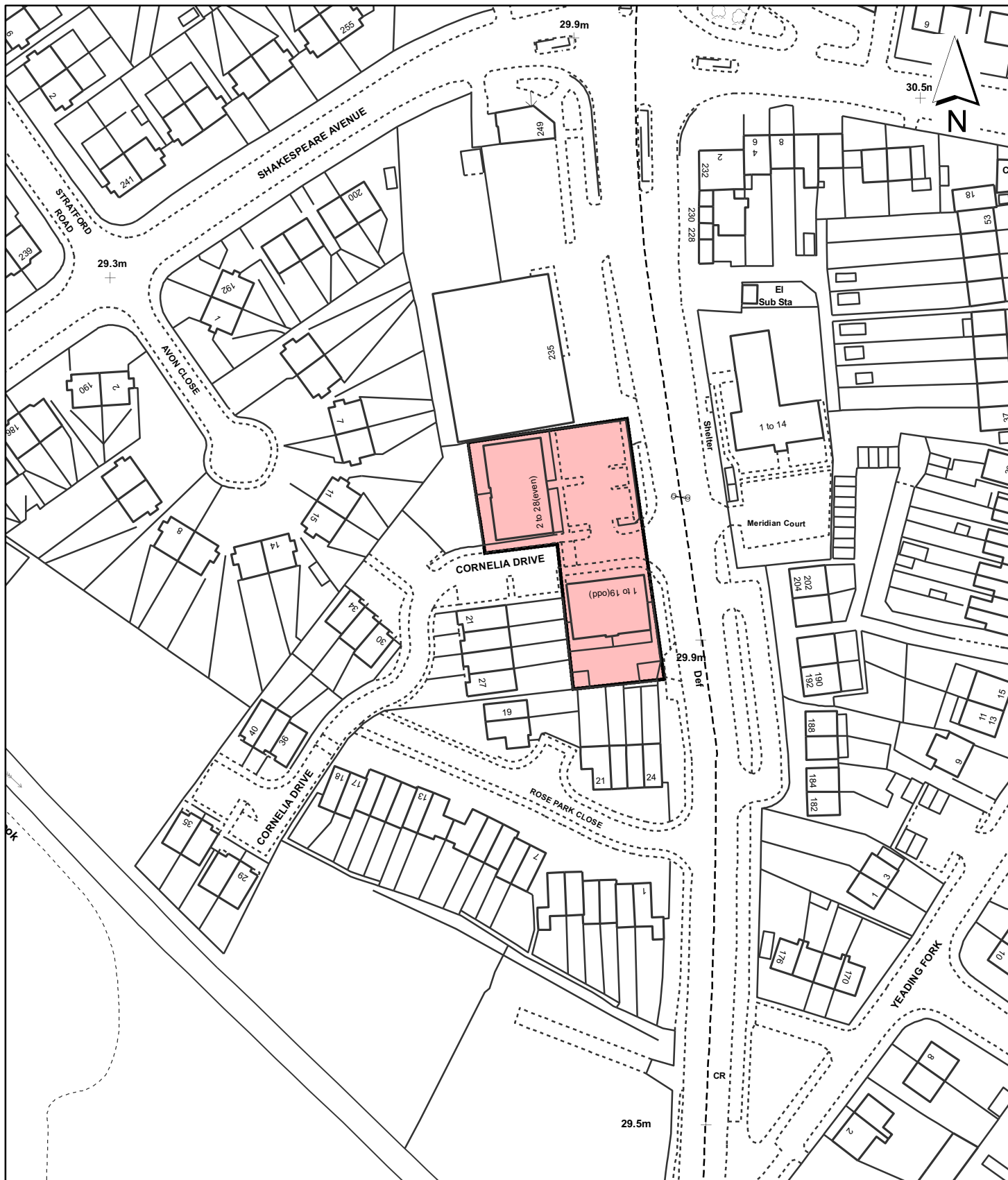
(iii) secure at least 25% of the housing units to be developed as affordable housing.

ADDRESS	PROPOSAL	APPLICATION NUMBER
Land at Eastern Perimeter Road, Heathrow Airport	Upgrade the Eastern Perimeter Road to a wide single carriageway (10m) standard from its junction with Enfield Road roundabout to the existing access point into the east base maintenance area.	54182/99/1585

**RESOLVED** - That consideration of the application be deferred in order to enable members of the Sub-Committee to visit the site.

ADDRESS	PROPOSAL	APPLICATION NUMBER
Land south and east of long term car park and north of Eastern Perimeter Road, Heathrow Airport	Use of land for airport related car parking	54180/99/1576

**RESOLVED** - That consideration of the application be deferred in order to enable members of the Sub-Committee to visit the site.



## Notes



Site boundary

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Site Address

**229-231 Yeading Lane,  
Hayes**

Planning Application Ref:

**54/APP/2000/885**

Planning Committee

**Central and South**

Scale

**1:1,250**

Date

**June 2011**

**LONDON BOROUGH  
OF HILLINGDON**

**Planning,  
Environment, Education  
& Community Services**

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