

Report of the Head of Planning & Enforcement Services

Address IMADA 12 KADUNA CLOSE EASTCOTE

Development: Erection of a first floor side extension to provide 2 two-bedroom flats with associated parking and amenity space

LBH Ref Nos: 52580/APP/2011/2033

Drawing Nos: Design & Access Statement Received 27th October 2011
Tree Report
1
5 Received 27th October 2011
2
3
4
Flood Risk Assessment

Date Plans Received: 18/08/2011

Date(s) of Amendment(s):

Date Application Valid: 26/08/2011

1. SUMMARY

Planning permission is sought for the erection of a first floor extension to provide two, 2 bedroom self-contained flats. The application follows the dismissal of appeal reference APP/R5510/A/11/2151121 in respect of application 52580/APP/2010/2293 for an identical proposal.

The Inspector concluded that the application was acceptable insofar as it would provide adequate living conditions for future occupiers and that it would not harm the character and appearance of the conservation area. However, the Inspector concluded that the proposal would not make adequate provision for the additional educational needs it would generate.

The revised application confirms agreement to the payment of financial contributions towards education by way of a Section 106 agreement. However, the Environment Agency have raised objection in relation to this application on the grounds that if the proposal had passed the sequential test, it fails to make provision for a safe access/egress from the site in times of flood. The applicant has failed to provide evidence of a site search demonstrating that this is the only suitable site for residential development and has not therefore passed the sequential test. As such the proposal is contrary to Policy OE7 of the Hillingdon UDP.

2. RECOMMENDATION

The application is the subject of an appeal against non-determination within the statutory time frame and thus members are requested to determine that the application would have been refused had an appeal not been lodged for the reason set out below.

1 NON2 Non Standard reason for refusal

The applicant has not provided evidence of a site search demonstrating that this is the only suitable site and has not therefore passed the sequential test. Furthermore, the

proposed development does not have a safe means of access and/or egress in the event of flooding. Consequently, the application is contrary to the advice contained within the National Planning Policy Framework, Policy 5.12 of the London Plan (2011) and Policy OE7 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

3. CONSIDERATIONS

3.1 Site and Locality

This application relates to the Imada Health Club building located on the south east side of Kaduna Close at the end of the cul de sac. The application property comprises a part single, part two storey detached building located to the south east west of the Eastcote tennis clubhouse, with associated car parking spaces immediately to the north west and south west of the building. The building's frontage is on the north west side. The main entrance is located in the single storey element of the building and comprises a projecting front porch extension. To the north east of the application site lies tennis courts associated with the tennis club, with a residential block, 6 to 10 Kaduna Close, beyond. To the south west lies the rear gardens of 19 and 20 Sutton Close, both semi-detached houses. The surrounding area is residential in character and appearance and the application site lies within the Eastcote Village Conservation Area, as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007). The application site is located within Flood Zone 3a.

3.2 Proposed Scheme

Planning permission is sought for the erection of a first floor extension over the existing single storey element to the front of the building. The proposed extension would follow the footprint of the single storey element and would measure 14.5m wide along the north west (front) elevation, 13.1m deep, and finished with a gable end ridged roof 6.8m high at eaves level, and 10m high at ridge level, projecting 3m above the existing two storey element of the building. A front gable is proposed above the front porch entrance, replacing the canopy roof. It would measure 4.8m wide, and finished with a ridged roof set 0.7m below the new roof ridge.

The proposed extension would provide two, 2 bedroom self-contained flats. Each flat would measure approximately 76sq.m and would provide a living/dining/kitchen room, two bedrooms and a bathroom. First floor windows are proposed on all elevations and the proposed flats would be accessed from the main entrance to the health centre.

An external roof terrace to form private amenity space is proposed over part of the flat roof of the two storey element, immediately to the south of the proposed extension. This area measures approximately 35sq.m and would be secured by 1m high railings. An additional external private amenity space, some 47sq.m in size, 2 parking spaces and cycle stands are proposed to the rear of the curtilage of the building.

3.3 Relevant Planning History

52580/APP/2010/2293 Imada 12 Kaduna Close Eastcote

Erection of a first floor side extension to provide 2 two-bedroom flats with associated parking and amenity space.

Decision: 28-04-2011 Refused

Appeal: 02-08-2011 Dismissed

Comment on Relevant Planning History

52580/APP/2010/2293 was refused for an identical application for the following reasons:

1. The proposed first floor extension, by reason of its overall size, bulk and scale, would represent an overdominant and visually intrusive form of development which would fail to harmonise with the character and appearance of the original building. The proposal would therefore have a detrimental impact on the character and appearance of the immediate area and the Eastcote Village Conservation Area, contrary to policies BE4, BE13, BE15 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

2. The proposal fails to provide adequate usable amenity space for the 2 two-bedroom flats. As such, the proposal would fail to provide an appropriate level of residential amenity for future occupiers, contrary to policy BE23 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), policy 4B.1 of the London Plan (February 2008) and paragraph 4.15 of the Hillingdon Design & Accessibility Statement: Residential Layouts.

3. The site is located within the Eastcote Village Conservation Area and there is a mature Oak and a number of smaller trees located to the rear of the site. These trees contribute to the appearance of the street scene and this part of the Eastcote Village Conservation Area. The proposed external amenity space would be severely affected by shade and dominated by the trees, particularly the Oak. This is considered to put undue pressure to heavily prune / fell the Oak, which would be detrimental to the visual amenity and wooded character of this part of the Eastcote Village Conservation Area, contrary to policies BE4, BE13 and BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

4. The proposed unit adjacent to the tennis courts would be incompatible with the continued operation of the tennis club, in particular it would be adversely affected by the floodlighting serving the tennis courts. As such, the unit would not benefit from an acceptable standard of residential amenity, contrary to policy OE1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

5. The development is likely to give rise to a significant number of children of school age that would require additional educational provisions, due to the shortfall of places in schools serving the area. Given that a legal agreement or unilateral undertaking has not been offered to address this issue, the proposal is considered to be contrary to Policy R17 of the Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).

6. The proposals fail to provide an assessment of the existing parking demand for the car park, on-street parking stress and swept paths for refuse vehicles. In the absence of information, the proposals are considered to have inadequate car parking, unsatisfactory layout for refuse vehicles and are likely to lead to situations detrimental highway and pedestrian safety contrary to the Council's Policies AM7 and AM14 of the UDP.

This application was dismissed at appeal. The Inspector concluded that the application was acceptable insofar as it would provide adequate living conditions for future occupiers and it would not harm the character and appearance of the conservation area. However the Inspector concluded that the proposal would not make adequate provision for the additional educational needs it would generate.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

LPP 3.3	(2011) Increasing housing supply
LPP 5.3	(2011) Sustainable design and construction
LPP 5.12	(2011) Flood risk management
LPP 7.2	(2011) An inclusive environment
AM4	Safeguarded road proposals - schemes shown on Proposals Map
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE5	New development within areas of special local character
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H7	Conversion of residential properties into a number of units
OE7	Development in areas likely to flooding - requirement for flood protection measures
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **28th September 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

42 neighbours were consulted by letter dated 31.8.11. A site notice was displayed on site on 31.8.11

4 individual letters of objection and a petition of objection have been received. The concerns relate to:

1. Detrimental impact on Conservation Area
2. Detrimental impact on sewer
3. Insufficient parking
4. Insufficient open space
5. Site located within flood zone 3.

Thames Water:

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application. With regard to water supply, this comes within the area covered by the Veolia Water Company.

Eascote Village Conservation Area Advisory Committee:

There are many anomalies to take into consideration when determining this resubmission. The most incomprehensible being the Planning Inspector's report APP/R5510/A/11/2151121/NWF dated 2nd August 2011. The only reason given for the appeal being dismissed is that the proposal would not make adequate provision for the additional educational needs. The many reasons put forward in the Officer's report, which were upheld by the North Planning Committee were disregarded. As was the additional reason for refusal, as set out at the NPC 28th April 2011. From the minutes of the Meeting of the North Planning Committee 28th April 2011.

The proposals fail to provide an assessment of the existing parking demand for the car park, on-street parking stress and swept paths for refuse vehicles. In the absence of information, the proposals are considered to have inadequate car parking, unsatisfactory layout for refuse vehicles and are likely to lead to situations detrimental to highway and pedestrian safety contrary to the Council's Policies AM7 and AM14 of the UDP. The Inspector was incorrect in point 18 of the report, but I note that the Council has raised no objections on this matter and that it considers the proposal to be in accordance with its policies. It would appear that the Inspector did not read the decision notice. None of the assessments called for in the reason set above have been submitted with this application, these should be requested before determination of this application. These are:

- Inadequate provision for refuse vehicles.
- No information provided about existing demand for the Car Park
- No information on spare capacity of car park and on-street parking which would lead to
- Inadequate car parking for the proposed development.

It must also be noted, that there are banqueting facilities advertised at these premises, seating for 160 persons. Designated car parking available for staff, users of the sports facilities, restaurant and proposed new residents are 16 spaces. There would appear to be an inadequate supply of parking spaces currently.

The submitted Design and Access Statement is basically the same as the previous submission. Disposal of refuse for the proposed flats is by way of use of the existing refuse/recycling enclosure. The report from Waste management states the waste from the new build would need to be presented separately from the commercial waste generated by the restaurant.

There has not been any effort to address this matter within the current application. Because of the evident lack of space, the location of the secure cycle store should be called for. If this is to be situated within the proposed shared amenity space, this will reduce the size of amenity space still

further.[This report was requested in the Officer's report but has not been submitted]
Point 6 of the Inspector's report needs to be revisited, the Inspector states that there is not any light spillage from the Floodlights to affect the proposed dwellings. Which is in direct opposition to the Officer's report. The floodlighting is clearly not designed to prevent light spillage into the area proposed for the first floor flats. There have been changes to the boundary treatments and the buildings are clearly visible from Joel Street. This does make an impact upon the Conservation Area

The decision of the Planning Inspector to overturn the LPA decision, which was based upon the UDP and other SPD's should not be allowed to influence the determination of this current application.

OFFICER COMMENT: The recent appeal decision is a material consideration. The Inspector accepted the principal and detail of the application. However, he dismissed the appeal on the grounds of the failure to address the provision of educational facilities created by the development.

Eascote Tennis Club:

Proposed Flats Amenity Space: In our view shared roof top amenity space, however convenient, cannot be classed as a suitable amenity. Its proximity to and visibility from the tennis courts means it lacks any privacy. The application does not therefore include adequate useable amenity space. The space proposed also overlooks the adjacent properties in Kaduna Close, and in particular the first floor windows, and would intrude on the privacy of the residents of those properties.

Other living conditions: There appears to be a difference of view between the council and the planning inspector about the light spillage from the tennis clubs floodlights. Those closest to Imada have been in place for a number of years, and do not have specific features designed to limit spillage. [Please see the first two of the attached photographs, which show both how close the lights would be to the proposed windows at first floor level and the spread of light.] Since all habitable rooms in the proposed flats would be exposed to the floodlights, it is difficult to see how this would provide satisfactory living conditions. The fact that potential residents might be aware of the floodlights before they moved in is of course irrelevant to their impact on the acceptability of the living conditions.

Tennis Clubs Amenity: It has been suggested that as the tennis courts are already overlooked by the properties in Kaduna Close, the proposed development would not significantly worsen the noise and disturbance to which the tennis club is subject. This seems to ignore the difference in proximity between the nearest buildings in Kaduna Close (some ten metres away), and the proposed development, which would be within one metre of the court boundary. More significant is the contrast between the tall hedge which separates the courts from the gardens of Kaduna Close, and the proposed open amenity space at first floor level. The proposed development would also unacceptably restrict the view the tennis club currently enjoys of its three matchplay courts from its clubhouse's first floor lounge window. [Please see remaining photographs attached, which are taken from the lounge and show how a second storey on top of the existing single storey would restrict the view.]

Parking: Imada openly advertises on its website capacity to host banquets for up to 160 people. It does so with 16 designated parking spaces for its staff and guests. The application proposes allocating two of these spaces for the new flats. While that may be acceptable provision for the flats, it will only worsen the parking situation for everyone else. There is no assessment of either the current or future demand for parking and no explanation how any problems caused by the development would be mitigated. Any future over demand of parking from larger functions would choke up the already limited parking space within the residential street of Kaduna Close.

Character: In our view the proposed development would be unacceptable in a Conservation Area. It

would increase the size of an already bulky and unattractive building, which is already out of keeping with the area. In particular, its scale would further dwarf the tennis clubhouse, as the nearest building to it. Its increased size would also dominate the adjoining properties.

In conclusion, we note that the application form submitted indicates that the site is not in an area at risk of flooding. We believe this is incorrect, as the maps from the Environment Agency we have seen suggest that Imada's site is in Flood Risk Zone 3. If so, a Flood Risk Assessment should be prepared.

Environment Agency:

This site is located in Flood Zone 3b as determined by your Strategic Flood Risk Assessment. Any increase in the buildings footprint for more vulnerable uses would be inappropriate in 3b. As there is no increase in building footprint proposed as part of this application, the 3b classification is not applicable in this instance.

The site lies within Flood Zone 3. This is defined by the Technical Guidance to the National Planning Policy Framework as having a high probability of flooding. As outlined in the National Planning Policy Framework (NPPF) you should ensure that the Flood Risk Sequential Test has been passed by determining that there are no reasonably available alternative sites outside of this flood zone. If there are any alternative sites at a lower risk of flooding then this site is not appropriate and you should recommend refusal.

If you satisfactorily pass the Sequential Test for the proposed development, we have concerns relating to safe access/egress and object to this application.

Reason

The proposed development does not have a safe means of access and/or egress in the event of flooding. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event. This is despite the mitigating measures proposed.

Resolution

As safe access/egress is not available then the applicant should discuss with yourselves whether, in this particular instance, the provision of an evacuation plan for the development would be sufficient to ensure the safety of residents of the development. We suggest you involve your emergency planners when making your decision. Should this be agreed then we will be in a position to remove our objection.

Advice to Local Authority:

The submitted plan (reference 26097/001/001) within the Flood Risk Assessment (FRA) demonstrates that the flood levels around the building and along the access route will be classed as hazardous (danger for some) in a 100 year plus climate change flood event. This is in line with Flood Risk Assessment Guidance for New Development(FD2320).

The worst case depth of flooding is 431 millimetres (mm) located just outside of the building exit. Even though the flood waters are some distance from the River channel, as stated in section five of the FRA, and therefore the velocities experienced should be low, this will still cause a danger for some according to the guidance contained within FD2320.

Advice to Applicant

Car parking may be appropriate in areas subject to flooding, provided flood warning is available and signs are in place. Car parks should ideally not be subject to flood depths in excess of 300mm depth since vehicles can be moved by water of this depth (see Guide to the management of floodplains to reduce flood risk SR 599 HR Wallingford 2003). Car parks located in areas that flood to greater

depths should be designed to prevent vehicles floating out of the car park.

Internal Consultees

Waste Management:

The waste arising from the flats is classed as household waste and would be collected through the household waste and recycling services:

Weekly residual (refuse) waste, using sacks purchased by the occupier

Weekly dry recycling collection, using specially marked sacks provided by the Council

However, it would have to be presented separately from the commercial waste generated by the restaurant.

Highways:

Kaduna close is a no through residential road situated on the side of River Pinn and a tennis court and accessed from Joel Street which is unclassified road. The existing carriageway is approximately 6.0m Wide with approximately 1.5 m wide footway on both sides.

The existing dwelling is used as a squash court, leisure facilities and restaurant, benefiting from a total of sixteen car parking spaces located at the rear and side of the existing building. Two car parking spaces will be allocated for the future occupants of proposed two bedroom flats and a total of fourteen car parking spaces are reserved for guests using tennis club and restaurants.

The proposal for constructing 2 two bedroom first floor side extension flats and allocating two out of sixteen parking spaces to the new flats and four covered and secured cycle storage facilities complies with policy AM14 of the Council's UDP.

Given the appeal decision no objection is raised on highways and transportation aspect of the development, subject to the following issues being covered by suitable planning conditions.

Conditions to cover:

1) Before the development hereby permitted is commenced, a plan shall be submitted to, and approved in writing by the Local Planning Authority detailing Details of covered and secure cycle storage for 4 no. cycles.

1. No development shall take place until details of facilities to be provided for the storage of refuse bins within the site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.

Access Officer:

In assessing this application, reference has been made to London Plan Policy 3A.5 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted January 2010. Given that the property as it stands provides no lift access to the first floor, the proposed development would not lend itself to Lifetime Homes Standards compliance and no requirement should be imposed on the developer in this regard.

Conclusion: I have no objection to the proposed development.

Trees/landscape:

Tree Preservation Order (TPO)/Conservation Area: This site is covered by TPO 20, TPO 278 and also within Eastcote Village Conservation Area (therefore, all trees not covered by the TPO are protected by virtue of their location within the Conservation Area).

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (on-site): There is an Oak to the eastern side of the squash courts, however it will not be affected by the proposed extension.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (off-site): There are several Oak trees to the rear of the Imada site, which will not be affected by the construction of the proposed extension. However, with regards to landscaping, the amenity space that is to be provided will be adjacent to/under a dense belt of trees(which is part of a larger, linear landscape feature), including a very large Oak, along the river Pinn and will therefore be severely affected by shade and dominated by the trees, particularly the Oak. Concerns were raised on the previous application (Ref: 52580/APP/2010/2293) that this problem will most likely give rise to pressure to heavily prune/fell the Oak. This planning application was refused, and dismissed on appeal. The Planning Inspector (Appeal Decision Ref:- APP/R5510/A/11/2151121) did not find there was a threat to the tree(s) and found that although the location of this amenity space is not conveniently located, the heavy shade of the trees may well be an advantage and provide shade for the residents.

Scope for new planting (yes/no): A roof terrace and amenity space have been proposed, however no details of soft landscaping have been provided. This matter can be dealt with by condition.

Conclusion (in terms of Saved Policy BE38): Acceptable, given the appeal decision and subject to conditions TL2, TL5 (roof terrace and amenity space) and TL6.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within an area where in principle additional development that achieves the relevant design and layout standards may be accommodated provided that it is also in character with the appearance of the surrounding area. Furthermore, any such development is also subject to any specific site constraints and the identified impacts on the amenities of the existing adjoining, nearby and future residents. The Inspector previously accepted the principle of development in this location in his recent appeal decision and there has been no change in circumstances to suggest that the principle would not now be acceptable.

7.02 Density of the proposed development

Given the small scale nature of the proposal and the mix of uses within the site, the density of the development was not an issue in regard to the previous application, which was refused for other reasons. Thus, the same is applicable to this current proposal.

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

The site is located just inside the boundary of the Eastcote Village Conservation Area. During the consideration of the previous appeal the Inspector concluded that:

"The conservation area is based on the development and the woodlands along the River Pinn and includes a number of country houses and high quality housing characterised by open spaces and landscaping. The appeal site is something of an anomaly in this context as the building is of little architectural merit and the site, as a whole, makes no contribution to the character and appearance of the Conservation Area other than that the parking area provides some sense of spaciousness. I conclude that the proposal would not have a detrimental effect on the character and appearance of the immediate area or the wider conservation area."

It is therefore considered that the proposal would not have an adverse impact on the

conservation area.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The existing building does not contain any features of architectural merit, and it is acknowledged that the proposed development would not be visible from Joel Street and High Road Eastcote, which lie to the north east and south east, respectively. Furthermore, the proposed extension has been designed to be in keeping with the existing building.

In his appeal decision the Inspector concluded that:

"The appeal site comprises a large two storey flat roofed structure with a single storey element to the side and associated parking, used as a Health Club. The proposed extension would be built above the single storey element. I consider that the resultant two storey element, in terms of its overall size, height, scale and pitched roof, would reflect the character and scale of the nearby residential development in Kaduna Close and the adjacent tennis clubhouse. In this respect, it would be a more appropriate expression of the more domestic function of this part of the overall building than a design which reflected the overbearing monolithic appearance of the main building."

The proposal is therefore not considered to be out of character with the existing building, the character and appearance of the immediate area or the wider conservation area. As such the proposal would comply with Policies BE4 and BE15 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.08 Impact on neighbours

Paragraph 4.9 of the Hillingdon Design & Accessibility Statement: Residential Layouts advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. It goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15m will be the minimum acceptable distance between buildings. Furthermore, and a minimum of 21m overlooking distance should be maintained.

The nearest residential properties are 19 and 20 Sutton Close, and 6-10 and 13-14 Kaduna Close. All these properties are over 30m from the proposed development. This distance is sufficient to ensure that the proposal would not represent a visually intrusive and overdominant form of development when viewed from the habitable room windows of those properties or harm the residential amenities of those properties through overlooking and loss of privacy.

Concerns have also been raised regarding the impact of the proposal on the operation of Eastcote Tennis Club and the clubhouse itself. The windows facing the clubhouse would provide natural light to non-habitable rooms and as such can be fitted with obscure glass to prevent overlooking onto that building, should planning permission be granted. Furthermore, the tennis courts are adjacent to the gardens of residential properties of 1-5

and 6-10 Kaduna Close, and Joel Street, with its associated traffic noise.

It is therefore considered that the proposal would not detract from the residential amenities of occupiers of adjacent properties. The proposal would therefore comply with Policies BE20, BE21, BE24 and OE1 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraphs 4.9 and 4.12 of the Hillingdon Design & Accessibility Statement (HDAS): Residential Layouts.

7.09 Living conditions for future occupiers

The internal size of the proposed units would meet the requirements of paragraph 4.6 of the Hillingdon Design & Accessibility Statement: Residential Layouts which recommends 63sq.m for two bedroom houses, in accordance with London Plan policy 4B.1.

With regard to amenity space, paragraph 4.16 of the Hillingdon Design & Accessibility Statement: Residential Layouts sets out the criteria for assessing the type and quality of amenity space provision and paragraph 4.17 advises that some 25sq.m of private amenity space should be provided for each 2 bedroom flat.

The Inspector in his previous appeal decision concluded that the proposal would not result in an unsatisfactory standard of living conditions for future residents in terms of either amenity space or light pollution. As such the proposal would be in accordance with Policy BE23 and Policy OE1 of the Hillingdon UDP.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The existing site is used as a squash court, leisure facilities and restaurant, benefiting from a total of sixteen car parking spaces located at the rear and side of the existing building. Two car parking spaces will be allocated for the future occupants of proposed two bedroom flats and a total of fourteen car parking spaces are reserved for guests using the tennis club and restaurants.

The proposal for constructing 2 two bedroom first floor side extension flats and allocating two out of sixteen parking spaces to the new flats and four covered and secured cycle storage facilities complies with Policy AM14 of the Council's UDP.

7.11 Urban design, access and security

London Plan Policy requires all new housing to be built to 'Lifetime Homes' standards. The Council's HDAS 'Accessible Hillingdon' also requires all new housing to be built to 'Lifetime Homes' standards.

The Council's Access Officer has advised that given that the property as it stands provides no lift access to the first floor, the proposed development would not lend itself to Lifetime Homes Standards compliance and no requirement should be imposed on the developer in this regard. However, the submitted plans show a lift to the first floor.

The proposed units are therefore capable of meeting some of these standards, subject to an appropriate condition, should planning permission be granted.

7.12 Disabled access

This is addressed above.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

There are several Oak trees to the rear of the Imada site, however the proposed extension would be some distance from these trees.

In his previous appeal decision the Inspector concluded that the trees on the site would not be unduly subject to pressure to prune or fell them beyond normal requirements of proper management and that in any case, they are adequately protected by the TPO and their location within the Conservation Area. This is a material consideration and as such the proposal is considered acceptable in relation to Policies BE4, BE13 and BE38 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.15 Sustainable waste management

Refuse facilities have not been provided however, this could be secured by way of a suitable planning condition, in accordance with Policy BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and paragraphs 4.40 of the Hillingdon Design & Accessibility Statement: Residential Layout.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

The application site is located within flood zone 3a, therefore the Council needs to be mindful of the technical guidance that accompanies the National Planning Policy Framework. Paragraph 5 of the technical guidance states:

"The overall aim should be to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities allocating land in local plans or determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required."

The withdrawal of Planning Policy Statement 25 (PPS25) and its practice guide reduces the amount of advice available on the sequential test. However, the principles are still firmly established. The Council needs to be assured that if they are placing new development in areas of flood risk, then there must be an appropriate reason. This development will introduce two new dwellings, albeit at first floor, into an area with a high probability of flooding.

Although the new development will be outside the flood zone by virtue of being above ground level, there is still a significant risk in times of flooding. People returning to their homes may be inclined to navigate flood waters, or seek to retrieve flooded property (e.g. a vehicle) placing themselves at risk, and putting added burden on emergency services.

The submitted plan (reference 26097/001/001) within the Flood Risk Assessment (FRA) demonstrates that the flood levels around the building and along the access route will be classed as hazardous (danger for some) in a 100 year plus climate change flood event. This is in line with "Flood Risk Assessment Guidance for New Development"(FD2320). The worst case depth of flooding is 431 millimetres (mm) located just outside of the building exit. Even though the flood waters are some distance from the river channel, as stated in section five of the FRA, and therefore the velocities experienced should be low, this will still cause a danger for some according to the guidance contained within FD2320.

The Council has to be able to accept that the benefits of the development outweigh this risk by determining there is no available land at a lower risk of flooding i.e a sequential test needs to be carried out to steer new development to areas with lowest probability of flooding. The applicant has not provided evidence of a site search demonstrating that this is the only suitable site and has not therefore passed the sequential test. It is for the applicant to satisfy the Council as to why these two new flats should be located in this

area. Without suitable evidence the Council should look to alternative sites at a lower risk to fulfil its housing needs. The majority of the Borough is outside of flood zones 2 and 3, including its main centres. The Council's housing land studies suggest that there are many locations across the Borough not at risk of flooding. To overcome the objection the applicant will need to demonstrate that there is clear justification for developing this area ahead of sites at a lower risk of flooding. This being the only site owned, is not suitable justification for putting people and property at risk of flooding. The proposal is therefore considered unacceptable and contrary to the NPPF and Policy OE7 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The comments received in relation to the proposal which to some extent echo the concerns raised by the Council in respect of the previous refusal of planning permission are noted. However, the Inspector, whilst dismissing the previous appeal, accepted the principle and layout of the proposed development. The appeal was only dismissed as the applicants had failed to make provision for the additional educational requirements. As the revised application is identical to that dismissed at appeal, other than by agreeing to financial contributions towards education, the Inspector's appeal decision is a material consideration.

7.20 Planning Obligations

The proposed units would result in a net increase of 7 habitable rooms and therefore would fall within the threshold for seeking a contribution towards school places in the Eastcote and East Ruislip Ward. The applicants have agreed in writing to make the contribution of £1806.00 by way of a Section 106 Agreement.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None

8. Observations of the Borough Solicitor

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

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

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

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which

means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

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

10. CONCLUSION

The application follows the dismissal of appeal reference APP/R5510/A/11/2151121 in respect of application 52580/APP/2010/2293 for an identical proposal. The Inspector concluded that the application was acceptable insofar as it would provide adequate living conditions for future occupiers and it would not harm the character and appearance of the conservation area. However the Inspector concluded that the proposal would not make adequate provision for the additional educational needs it would generate.

The revised application confirms agreement to the payment of financial contributions towards education by way of a Section 106 agreement. However, the site is located within flood zone 3a and the applicant has failed to demonstrate that the benefits of the development outweigh the risk of locating such development within this flood zone by determining there is no available land at a lower risk of flooding. As such the proposal is contrary to Policy OE7 of the Hillingdon UDP. The application is therefore recommended for refusal.

11. Reference Documents

London Plan (July 2011).

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Hillingdon Design & Accessibility Statement: Residential Layouts.

Hillingdon Design & Accessibility Statement: Accessible Hillingdon.

Lifetime Homes Standards.

National Planning Policy Framework.

Technical Guidance to the National Planning Policy Framework.

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Imada
12 Kaduna Close
Eastcote**

Planning Application Ref:

52580/APP/2011/2033

Planning Committee

North

Scale

1:1,250

Date

**May
2012**

**LONDON BOROUGH
OF HILLINGDON**
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