

Report of the Head of Planning & Enforcement Services

Address 91-97 HIGH ROAD ICKENHAM

Development: Part-retrospective application for the retention of 2 x 4 bedroom flats above 91 and 93 High Road Ickenham and the retention of an existing external metal staircase accessed from the side of No. 97, plus the addition of a new staircase accessed from the rear yard to serve all the flats above 91-97 High Road, Ickenham.

LBH Ref Nos: 14964/APP/2011/2969

Drawing Nos: PL/VP/1616-02 Rev. E
PL/VP/1616-03 Rev. C
PL/VP/1616-04 Rev. B
PL/VP/1616-05 Rev. A,
PL/VP/1616-06 Rev. A,
PL/VP/1616-01 Rev. E
PL/VP/1616-07
1616-07 Rev. B received 4 September
Design and Access Statement received 13-2-2011

Date Plans Received: 06/12/2011 **Date(s) of Amendment(s):**
Date Application Valid: 20/02/2012

1. SUMMARY

This application seeks part retrospective permission for the retention of 2 x 4 bedroom flats above 91 and 93 High Road, Ickenham and the retention of an existing external metal staircase accessed from the side of No. 97, plus the addition of a new staircase accessed from the rear yard to serve all the flats above 91-97 High Road, Ickenham. The 1st and 2nd floors above No. 91 and 93 are currently in use as flats, although planning permission has not been granted.

Two x 4 bedroom flats above Nos. 95 and 97 and have a comparable layout to the unauthorised flats but do not form part of this application as they are exempt from any future planning enforcement action after a Planning Inspector quashed an Enforcement Notice (ENF/472/07) for these 2 planning units as the appellant demonstrated on the balance of probability that the breach of planning control alleged in the notice commenced four years prior to 11 October 2006. All four residential flats have a living room, bathroom and kitchen shared by the occupiers.

This application would authorise the removal of the B2 industrial use of the first and second floors from this predominantly residential area. The ground floor of the premises have already been converted from the original general industrial use to uses that are more compatible with residential use (Use Classes A1 and A3). Although the flats lack private amenity space, guidance advises that above shops, applications need to be viewed flexibly. In this instance, small shared balcony areas are provided and the development would provide similar accommodation to other residential accommodation within the parade. Both the existing unauthorised staircase and walkway and the proposed new staircase would not harm the visual amenities of the area nor result in any unacceptable loss of privacy to surrounding residential occupiers. Previous approved schemes on the site have allotted 4 car parking spaces for residential use in the rear

yard.

This current scheme proposes the same arrangement of 4 car parking spaces for use by the 4 residential units above Nos. 91-97 High Road. This scheme addresses the reason of refusal with respect to car parking by relocating the new staircase within the frame of an existing storage room (owned by the applicant and independent in use terms from the ground floor commercial units) and making adequate provision for waste/recycling storage to the new residential units.

2. RECOMMENDATION

APPROVAL subject to the following:

1 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PL/VP/1616-03 Rev. C, PL/VP/1616-04 Rev. B, PL/VP/1616-05 Rev. A, PL/VP/1616-06 Rev. A, PL/VP/1616-01 Rev. E, 1616-07 Rev. B and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and the London Plan (July 2011).

2 RES17 Sound Insulation

Within 2 months of the date of this permission details of a scheme for protecting the proposed development from road traffic noise and noise transmission between the the ground floor units and the residential above has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by road traffic and commercial noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 7.15.

3 RES22 Parking Allocation

Notwithstanding the submitted site plan no unit hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The submitted plan shall allocate an individual parking space for each of the 4 flats on the site and involve the physical marking out of the parking bays serving the commercial area and the boundaries of the refuse storage area serving the existing retail unit on site. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan . (July 2011).

4 NONSC Screening of External Staircase

Within 2 months of the date of this permission details of a means of screening views from the existing external stairs to the side of No 97 shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

REASON

To safeguard the privacy of adjoining residents and in accordance with Saved Policy BE24

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

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

BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
H8	Change of use from non-residential to residential
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LPP 3.5	(2011) Quality and design of housing developments
LPP 6.9	(2011) Cycling
LPP 6.13	(2011) Parking
LPP 8.2	(2011) Planning obligations

3

You are advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy. The applicant will be liable to pay the Community Infrastructure Levy to the sum of £6650 with immediate effect. A separate liability notice will be issued by the Local Planning Authority, however you are advised that it is your responsibility to notify the Local Planning Authority of the anticipated commencement date and any changes in liability through submission of the appropriate forms.

Should you require further information please refer to the Council's Website (<http://www.hillingdon.gov.uk/index.jsp?articleid=24738>).

3. CONSIDERATIONS**3.1 Site and Locality**

The application site is located on the northwest side of High Road, Ickenham and comprises the eastern part of a two/three storey retail parade (Nos. 81 to 97) with the second floor largely being contained within the roof, which includes projecting gable features and dormers in the front elevation and dormers at the rear. The ground floor units at Nos. 91 to 93 High Road are in Class A1 retail use as a Tesco Express, with the ground floor units at Nos. 95 and 97 being in use as restaurants/hot food takeaway. Previously, the whole of Nos. 91 to 97 High Road was in use as part of a commercial printers (Class B2) which included the upper floors being used as ancillary office space. The upper floors at Nos. 91 and 93 have been converted to residential use, initially as HMO accommodation and subsequently as flats with shared bathroom, lounge and kitchen facilities, without the necessary planning permission, accessed by means of a rear first floor walkway across the flat roofs of the ground floor units, via a side external staircase and passageway from High Road. The remainder of the terrace consists of commercial uses on the ground floor, with ancillary storage/office use and residential units above.

The north-western boundary of the application site abuts The Greenway, with a three storey block of flats and maisonettes, to the northeast (Nos. 183 - 199 High Road). On the opposite side of the High Road, the former American Air base is being re-developed, mainly for residential with the West Ruislip Underground Station sited some 200m to the east. The rest of the surrounding area is predominantly residential. The site forms part of a retail parade as designated in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3.2 Proposed Scheme

This application seeks part retrospective permission to for the retention of 2 x 4 bedroom flats above 91 and 93 High Road Ickenham and the retention of an existing external metal staircase accessed from the side of No. 97, plus the addition of a new staircase accessed from the rear yard to serve all the flats above 91-97 High Road, Ickenham.

The existing external access stairs are attached to the northeast flank wall of the building, towards the rear and have a depth of 6.9m, rising to a height of 3.7m above ground level to provide direct access to the flats from an elevated walkway with 1m high railings above the existing flat roofs of the single storey commercial elements. The provision of the

external staircase has enabled the flats to be accessed independently from the ground floor units and provide access directly to the High Road along the flank wall of No 97 but does not provide direct access to the rear yard and off street car parking. The new external staircase would link onto the existing walkway above the single storey commercial elements, but in contrast the existing external staircase would provide direct access to the yard and car parking area. The scheme also proposes re-organising the existing refuse arrangement to the rear of Nos. 95 and No 97 involving the demolition of existing refuse stores to provide space for refuse storage areas for the commercial units beneath the new stair case.

The rear service yard would provide 4 off-street parking spaces together with separate bin and cycle storage provision for the flats. The scheme does not alter the existing provision of 3 car parking spaces for the commercial units at Nos. 91-97 located behind the Tesco Express and the refuse area behind serving the Tesco Express.

3.3 Relevant Planning History

14964/APP/2001/943 91-97 High Road Ickenham

RETENTION OF AIR CONDITIONING UNITS AND INSTALLATION OF ACOUSTIC HOOD

Decision: 20-07-2001 Approved

14964/APP/2006/2429 91-97 High Road Ickenham

CHANGE OF USE OF 4 EXISTING FIRST FLOOR OFFICE UNITS TO 4 THREE-BEDROOM FLATS, (INCORPORATING ROOF ACCOMMODATION) WITH SIDE/REAR EXTERNAL ACCESS STAIRCASE AND REAR TERRACE.

Decision: 23-11-2006 Refused **Appeal:** 29-11-2007 Dismissed

14964/APP/2007/1178 91-97 High Road Ickenham

CHANGE OF USE OF FOUR EXISTING FIRST/ SECOND FLOOR OFFICE UNITS TO FOUR THREE-BEDROOM FLATS (INCORPORATING ROOFSPACE ACCOMMODATION) WITH SIDE /REAR EXTERNAL ACCESS STAIRCASE AND REAR TERRACE.

Decision: 29-06-2007 Refused

14964/APP/2007/560 91-97 High Road Ickenham

ERECTION OF AN EXTERNAL STAIRCASE AND ALTERED ACCESS TO FIRST FLOOR (EXISTING STAIRCASE TO BE REMOVED)

Decision: 25-05-2007 Refused

14964/APP/2008/1245 91-97 High Road Ickenham

CHANGE OF USE OF FOUR EXISTING FIRST/SECOND FLOOR OFFICE UNITS TO FOUR 4-BEDROOM FLATS (INCORPORATING ROOFSPACE ACCOMMODATION) WITH SIDE /REAR EXTERNAL ACCESS STAIRCASE AND REAR TERRACE. (PART RETROSPECTIVE)

Decision: 26-08-2008 Refused

14964/APP/2009/896 91-97 High Road Ickenham

Change of use of first and second floors from Class B2 industrial use to 4 four-bedroom flats with side/rear external access staircase and rear first floor walkway and installation of new rear first floor walkway and staircase (Part Retrospective Application).

Decision: 27-05-2010 Refused

14964/E/94/0636 91-97 High Road Ickenham

Erection of a single-storey rear extension

Decision: 27-07-1994 Approved

Comment on Relevant Planning History

PLANNING HISTORY

The site has an extensive planning history. The relevant history relating to the upper floors is as follows:

14964/APP/2006/2429 - for the retention of the change of use from office to four 3-bedroom flats at first and loft levels and installation of external access stairs was refused on 23/11/06 on the grounds of the residential use not affording adequate amenity above an industrial use and lack of a S106 agreement to provide additional education facilities. An appeal was subsequently dismissed.

14964/APP/2007/560 - for the installation of an external staircase was refused on 25/05/07 on the grounds of the staircase would allow independent use and therefore facilitate the retention of the existing substandard form of residential accommodation, above a general Class B2 industrial use and the external means of access was considered substandard.

14964/APP/2007/1178 for the change of use of four existing first/second floor office units to four 3-bedroom flats (incorporating roofspace accommodation) with side/rear external access staircase and rear terrace was refused on 04/05/07 on grounds of providing substandard accommodation above an industrial use and the staircase would allow independent use and therefore facilitate the retention of the existing substandard form of residential accommodation.

14964/APP/2009/896 for the change of use of first and second floors from Class B2 industrial use to 4 four-bedroom flats with side/rear external access staircase and rear first floor walkway and installation of new rear first floor walkway and staircase (Part Retrospective Application) Refused 27 May 2010 on grounds of providing substandard accommodation above an industrial use, the staircase would allow independent use and therefore facilitate the retention of the existing substandard form of residential accommodation, plus a failure to secure a financial contribution towards educational facilities.

ENF/472/07/ - An Enforcement notice was issued on 11 October 2010 for a breach of planning control as alleged for unauthorised change of use of the upper floors (first and second) from office to residential for 4 x four bedroom flats at 91-97 High Road. The requirements of the notice were (i) cease the use of the property as residential; (ii) remove

all sleeping facilities, domestic cooking equipment, food preparation areas and domestic furnishings; and (iii) remove from the land all debris resulting from compliance with the above requirements. Six months full compliance time was given. The Enforcement Notice was appealed (APP/R5510/C/10/2141184) and the Inspector issued his decision on 4 August 2011. Whilst the appeal was formally dismissed the Inspector did adjudge the two flats above 95-97 on the balance of probabilities were in occupation for 4 years from the date of the Notice served and hence were exempt from planning enforcement action.

As regards the ground floor, the following applications are relevant:

63005/APP/2007/1175 at 97 High Road, Ickenham for the subdivision of ground floor to form a separate unit and change of use from class B2 (general industry) to class A3 (restaurant, snack bar, cafe) for use as a restaurant with installation of a new shop front and flue was approved on 29/06/07.

63006/APP/2007/1176 at 91-93 High Road, Ickenham for the sub-division of ground-floor to form a separate unit and change of use from class B2 (general industry) to class A1 (shops) for use for retail purposes and installation of a new shop front was approved on 29/06/07.

63007/APP/2007/1177 at No.95 High Road, Ickenham for the sub-division of ground-floor and change of use from class B2 (general industry) to class A3 (restaurants, snack bars, cafes) for use as a restaurant and installation of a new shop front was approved on 29/06/07.

Also, it is noted that planning application ref: 58425/APP/2004/348 at No.81 High Road, at the other end of the parade for the erection of a single storey rear extension and change of use from Class A1 to a Class A3 restaurant was allowed on appeal. This scheme also resulted in the residential accommodation only being served by an external staircase from the ground to the first floor.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

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

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

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

OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
H8	Change of use from non-residential to residential
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
LPP 3.5	(2011) Quality and design of housing developments
LPP 6.9	(2011) Cycling
LPP 6.13	(2011) Parking
LPP 8.2	(2011) Planning obligations
LPP 8.3	(2011) Community infrastructure levy

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed and 10 adjoining owner/occupiers were consulted in writing plus the Ickenham Residents Association.

Three individual letters of objection and a reply from the The Ickenham Residents Association have been received objecting on the following grounds:

- i. The external staircases will raise visual amenity, noise and privacy issues to neighbours;
- ii. The parking provision is inadequate with residents and visitors regularly using/blocking access to the car park belonging to the flats and houses at The Greenway;
- iii. Car parking layouts are not workable and will involve cars reversing onto the road, resulting in risk to pedestrian safety;
- iv. The staircase will block access to the car parking bays;
- v. The car parking allocated to residential was allocated in previous approved schemes to the commercial units on site and there is not sufficient space for both;
- vi. Existing structures and uses on site have not been accurately reflected on submitted drawings;
- vii. Works on site not conformed with building regulations, health and safety regulations, water regulations;

viii. Amenity space is insufficient and residential refuse areas non existent;

ix. The takeaway on site pours waste directly down surface water road gullies and wash out refuse bins onto the forecourt and then runs into the surface water gully that result in issues with vermin.

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

I do not wish to object to this application. I must advise that the staircase was subject to a complaint to this team alleging noise nuisance under the Environmental Protection Act 1990, from late night usage as it is situated in close proximity to windows on the gable end wall of the adjoining residential building. In addition new security lighting was also the subject of a complaint, however following intervention by this team, modifications to the fittings and controls were made such that their impact was reduced to acceptable levels. The cumulative impact of the access arrangements to the dwellings is not significantly acute in this instance, and a balance must be made between the safety and amenity requirements of adjoining residential properties.

ACCESS OFFICER

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document, Accessible Hillingdon adopted January 2010.

The proposed conversion could not reasonably incorporate the Lifetime Home standards and it is suggested that the above policy is not applied in this instance. No objection.

WASTE DEVELOPMENT MANAGEMENT TEAM:

Based on the proposed location of both the household and commercial waste bins this would seem to offer the best solution to waste storage at the site.

HIGHWAY ENGINEER:

The site is located opposite West Ruislip station and has a PTAL of 3. On street parking in The Greenway (off Ickenham High Road) is restricted before 11.00am while in the part of The Greenway behind the site on street parking on one side is unrestricted.

Permission is sought for two additional 4 bed units and whilst there are concerns that only one parking space per unit is proposed, no objections are raised as with previous submissions no objections were raised to this level of parking provision.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The development seeks permission to bring the upper floors of this part of the parade into residential use, which appears to have been their historic use, albeit tied to the ground floor uses with full height internal staircases. There is no objection to the loss of the industrial use in terms of Policy LE4, given the clear potential for conflict with the amenity of surrounding residential occupiers by reason of noise generation, vibration, potential for smells and fumes and other general disturbance resulting from an industrial use in such close proximity to adjoining residential properties. Furthermore, there is no objection in principle in creating additional residential uses within this residential area. As such, the proposal is considered to comply with policies BE19 and LE4 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.02 Density of the proposed development

As this scheme is to change the use of part of an existing building, residential density is not strictly relevant as this applies to new build schemes. However, with 35 units per hectare (u/ha) and 235 habitable rooms per hectare (hr/ha) the scheme is within the density guidelines of the London Plan which requires that new housing within a suburban setting and a PTAL score of 3 to generally be in the range of 150 - 250 habitable rooms per hectare (hr/ha) and 35 - 65 units per hectare (u/ha).

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The only external alterations to the building is the installation of the external staircases and a rear walkway. The existing staircase is set back on the side elevation of the parade so that it would not be readily visible from the High Road. The proposed staircase and rear walkway with their associated railings can be seen from The Greenway, however, an external rear staircase is also found on this parade, at No. 81 High Road which was allowed on appeal. The existing and proposed staircases and walkways would either be sufficiently set back from the road frontages and/or be viewed against the back drop of existing buildings so that they would not appear unduly detrimental to the visual amenities of the street scene or the surrounding area. No objections are raised on design grounds to the additional proposed staircase and walkway at the rear, which would match the design of the existing staircase and walkway. The development therefore complies with Policies BE13 and BE19 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.08 Impact on neighbours

The proposed change of use represents a significant improvement for surrounding residential occupiers in terms of the potential for noise and general disturbance as compared to the authorised Class B2 industrial use of these premises.

The use of the external staircase, being sited towards the rear of the side elevation of the parade would not permit any overlooking of the front and rear elevations of Nos. 183 to 199 High Road, the adjoining block of flats/maisonettes. The only side windows on this block facing the application site are three small obscure glazed windows, one on each floor. The adjoining building itself is therefore not overlooked. Amenity space for the ground floor units in this block is provided at the front, adjoining the High Road. The staircase does permit views over the amenity space of No. 199, the adjoining ground floor flat. This amenity space is already overlooked by Nos. 193 and 199, the two maisonettes above, but the staircase would exacerbate the situation, albeit intermittently, mainly as residents exited the flats. Previous schemes on the site involving retention of the existing external staircase were not adjudged to provide a reason of refusal in respect of loss of privacy/overlooking.

A condition requiring an appropriate screen on the side of the staircase would effectively prevent the loss of privacy from the use of the external stairs and with an appropriate design, would not appear unduly unsightly or intrusive, given its siting adjacent to an existing flank elevation of a three storey parade.

As regards the existing rear walkway and the proposed external stairs to the rear yard, design guidance advises that in order to safeguard the privacy of adjoining neighbours,

properties and their private amenity areas, taken to be the 3m depth of rear garden immediately adjoining the rear elevation should not be overlooked within a 21m distance. In this instance, the existing walkway and the new stairs would be sited over 30m from the nearest residential boundary in The Greenway. The existing and proposed walkways and staircases, given their siting, would not permit views into adjoining first floor property windows in the parade.

It is therefore considered, subject to a condition requiring a side screen to the side external staircase, the development would not result in a loss of privacy to surrounding residential occupiers, in accordance with policy BE24 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and relevant guidance in the Council's HDAS: 'Residential Layouts'.

Although the use of the metal staircase has the potential to generate noise and vibration, such staircases are a traditional means of providing access to first floor units in parades. A similar external staircase was also approved on appeal at No. 81 at the other end of the parade. As such, no objections can be raised to the staircase in terms of policy OE1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.09 Living conditions for future occupiers

In terms of the accommodation provided, the units would be self-contained flats with shared kitchen, bathroom, toilet and living room facilities for its occupants with the flats having their own access and internal staircases to access the second floor bedrooms. All facilities are self-contained and habitable rooms have adequate outlook. The two 4 bedroom flats would have an internal floor area of 95sq.m. satisfying the London Plan 90sq.m. minimum standard for 4 bedroom flats.

The rear walkway would pass close to the first floor windows of the proposed flats but the nearest windows would serve kitchens.

The Council's guidance for new build schemes states that non-family flats above shops do not have to provide external amenity space. With 4 bedrooms, these units would provide family housing. However, each flatted pair share a 19sq.m. area of external amenity space sited between the first floor projecting wings of the parade. It is considered that this space, although not ideal, does provide at least a small amenity area and a place to dry clothes. Furthermore, adjoining units in the parade do not provide any amenity space and are of a comparable size.

Policy H7(iii) refers to residential units above ground floors having internal staircases. The flats do have individual internal staircases between the first and second floors. The external access from ground to first floor requires an external staircase. It is not considered that a reason for refusal based on this would be upheld at appeal.

It is therefore considered that the accommodation provided does now provide suitable living accommodation, in accordance with policies BE19, OE1 and OE3 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 3.5 of the London Plan.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed scheme shows 2 off-street car parking spaces in the rear yard area of No. 95 and No 97 High Road for the 2 flats that are the subject of this planning application plus 2 car parking spaces for the flats that were regularised by the partial quashing of an Enforcement Notice by the Planning Inspector.

In addition the scheme shows 3 car parking spaces allocated for the 3 ground floor commercial units at Nos. 91-97 High Road and these are located to the rear of Tesco Express. This level of car parking provision for the flats has been generally accepted as part of other permissions on this site. These other permissions were also based on 4 car parking spaces allocated for the commercial units (at 91-97) located to the rear of 91/93 High Road (Tesco Express). Only 3 of these 4 commercial parking spaces is in operation (as detailed in the site plan submitted with this scheme) as a rear concrete stair has been constructed providing rear staff access/fire escape to the Tesco store. It is understood at any time only 2 members of staff from the retail unit arrive by car.

The last refused scheme (14964/APP/2009/896) seeking retention of the 4 flats above No 91-97 High Road was refused on car parking provision grounds with the full use of all the parking spaces shown not considered possible given the bin stores in the rear yard and the proposed new external staircase inhibiting the movement of vehicles into the 4 residential car parking bays, plus 2 of the car parking bays serving the commercial units being blocked by the bins and the fire exit stairs to the rear of Tesco Express.

This current scheme has revised the design and location of the proposed staircase to the yard from the upper floor flats and would result in no obstruction of the vehicular access to the residential car parking bays thereby substantially addressing the previous highway related reason for refusal. Further details have been provided of bin storage areas for refuse provision to the commercial units and the upper floor flats such that these bin stores would not obstruct vehicle movements for the residential scheme.

The proposed location of the refuse bins provision for the Tesco Express would not occupy any previously agreed car parking bays for the site. Notwithstanding the scheme provides for 3 car parking spaces not 4 for use by the commercial units on the site on and therefore does not address in full the previous highways reason, on balance it is considered this shortfall in parking against previous approved schemes for the site is not considered to provide a reason of refusal given (i) the commercial car parking arrangement does not relate directly to the residential flats that are the substantial matter of this application and (ii) based on a series of site visits by the case officer that provide no evidence all 3 commercial parking bays are utilised.

Subject to a condition requiring the full setting out of the car parking bays, the agreed allocation of the bays to the commercial and residential units and strict adherence to the agreed location of the refuse bins it is considered the scheme would comply with Policies AM7 and AM14 of the adopted Hillingdon Unitary development Plan Saved Policies (September 2007).

7.11 Urban design, access and security

See Section 7.07

7.12 Disabled access

The Access Officer advises that given the inherent nature of the existing accommodation, the building is fundamentally inaccessible for disabled people. No provision in terms of disabled access/Lifetime Homes standards is required.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

The submitted plans provide provision for 4 refuse bins in the rear yard for the residential

units. The application also involves the demolition of 2 existing refuse stores in the rear yard that are for use by the commercial units at Nos. 95 and 97 High Road and the relocation of this commercial refuse provision beneath the proposed new external rear staircase within a space currently occupied by a single storey furniture store room (that would be demolished).

The refuse provision for the residential units above and the refuse provision for the commercial units at No. 95 and No 97 High Road complies with the capacity standards as set out by the Waste Development Team. The refuse bin would be located in an area where they will not prejudice the manoeuvring of cars in and out of the car parking bays to the rear allocated for the residential units.

The scheme will not impact upon the existing arrangement of 3 Eurobins serving Tesco Express set alongside the fire exit stairs behind the retail unit.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

This matter can be addressed by means of a condition requiring the submission and implementation of a noise insulation scheme. As such, the scheme complies with policy OE1 and OE3 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

7.19 Comments on Public Consultations

Points (i), (ii), (iii) (viii) are dealt with in the main body of the report.

Pts (iv) & (vi) Revised drawings were received following the initial submission of the scheme to address this issue with the new staircase and accurate drawings of the existing buildings on site.

Point (v) The physical separation of the car parking for the residential on site and the commercial uses on the site was agreed in previously agreed schemes on the site and is consistent with these ground floor commercial use schemes.

Pts (vii) Compliance with building regulations and health safety regulations is not a material consideration for planning applications

Pt (ix) Is not a material planning consideration in respect to this application.

7.20 Planning Obligations

The development is not subject to planning obligations. Nonetheless it is mayoral CIL liable and the applicant has been advised that once permission is granted, they will be liable to a £6650 CIL levy.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning

legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

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

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

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

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

9. Observations of the Director of Finance

10. CONCLUSION

The development would regularise the 2 residential flats on the upper 2 floors of 91-93 High Road. It is considered that the accommodation would now provide acceptable living space, given that the ground floor use has changed from general industrial to retail (Class A1) and restaurant (Class A3) uses that are more compatible with residential use. Furthermore, the development, including the access arrangements, would not be detrimental to the visual amenities of the area and although the use of external staircase does involve some loss of privacy to the adjoining amenity area of the adjoining ground floor flat, this is not so significant to justify a reason for refusal, given the existing overlooking of the flats above and a condition requiring side screening to be provided will address this. The introduction of a new external stairs from the yard provides direct access from the flats to the parking allocated for their purpose making them practical. The cycle and refuse storage areas do not prejudice the use of the residential parking bays addressing a previous reason of refusal. The scheme is recommended for approval.

11. Reference Documents

London Plan (July 2011)
Hillingdon Unitary Development Plan Saved Policies (September 2007)
Hillingdon Design and Accessibility Statement: 'Residential Layouts' and 'Accessible Hillingdon'
National Planning Policy Framework (March 2012)
Letters making representations

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