

Report of the Head of Planning & Enforcement Services

Address KNIGHTS OF HILLINGDON FLORISTS UXBRIDGE ROAD HILLINGDON

Development: Reserved matters (landscaping) in compliance with condition 2 of the Secretary of State's Appeal Decision ref:APP/R5510/A/09/2119085 dated 17/06/2010 (LBH ref:15407/APP/2009/1838): Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building).

LBH Ref Nos: 15407/APP/2010/2209

Drawing Nos: HILLINGDON/03
1021-P-200 Rev. C received 17 October 2012
Dwg. Hillingdon/03A received 17 October 2012
No 2 Plant Schedule (Amended) received 25 October 2012
No 3 - Specification for Soft Landscaping Scheme received 4 April 2011 (part 1)
No 3 - Specification for Soft Landscaping Scheme received 4 April 2011 (part 2)
No 4 Plant Maintenance Schedule dated 21 March 2011
E-mail from agent on finished levels dated 17 October 2012
1021:P:120

Date Plans Received:	16/09/2010	Date(s) of Amendment(s):	25/10/2012
Date Application Valid:	13/05/2011		17/10/2012
			20/10/2011
			04/11/2012
			21/03/2011

DEFERRED ON 11th October 2011 FOR FURTHER INFORMATION .

The item was deferred by members from the 11 October 2011 Central & South Planning Committee meeting to address the following items:

- (a) Establish height of existing structures on boundary with 1 De Salis Road.
- (b) Establish extent of existing shadowing on rear garden of with 1 De Salis Road.
- (c) Clarify height of proposed boundary wall and planting.
- (d) Establish extent of proposed shadowing on 1 De Salis Road.
- (e) Visit the occupiers of 1 De Salis Road and ask what boundary treatment/screen planting they would prefer.
- (f) Applicant to provide existing and proposed sectional drawings to show what can be seen of 1 De Salis Road from existing building and proposed building.

OFFICER RESPONSE

Re Pts. (a & c): The applicant has provided a set of revised plans that confirm the existing wall will be retained as the boundary treatment between the site and the garden of No 1 De Salis

Road. This wall also has trellis along the top, and is considered to provide adequate boundary treatment between the sites.

Re Pts. (b & d) The issue of over shadowing arising from the new residential block was dealt with when the height and design of the scheme was approved by the Appeal Decision. With regard to the item of this reserved matter, landscaping, the potential of future overshadowing arising from trees planted as part of the landscaping scheme (which gave rise to previous objections from No 1 De Salis and the adjoining neighbour, No 3 De Salis Road) the applicant has amended the landscaping plan to relocate and reduce the number of trees planted on the boundary to No 1 De Salis Road. The landscape officer is satisfied that the tree species and their revised location addresses any concerns regarding overshadowing when the trees grow to their mature height.

Re Pt. (e) A series of meetings were held between the case officer, the landscape officer and local neighbours (the meetings were held in the garden of No 1 De Salis Road). At these meetings details of the finish ground levels, the boundary treatment, revised landscaping plans were presented and discussed. The neighbours at No 1 and No 3 De Salis have confirmed in writing they remove their previous objection to this reserved matter item. As part of this iterative process between neighbours and applicant, further details have also been provided of how the existing hardstanding on site will be broken up to ensure the scheme's new garden will adequately drain.

Re Pt. (f). It is important to note that the neighbours in De Salis Road did not fully appreciate there would be no balconies facing their gardens (on the north facing elevation to the scheme) and that the windows facing north would be all obscured glazed.

Since the deferral there has been changes to policies both at Hillingdon (adoption of the Local Plan Parts 1 and 2) and nationally with the National Planning Policy Framework. The main body of the report has been updated to reflect these.

1. **SUMMARY**

Outline planning permission was allowed on appeal dated 17 June 2010 for the erection of a new health centre facility and 12 No residential flats with ancillary car parking and landscaped amenity space. All matters were provided for consideration except for landscaping details.

Reserved matters approval is sought in respect of the landscaping of the site in compliance with condition 2 of the outline planning permission. The landscape plan, as amended is considered acceptable and will provide an attractive landscape setting for the building and enhance the surrounding residential area.

The landscape plan is considered to comply with Policy BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and is therefore recommended for approval.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM4 **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 1021-P-200 Rev. C, Dwg. Hillingdon/03A and shall thereafter be retained/maintained for as long as the

development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

2 COM5 General compliance with supporting documentation

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

Planting and Landscaping Scheme: "No 2 Plant Schedule" (Amended) received 25 October 2012,

"No 3 - Specification for Soft Landscaping Scheme received 4 April 2011 (part 1 and part 2)" and "Specification for Soft Landscaping Scheme" received 4 April 2011 (part 2)

Plant Maintenance: "No 4 Plant Maintenance Schedule dated 21 March 2011"

Site Levels and finish Boundary height: E-mail from agent on finished levels dated 17 October 2012

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

REASON

To ensure that the development complies with the objectives of Policies BE38 and BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT reserved matters approval 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 reserved matters approval has been taken having regard to the policies and proposals in the Local Plan Parts 1 & 2, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises 0.095ha and is located on the northern side of Uxbridge Road at the junction of De Salis Road and Uxbridge Road and was occupied by a derelict former florist.

3.2 Proposed Scheme

Reserved matters approval is sought in respect of the landscaping of the site in compliance with condition 2 of the outline planning permission. The landscape plan, as amended is considered acceptable and will provide an attractive landscape setting for the building and enhance the surrounding residential area.

Revised planting plan drawing 1021-P-200 Rev. C includes robust structured planting incorporating trees, hedges and shrubs designed to provide an attractive and useable private space for the enjoyment of the site occupiers. It will also enhance the local residential environment beyond the boundaries of the site.

This submission has been the subject of several amendments following detailed discussions with the agent, with the landscape designer and following extensive discussions by the case officer and landscape officer with the neighbours at No 1 and No 3 De Salis Road. The landscape proposals reflect the outcome of the discussions.

3.3 Relevant Planning History

15407/APP/2009/1838 Knights Of Hillingdon Florists Uxbridge Road Hillingdon

Erection of new health centre and 12 residential units with ancillary car parking and landscaped amenity space (involving demolition of existing building) (Outline application for approval of access, appearance, layout and scale.)

Decision: 25-11-2009 Refused

Appeal: 17-06-2010 Allowed

Comment on Relevant Planning History

None.

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.BE1 (2012) Built Environment

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

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

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **27th April 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A total of 99 nearby owner/occupiers were consulted on the application.

Following the original consultation 4 letters were received. Three of these letters raised the following objections:

- (i) Application was previously rejected; nothing has changed in this proposal and should be refused.
- (ii) Loss of light
- (iii) Visually intrusive
- (iv) Hazard to road safety
- (v) Lack of parking

The 4th letter was a letter of support stating:

- (i) The site is a derelict eyesore and should be redeveloped.

COMMENTS RECEIVED FOLLOWING RECEIPT OF REVISED PLANS AFTER ITEM WAS DEFERRED:

A letter has been received confirming the immediate neighbours 1 De Salis Road confirming that they and their neighbour are in agreement that the revised landscaping is acceptable.

Internal Consultees

TREES AND LANDSCAPE OFFICER - AMENDED PLANS

This submission has been the subject of several amendments following detailed discussion with the agent, discussions with the landscape designer and following with site meetings with neighbours. The landscape proposals reflect the outcome of the discussions and are considered satisfactory.

These details are recommended for approval.

ACCESS OFFICER

I consider that condition 2 in respect of the above has been met from an accessibility perspective.

HIGHWAY OFFICER

No objection.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the development has been set by the previously approved planning appeal application ref APP/R5510/A09/2119085.

7.02 Density of the proposed development

Density of the proposed development was determined under the outline planning permission and were considered acceptable.

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

The site does not fall within an Archaeological Priority Area and there are no Listed Buildings or Areas of Special Local Character within the vicinity.

7.04 Airport safeguarding

This is not applicable to this application.

7.05 Impact on the green belt

There is no land designated as Green Belt within the near vicinity.

7.07 Impact on the character & appearance of the area

It is considered that the landscape proposals will enhance the local residential environment beyond the boundaries of the site.

7.08 Impact on neighbours

The landscaping proposals would not have any detrimental impacts on the amenity of neighbouring occupiers.

7.09 Living conditions for future occupiers

Living conditions for future occupiers was considered under the outline planning permission.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Reserved matters of layout and access were determined under the outline planning permission and were considered acceptable. The proposed landscaping does not impact on these approved matters.

It should be noted that various conditions were included within the appeal decision granting outline consent to control key matters, including;

Condition 9: To ensure the provision of adequate cycle parking facilities.

Condition 15: Required the submission, approval and implementation of all traffic arrangement including visibility splays.

Details in respect of conditions 9 and 15 have been submitted to and approved by the Local Planning Authority.

The conditions on the outline planning permission provide adequate control over these matters and there is no need for duplication of this control within the reserved matters consent.

7.11 Urban design, access and security

Issues of Urban Design, Access and general security were considered under the outline planning permission.

Boundary treatments are subject to a separate condition under the outline planning permission.

7.12 Disabled access

The Council's Access Officer considers that the landscaping proposals are acceptable from an accessibility perspective.

7.13 Provision of affordable & special needs housing

Provision of affordable & special needs housing were considered under the outline planning permission and were considered acceptable.

7.14 Trees, landscaping and Ecology

The landscaping scheme includes robust structure planting incorporating trees, hedges and shrubs designed to provide an attractive and useable private space for the enjoyment of the site occupiers. It will also enhance the local residential environment beyond the boundaries of the site. The Council's Trees and Landscape Officer has been consulted on the application and considered the details submitted to be acceptable.

7.15 Sustainable waste management

Details of sustainable waste management were considered under the outline planning permission and were considered acceptable.

7.16 Renewable energy / Sustainability

Details of Renewable energy / Sustainability were considered under the outline planning permission and were considered acceptable.

7.17 Flooding or Drainage Issues

Details of flooding and drainage issues were considered under the outline planning permission and were considered acceptable.

7.18 Noise or Air Quality Issues

Details of noise mitigation and air quality issues were considered under the outline planning permission and were considered acceptable.

7.19 Comments on Public Consultations

None.

7.20 Planning obligations

Not applicable to this application.

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

Not applicable to this application.

10. CONCLUSION

Reserved matters approval is sought in respect of the landscaping of the site in compliance with condition 2 of the outline planning permission. The landscape plan, as amended is considered acceptable and will provide an attractive landscape setting for the building and enhance the surrounding residential area.

The landscape plan is considered to comply with Policy BE38 of the Unitary Development Plan Saved Policies September 2007 and is therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One (November 2012)

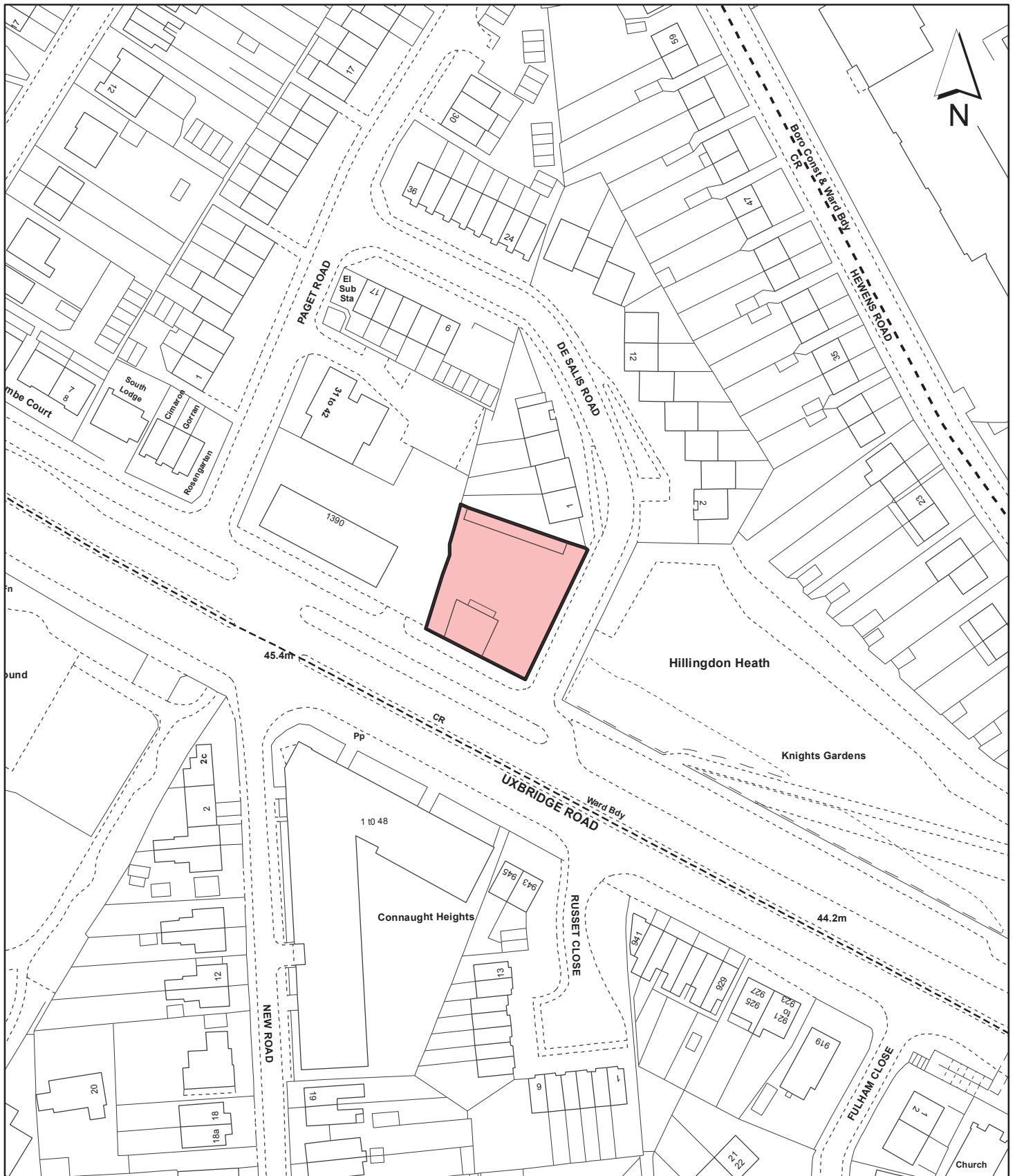
Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

London Borough of Hillingdon's HDAS 'Residential Layouts' Supplementary Planning Document, (adopted July 2006)

National Planning Policy Framework (March 2012)

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Knights of Hillingdon Florists
Uxbridge Road
Hillingdon**

**LONDON BOROUGH
OF HILLINGDON
Residents Services**

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

Planning Application Ref:

15407/APP/2010/2209

Scale

1:1,250

Planning Committee

Central and South

Date

**December
2012**



HILLINGDON
LONDON