

**Report of the
Corporate Director of Residents Services**

Address: SOUTHBOURNE DAY CENTRE, 161 ELLIOTT AVENUE,
RUISLIP

Development: ERECTION OF A TWO STOREY BUILDING TO PROVIDE 23 ONE AND TWO-BEDROOM APARTMENTS, TOGETHER WITH ASSOCIATED PARKING, INVOLVING THE DEMOLITION OF EXISTING DAY CENTRE BUILDING (OUTLINE APPLICATION).

LBH Ref Nos: 66033/APP/2009/1060

Drawing Nos: AS PER ORIGINAL COMMITTEE REPORT

Date applications approved at Committee North Planning Committee – 27th October 2009

S106 Agreement That the recommendation to amend the tenure of the affordable housing units is approved and a deed of variation entered into to reflect this.

1.0 CONSULTATIONS

1.1 Internal Consultees

<p>Planning Obligations Officer</p>	<p>Following the planning committee and subsequent development of the site the owner has tried unsuccessfully to deliver the affordable housing units as a social rented tenure. With the assistance of Housing a Registered Provider has agreed to purchase the flats as a shared ownership tenure. It is considered that this is acceptable given that these affordable units are still able to be delivered and therefore it is requested that this tenure change is approved.</p>
<p>Housing Officer</p>	<p>The developer has struggled to find a registered Provider willing to take on the affordable units in this development. Liaison with Registered Providers shows this is for two reasons:</p> <ul style="list-style-type: none"> i) there is no longer any funding available for social rented units; ii) it is not economic to manage only 2 rented flats within a block <p>The change in tenure is acceptable to housing as it still ensures delivery of these 2 units at this location as affordable housing.</p>

2.0 RECOMMENDATION

- A. That the Committee agree to allow a Deed of Variation to be made to the original S106 legal agreement, altering the planning obligation relating to affordable housing, specifically, altering the affordable housing tenure to shared ownership.**
- B. That officers be authorised to negotiate and agree the detailed terms of the agreement.**
- C. That the owner meets the Council's reasonable costs in the preparation of the Deed of Variation and any abortive work, as a result of the agreement not being completed.**

3.0 KEY PLANNING ISSUES

- 3.1 The current planning application was lodged on the 3rd of June 2009 and reported to the North Planning Committee on the 27th of October 2009. The report is attached as Appendix A and the minute of that meeting is attached as Appendix B.
- 3.2 The Committee determined to approve the application, subject to the applicant, entering into a s106 agreement to deliver amongst other things, 9% of the development as affordable housing (2 units) with at least 70% of that being in the form of social rented tenure.
- 3.3 Since the grant of planning permission and the disposal of the site for development by the council, the developer has tried unsuccessfully for 2 years to find a Registered Provider to purchase these units and deliver the affordable housing for two reasons. The first is that there is no longer grant funding for social rented units and the second is that it is not economic to manage only 2 rented units in a block of flats.
- 3.4 As a direct result of the above and after extensive liaison by the developer with the Council's Housing department. The housing department have managed to assist the developer in finding a registered provider who is willing to purchase these 2 flats on a shared ownership basis, thus ensuring delivery of affordable housing at this location.
- 3.5 Housing and planning have worked with the developer and are in agreement that the tenure should be agreed to be changed to enable us to have these 2 units delivered on-site.
- 3.6 Approval to change the tenure of the affordable housing units from social rented to shared ownership is sought to enable the affordable housing on this site to be delivered, subject to the conditions and informatives contained in the report heard by the North Planning Committee on 27 October 2009.

OBSERVATIONS OF BOROUGH SOLICITOR

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

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

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

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

OBSERVATIONS OF THE DIRECTOR OF FINANCE

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

Reference Documents

- (a) North Planning Committee Agenda 27th October 2009. Report for application reference 66033/APP/2009/1060.
- (b) North Planning Committee Minutes 27th October 2009 resolution for application reference 66033/APP/2009/1060.

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APPENDIX A

Report of the Corporate Director of Planning & Community Services

Address SOUTHBOURNE DAY CENTRE 161 ELLIOTT AVENUE RUISLIP

Development: Erection of a two storey building to provide 23 one and two-bedroom apartments, together with associated parking, involving the demolition of existing day centre building (Outline application).

LBH Ref Nos: 66033/APP/2009/1060

Drawing Nos: 20080009/A/P/01
20080009/A/P/02
20080009/A/P/03 Rev. A
20080009/A/P/04 (illustrative flat layouts
20080009/A/P/05 Rev. A
Design and Access Statement (Revised June 2009)
Planning Statement
Energy Report (September 2009)

Date Plans Received:	23/04/2009	Date(s) of Amendment(s):	23/04/2009
Date Application Valid:	03/06/2009		26/06/2009
			07/08/2009
			10/08/2009
			18/09/2009

DEFERRED ON 13th October 2009 FOR FURTHER INFORMATION .

This application was deferred from the Committee of the 6th October 2009 to enable:

1. More information to be submitted by the applicant on alternative community uses that could be provided for on the site and attempts made by the applicants to secure a community use for the site;
2. To explore the need for a children's play area to be provided on-site; and
3. To look into the location of the third disabled parking bay.

COMMUNITY USES

With regard to point one, the applicants have provided the following information:

General

The Southbourne site is located in the midst of a residential area. It is not immediately well served by public transport and is not on a main road. Therefore, in order for it to be viable as a community asset, it would have to rely almost exclusively on use by people who live in the immediate locality rather than those in the wider area or those who travel by car. Wider community use is therefore not justified on this site.

The facility is relatively small and would not accommodate a wide range of activities. Therefore, it would be difficult for a group aimed at providing facilities for local people to generate enough income to fund the running of the facility. This makes it less attractive as a community asset.

The fact that the facility is in a residential area means that it is not particularly suitable for evening use or for functions that would generate a lot of noise or an excessive demand for parking.

For the facility to support an alternative use, such as a nursery, there would be significant investment required to bring the building up to the necessary standards.

Current demand

The Partnerships Team in the Deputy Chief Executive's Office have confirmed that there are no current applications for this type of facility in this location. It has also been confirmed that generally, the demand for community facilities in the Borough comes largely from religious groups in the south of the borough. It is unlikely that these groups would find this location suitable as this is outside their catchment area. In addition, such uses are likely to generate considerable amounts of traffic, noise and demand for parking and are likely to be required in the evenings and at weekends. Given the residential nature of the area, this is likely to cause problems and complaints from local residents.

Community facilities in the area

The local area already has numerous community assets available for its use. There is a wide range of community facilities in the area. The locality is well served by parks and sports facilities, including two bowls clubs, tennis courts, a cricket club and a football pavilion, which is due to receive significant investment from the Chrysalis project.

There is a medical centre and a dance school immediately opposite the site. The dance school is used as a nursery during the day. Within walking distance there is a community centre that is very well used, the British Legion Club, a scout hut and the Horticultural Society building. There is also a youth club within several hundred metres.

In conclusion, this site is not suitable for community use. Its size and location undermine its viability as a community asset. The local area is not deficient in community facilities and it is not evident that there is sufficient demand to support a facility of this type.

CHILDREN'S PLAY AREA.

The estimated child yield arising from this development is 5.6 children. The minimum requirement for on site play area is 10 children, in accordance with the Mayor's 'Providing for children and young people's play and informal recreation' Supplementary Planning Guidance. Therefore there is no justification in policy terms to require the provision of an on-site children's play area.

DISABLED PARKING BAYS

Condition 25 has been amended to require details of the location, size and number of disabled parking bays to be submitted and approved prior to commencement of the development, and must be provided, prior to occupation of the development.

1. SUMMARY

Outline planning permission is sought for a residential development comprising 16 x 1 bedroom and 7 x 2 bedroom apartments in one, 2 storey block on the former Southbourne

Day Centre site.

The site has been identified as being surplus to requirements in accordance with the Council's Final Strategy for Day and Employment Services and there are no national or regional planning objections in principle to the loss of such a use.

There are no adverse impacts upon the visual amenities of the surrounding area, there would be no loss of residential amenity to surrounding occupiers and highway and pedestrian safety impacts are considered to be acceptable. The application is therefore recommended for approval, subject to conditions and the S106 Agreement.

2. RECOMMENDATION

2.1 This authority is given by the issuing of this notice under regulation 3 of the Town and Country Planning General regulations 1992 and shall ensure only for the benefit of the land.

2.2 That the Council enter into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) or other appropriate legislation to secure the following:

- (i) A financial contribution of £8,161.96 for healthcare facilities.**
- (ii) The developer provides a financial contribution of £46,331 towards, nursery, primary, secondary and Post 16 school places within the locality of the development to satisfy the educational requirements arising from the child yield resulting from the proposal, in accordance with the Supplementary Planning Document on Planning Obligations adopted in July 2008.**
- (iii) A financial contribution towards training initiatives equal to £2,500 for every £1 million build cost.**
- (iv) A financial contribution of £10,000 towards community facilities.**
- (v) A financial contribution of £866.41 towards library facilities and books**
- (vi) provision of affordable housing equivalent to 9% of the total number of habitable rooms, of which at least 70% are to be of social rented tenure.**
- (vi) The applicants pay a sum to the Council equivalent to 2% of the value of contributions for compliance, administration and monitoring of the completed planning (and/or highways) agreement(s).**
- (vii) The applicants pay a sum to the Council of 3% of the value of contributions for specified requirements to project manage and oversee implementation of elements of the completed planning (and/or highways) agreement(s).**

2.3. That in respect of the application for planning permission, the purchaser of the Council's interest in the land meets the Council's reasonable costs in the preparation of the S106 Agreements and any abortive work as a result of the agreements not being completed.

2.4. If the S106 Agreement has not been finalised within 12 months, the application is to be referred back to the Planning Committee for determination at the discretion of the Director of Planning and Community Services.

2.5. That officers be authorised to negotiate and agree the detailed terms of the proposed agreements.

2.6. That subject to the above, the application be deferred for determination by the Director of Planning and Community Services under delegated powers.

2.7. That if the application is approved, the following conditions be attached:

1 OUT1 Time Limit- outline planning application

The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990 (As Amended).

2 OUT2 Reserved matters - submission

Application for approval of the following reserved matters shall be made to the Local Planning Authority before the expiry of three years from the date of this permission: -

- (a) Appearance
- (b) Landscaping

REASON

To comply with Section 92 of the Town and Country Planning Act 1990 (As Amended).

3 OUT3 Approval of Details

Approval of the details of the appearance of the building, and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 (As Amended).

4 OUT4 Reserved matters - submission and approval

Plans and particulars of the reserved matters referred to in condition 3 shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990 (As Amended).

5 TL1 Existing Trees - Survey

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:-

- (i) Species, position, height, condition, vigour, age-class, branch spread and stem diameter of all existing trees, shrubs and hedges on and immediately adjoining the site.
- (ii) A clear indication of trees, hedges and shrubs to be retained and removed.
- (iii) Existing and proposed site levels.
- (iv) Routes of any existing or proposed underground works and overhead lines including their manner of construction.
- (v) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees and other vegetation to be retained during construction work.

REASON

To enable the Local Planning Authority to assess the amenity value of existing trees,

hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 TL2 Trees to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

7 TL3 Protection of trees during site clearance and development

Prior to the commencement of any site clearance or construction work, detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

8 TL6 Landscaping Scheme - implementation

All hard and soft landscaping shall be carried out in accordance with the approved landscaping scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period.

The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

9 DIS5 Design to Lifetime Homes Standards & to Wheelchair Standards

All residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes' Standards. Further 10% of the units hereby approved shall be designed to be fully wheelchair accessible, or easily adaptable for residents who are wheelchair users, as set out in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement: Accessible Hillingdon'.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (February 2008) Policies 3A.5, 3A.13, 3A.17 and 4B.5.

10 OM19 Construction Management Plan

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur.
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto adjoining roads. (Wheel washing).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process. Construction traffic should avoid morning and evening peak hours.
- (vi) Details of storage of materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

11 SUS1 Energy Efficiency Major Applications (full)

The measures to reduce the energy demand and carbon dioxide emissions of the development and to provide 20% of the sites energy needs through renewable energy generation contained within the submitted report entitled 'Energy Report: Proposed Residential development at Southbourne Day centre Site Ruislip', shall be integrated into the development and thereafter permanently retained and maintained.

REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with policies 4A.1, 4A.3, 4A.4, 4A.6, 4A.7, 4A.9, and 4A.10 of the London Plan (February 2008).

12 SUS5 Sustainable Urban Drainage

No development shall take place on site until details of the incorporation of sustainable urban drainage have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed on site and thereafter permanently retained and maintained.

REASON

To ensure that surface water run off is handled as close to its source as possible in compliance with policy 4A.14 of the London Plan (February 2008) /if appropriate/ and to ensure the development does not increase the risk of flooding contrary to Policy OE8 of the Hillingdon Unitary Development Plan Saved Policies (September 2007), policies 4A.12 and 4A.13 of the London Plan (February 2008) and PPS25.

13 N1 Noise-sensitive Buildings - use of specified measures

Development shall not begin until a scheme for protecting the proposed development from road traffic noise 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 noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.20 of the London Plan (February 2008).

14 M3 Boundary treatment - details

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings is first occupied or Development shall be carried out in accordance with the approved details.

REASON

To safeguard the visual amenities of the area in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

15 OM2 Levels

No development shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details.

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

16 NONSC Non Standard Condition

An unobstructed visibility splay above the height of 0.6 metres shall be maintained for a distance of not less than 2.4 metres in both directions along the back edge of the footway either side of the site access.

REASON

To ensure that pedestrian and vehicular safety is not prejudiced and having regard to the requirements of Policy AM7 from the adopted Unitary Development Plan Saved Policies (September 2007).

17 NONSC Non Standard Condition

The development shall not be commenced until details of 39 secure and covered cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. Details as approved shall be provided on site, prior to the occupation of the proposed development and thereafter retained on site.

REASON

To ensure that adequate facilities are provided for cyclists in accordance with Policy AM9 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) Saved Policies (September 2007).

18 OM14 Secured by Design

The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of security measures shall be submitted and approved in writing by the Local Planning Authority before development commences. Any security measures to be implemented in compliance with this condition shall reach the standard necessary to achieve the 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO).

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in Circular 5/94 'Planning Out Crime' and the Council's SPG on Community Safety By Design.

19 H1 Traffic Arrangements - submission of details

Development shall not begin until details of all traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas (where appropriate) must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide or at least 3.0m wide where two adjacent bays may share an unloading area.

REASON

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 3C of the London Plan . (February 2008).

20 NONSC Non Standard Condition

All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted and approved by the Local Planning Authority.

REASON

To ensure that the occupants of the development are not subjected to any risks from land contamination in accordance with Policy OE11 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policy 4A.33 of the London Plan (February 2008).

21 NONSC Non Standard Condition

Before development commences, details of the position and design of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of underground works and measures to eliminate vertical and horizontal light spillage for the car park areas, areas immediately around the buildings and courtyards.

REASON

To ensure

- (i) That the development presents a satisfactory appearance
- (ii) To safeguard the amenities of nearby residential properties
- (iii) To ensure that the work does not undermine landscaping proposals

in accordance with Policies BE13, BE38, OE1, and E5 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

22 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

23 OM13 Demolition Protocols

The applicant is to prepare a selective programme (or demolition protocol) to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed from the site safely and intact for later re-use or processing, which is to be submitted to the Local Planning Authority prior to the commencement of demolition work.

REASON

To establish an 'audit trail' for demolition materials based on an established Demolition Protocol which will encourage more effective resource management in demolition and new builds, in accordance with London Plan (February 2008) Policies 4A.30 and 4A.31.

24 M1 Details/Samples to be Submitted

No development shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

25 DIS1 Facilities for People with Disabilities

Notwithstanding the submitted plans, development shall not commence until details of parking provision for wheelchair disabled people have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until all the approved details, including the other the facilities designed specifically to meet the needs of people with disabilities that are shown on the approved plans have been implemented and thereafter these facilities shall be permanently retained.

REASON

To ensure that people in wheelchairs are provided with adequate car parking and convenient access to building entrances in accordance with Policy AM15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007). and London Plan (February 2008) Policies 3A.13, 3A.17 and 4B.5.

26 **DIS4** **Signposting for People with Disabilities**

Signplates, incorporating a representation of the Universal Wheelchair Symbol, should be displayed to indicate the location of convenient facilities to meet the needs of people with disabilities. Such signplates should identify or advertise accessible entrances to buildings, reserved parking spaces, accessible lifts and lavatory accommodation, manageable routes through buildings and availability of additional services. Signs for direction and location should have large characters or numerals and clearly contrast with the background colour.

REASON

To ensure that people with disabilities are aware of the location of convenient facilities in accordance with Policy AM13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

27 **TL4** **Landscaping Scheme (outline application)**

The development hereby permitted shall be landscaped and planted in accordance with a fully detailed scheme to be submitted to and approved in writing by the Local Planning Authority as part of the details of the proposed development required by condition No.3.

The scheme shall include:-

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

The scheme shall also include details of the following:-

- Proposed finishing levels or contours,
- Means of enclosure,
- Car parking layouts,
- Other vehicle and pedestrian access and circulation areas,
- Hard surfacing materials proposed,
- Minor artefacts and structures (such as play equipment, furniture, refuse storage, signs, or lighting),
- Existing and proposed functional services above and below ground (e.g. drainage, power cables or communications equipment, indicating lines, manholes or associated structures),
- Retained historic landscape features and proposals for their restoration where relevant.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

28 **TL7** **Maintenance of Landscaped Areas**

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.

REASON

To ensure that the approved landscaping is properly maintained in accordance with policy BE38 of the Hillingdon Unitary Development Plan (September 2007).

29 SUS4 Code for Sustainable Homes details (only where proposed as

No development shall take place until an initial design stage assessment by an accredited assessor for the Code for Sustainable Homes and an accompanying interim certificate stating that each dwelling has been designed to achieve Code Level 3 of the Code has been submitted to, and approved in writing, by the local planning authority. No dwelling shall be occupied until it has been issued with a final Code certificate of compliance.

REASON

To ensure that the objectives of sustainable development identified in policies 4A.1 and 4A.3 of the London Plan (February 2008).

30 NONSC Non Standard Condition

Development shall not begin until details of the method of control for the designation and allocation of parking spaces to individual properties for their sole use have been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that adequate on site parking is provided, in accordance with Policy AM14 of the Hillingdon Unitary development Plan Saved Policies (September 2007) and the Council's Car Parking Standards.

31 NONSC Non Standard Condition

Development shall not begin until details of the vehicular entrance gate to the car park area, including noise mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The gate should be located a minimum of 5 metres from the carriageway, should be operable by a disabled motorist from within their vehicle and shall be provided on site prior to first occupation of the development and thereafter shall be retained and maintained on site for as long as the development remains in existence.

REASON

- (i) In pursuance of the Council's duty under Section 17 of the Crime and disorder Act 1998
- (ii) To ensure that pedestrian and vehicular safety is not prejudiced having regard to the requirements of Policy AM7 of the Hillingdon Unitary development Plan Saved Policies (September 2007).
- (iii) To protect the amenity of occupiers of the development and neighbouring residential premises, in accordance with Policy OE1 of the Hillingdon Unitary development Plan Saved Policies (September 2007).

32 OM5 Provision of Bin Stores

No development shall take place until details of facilities to be provided for the covered, secured and screened storage of refuse and recycling 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.

REASON

To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents, in accordance with Policy OE3 of the Hillingdon Unitary

Development Plan Saved Policies (September 2007).

33 NONSC Non Standard Condition

Prior to commencement of the development hereby approved, details of the installation (including location and type) of at least one secure electric vehicle charger point within the car parking areas must be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charger point shall be installed prior to occupation of the development and retained for the lifetime of the building.

REASON

To comply with London Plan Policy 4A.3 and to encourage sustainable travel.

INFORMATIVES

1 17 Design Guidance - Reserved Matters

You are advised to consult the Council's Design Guides for guidance on matters of design and layout prior to submitting details of reserved matters. These are available from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

2 18 Reserved Matters

All details of reserved matters should be submitted for approval simultaneously.

3 19 Community Safety - Designing Out Crime

Before the submission of reserved matters/details required by condition 2, you are advised to consult the Metropolitan Police's Crime Prevention Design Advisor, Planning & Community Services, Civic Centre, Uxbridge, UB8 1UW (Tel. 01895 250538).

4 110 Illustrative Drawings

You are reminded that the drawings submitted with the application are for illustrative purposes only and do not form part of the application for which permission is hereby granted.

5 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays or Bank Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic

Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

6 134 Building Regulations 'Access to and use of buildings'

Compliance with Building Regulations 'Access to and use of buildings' and Disability Discrimination Act 1995 for commercial and residential development.

You are advised that the scheme is required to comply with either:-

- The Building Regulations 2000 Approved Document Part M 'Access to and use of buildings', or with
- BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people - Code of practice. AMD 15617 2005, AMD 15982 2005.

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within buildings, and to use their facilities and sanitary conveniences.

You may also be required make provisions to comply with the Disability Discrimination Act 1995. The Act gives disabled people various rights. Under the Act it is unlawful for employers and persons who provide services to members of the public to discriminate against disabled people by treating them less favourably for any reason related to their disability, or by failing to comply with a duty to provide reasonable adjustments. This duty can require the removal or modification of physical features of buildings provided it is reasonable.

The duty to make reasonable adjustments can be effected by the Building Regulation compliance. For compliance with the DDA please refer to the following guidance: -

- The Disability Discrimination Act 1995. Available to download from www.opsi.gov.uk
- Disability Rights Commission (DRC) Access statements. Achieving an inclusive environment by ensuring continuity throughout the planning, design and management of building and spaces, 2004. Available to download from www.drc-gb.org.
- Code of practice. Rights of access. Goods, facilities, services and premises. Disability discrimination act 1995, 2002. ISBN 0 11702 860 6. Available to download from www.drc-gb.org.
- Creating an inclusive environment, 2003 & 2004 - What it means to you. A guide for service providers, 2003. Available to download from www.drc-gb.org.

This is not a comprehensive list of Building Regulations legislation. For further information you should contact Building Control on 01895 250804/5/6.

7 124 Works affecting the Public Highway - General

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection

with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

8 I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

9 I11 The Construction (Design and Management) Regulations 1994

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

10 I12 Notification to Building Contractors

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

11 I6 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

12

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Acts

13

Opportunities for Work Experience

The developer is requested to maximise the opportunities to provide high quality work experience for young people (particularly the 14 - 19 age group) from the London Borough of Hillingdon, in such areas as bricklaying, plastering, painting and decorating, electrical installation, carpentry and landscaping in conjunction with the Hillingdon Education and

Business Partnership.

Please refer to the enclosed leaflet and contact Peter Sale, Hillingdon Education and Business Partnership Manager: contact details - c/o British Airways Community Learning Centre, Accommodation Lane, Harmondsworth, UB7 OPD. Tel: 020 8897 7633. Fax: 020 897 7644. email: p.sale@btconnect.com"

14

Your attention is drawn to conditions 2, 3, 4, 5, 7, 10, 11, 12, 13,14, 15, 17, 18, 19, 21, 23, 24, 28, 30, 31 and 32, which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of these conditions. For further information and advice contact Planning and Community Services Group, Civic Centre, Uxbridge (Tel: 01895 250230)

15 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).

16 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 (February 2008) and national guidance

BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE5	Siting of noise-sensitive developments
H4	Mix of housing units
H5	Dwellings suitable for large families
R5	Proposals that involve the loss of sports, leisure, community, religious, cultural or entertainment facilities
R7	Provision of facilities which support arts, cultural and entertainment

	activities
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.
AM15	Provision of reserved parking spaces for disabled persons
HDAS	Supplementary Planning Document - Accessible Hillingdon Supplementary Planning Document - Residential Layouts Supplementary Planning Guidance - Community Safety by Design Supplementary Planning Guidance - Planning Obligations Strategy Supplementary Planning Document - Affordable Housing (May 2006)

17

The applicant is encouraged to discuss with Council officers in conjunction with the Metropolitan Police Crime Prevention Officer whether on site CCTV cameras can be linked to the Council's central CCTV system.

3. CONSIDERATIONS

3.1 Site and Locality

The site has an area of 0.27 hectares and is located on the eastern side of Elliott Avenue, Ruislip, which is accessed from Mansfield Avenue and Chelston Road/Southbourne Gardens.

The site is on the southern part of a series of residential estate roads and approximately 400 metres distance from Chelston Road/Southbourne Gardens, which leads onto the Victoria Road roundabout and local shopping area. The site lies close to Bessingby Playing fields/open space and within 250 metres of Lady Bankes Junior and Infants school.

The access road leading to the site from Southbourne Gardens and Chelston Road is flanked by a sheltered housing scheme for the elderly.

A block of flats (Peter Lyall Court), lies to the immediate north east of the site and the Cedars Medical Centre is located on the opposite side of Elliott Avenue, which is to the south west of the site.

The site is currently occupied by a single storey day centre. The day centre was built in the 1990's and has a number of young trees around the boundaries, planted as part of the approved development. The Centre is currently disused having been vacated by the previous service user (when it was used as an employment services training centre for people with learning disabilities).

3.2 Proposed Scheme

Outline planning permission is sought for the erection of a two storey block of 23 flats comprising 16 x one bedroom and 7 x two bedroom apartments, together with associated amenity space and parking. Matters for which approval is being sought at this stage are access, layout and scale. Appearance and landscaping are to be reserved for future determination, at reserved matters stage.

The design is on the basis of a two-storey building with a central corridor giving access to the individual residential units. A single main entrance is supplemented by two side access positions at each end of the building. All units will be built to Lifetime Homes Standards. Both lifts and stairs are provided for vertical circulation.

34 parking spaces, including 3 wheelchair accessible spaces and access zones for disabled residents are provided. The main car parking area is located to the south of the residential block, with vehicular access off Elliott Avenue. 8 of these spaces, including two for people with disabilities are provided directly off Elliott Avenue at the front of the building, accessed via dropped kerbs.

The block is surrounded to the front and rear by soft landscaping. Tree planting is proposed along the site frontage and boundaries.

The application is supported by 3 reports that assess or provide information on the proposal. A summary and some key conclusions from these reports are provided below:

A sustainable assessment energy report

This report has been provided to take into account carbon emissions for the development. The report seeks to demonstrate how the proposed development meets renewable energy requirements. The assessment makes use of Standard Assessment Procedure (SAP) energy and carbon calculations in accordance with the methodology of Part L of the 2006 Building Regulations.

Design and Access Statement

This report outlines the context for the development and provides a justification for the number of units, layout, scale and access for the proposed development. The report also provides a summary of the proposals and assesses them against policy and planning guideline considerations.

Planning Statement on loss of community facility from Southborne Gardens and re-siting elsewhere in Hillingdon.

3.3 Relevant Planning History

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:

- | | |
|--------|---|
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area. |
| PT1.16 | To seek to ensure enough of new residential units are designed to wheelchair and mobility standards. |

PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- BE18 Design considerations - pedestrian security and safety
- 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.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE5 Siting of noise-sensitive developments
- H4 Mix of housing units
- H5 Dwellings suitable for large families
- R5 Proposals that involve the loss of sports, leisure, community, religious, cultural or entertainment facilities
- R7 Provision of facilities which support arts, cultural and entertainment activities
- 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.
- AM15 Provision of reserved parking spaces for disabled persons
- HDAS Supplementary Planning Document - Accessible Hillingdon
Supplementary Planning Document - Residential Layouts
Supplementary Planning Guidance - Community Safety by Design
Supplementary Planning Guidance - Planning Obligations Strategy
Supplementary Planning Document - Affordable Housing (May 2006)

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **24th June 2009**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

This application has been advertised under Article 8 of the Town and Country Planning General Development Procedure Order 1995 as a Major Development. 114 surrounding occupiers were consulted. 16 letters of objection have been received. The following issues have been raised:

- (i) Development will be out of character with the existing street scene;
- (ii) Loss of privacy to surrounding gardens;
- (iii) Overcrowding. The density is too high;
- (iv) Noise pollution;
- (v) Traffic congestion;
- (vi) Construction activities will would cause distress to adjoining resident's disabled child;
- (vii) Concern over wild life in the area;
- (viii) In favour provided height is kept to 2 storeys;
- (ix) Building should be divided into two or more smaller blocks;
- (x) Lack of open space;
- (xi) Strain on medical resources in the area;
- (xii) Loss of light to adjoining properties;
- (xiii) Parking problems in the area;
- (xiv) The present building should be kept as a community resource;
- (xv) Increased air pollution;
- (xvi) Increased dirt and filth on surrounding roads;
- (xvii) Land should be used as a local park;
- (xviii) The present building is only 12 years old and still in good condition.
- (xvix) The elderly residents of Peter Lyell Court will be subject to disturbance during construction.

In addition, a petition with 66 signatures has been received, objecting to the proposal on the following grounds:

1. Southbourne Day Centre was a useful part of our community. It is a new building, which could be used for a variety of community projects;
2. The parking problems in Elliott Avenue will get worse with the increased traffic flow and the associated number of cars in the area;
3. The proposed construction would back onto an old peoples' home. It will cause the residents problems with noise;
4. Opposite and adjacent to the development live people with disabilities. They already have problems caused by noise, children playing and the parking of vehicles. They do not need the additional stress of increased occupancy in the area;
5. All of the properties bordering the proposed development will suffer loss of light. This will be a particular problem to those people in sheltered accommodation at the rear of the development.

EASTCOTE RESIDENTS ASSOCIATION

In principle, the Eastcote Residents Association has no overall objection to this site being developed for residential use. However, we would seek clarification on the following points:-

Private Amenity Space: The drawings and other documents currently submitted do not appear to make any mention of the provision of private amenity space. Are such spaces to be provided? If not, can the lack of such a provision be justified?

Social Housing Issues: Is it intended that the flats will be sold as affordable housing under a Social Housing Scheme of some sort or are they to be sold as an entirely commercial project?

We would add that we are concerned about the size of this proposed building in relation to the relatively small houses in the vicinity, this in terms of a requirement that it should blend in and be integrated with, the current building landscape.

CLLR. MICHAEL WHITE

I have carried out a survey in the Elliott Avenue/Fleming Avenue Estate and from the replies I can say that the majority of people are against any proposed development, half of which would accept elderly housing.

The main reasons are:

1. Congestion in leaving the estate in the morning and night;
2. Parking is problematical on the estate, with lorries and vans being often parked there;
3. The proposed development is opposite a dance school and doctors surgery so although the road is very narrow it is very busy at times causing problems with people trying to gain entrance to the proposed site.

for these reasons I will object to proposed outline planning permission.

CLLR KAY WILLMOTT -DENBEIGH

Cllr White and myself carried out a residents survey regarding this planning application. The majority of responses were not in favour of development. Therefore I will be supporting residents in opposing this application.

METROPOLITAN POLICE - No objections.

Internal Consultees

ENVIRONMENTAL PROTECTION UNIT

No contaminative use but could you attach an imported soil condition for imported soils. Could you also add the construction site informative.

EDUCATION & CHILDRENS SERVICES

Based on the erection of 16 x 3-room and 7 x 4-room private flats in Cavendish, with no demolition of existing dwellings, the requested contribution is £46,331.

S106 OFFICER

16 x 1 bed flats (2hrms @1.51people)

7 x 2 bed flats (3hrms @ 1.93 people)

Based on a projected population of 37.67, the proposed heads of terms are:

1. Transport - In line with the SPD please ascertain whether or not a s278 agreement is needed. There may also be a need for some form of public transport contribution but this will be dependant upon the submission by TfL.
2. Affordable Housing - The applicant has submitted a FVA with their application. They have proposed 9% affordable housing, by habitable rooms, equivalent to 2 residential units. An

independent consultant was engaged to validate the submitted financial viability appraisal. His findings confirm that the development of the site can only support the level of affordable housing proposed.

3. Education - in line with the SPD a contribution for education is sought. The requested contribution is £46,331.

4. Health - in line with the SPD a contribution in the sum of £8,161.96 is likely to be sought, we will await a formal bid from the PCT.

5. Community Facility - in line with the SPD there may be a need for an off-site community facility contribution to be secured as a result of this proposal. A scheme of this nature will result in a contribution in the sum of £10,000 being sought if a need is demonstrated.

6. Construction Training - in line with the SPD a contribution equal to £2,500 for every £1m build cost will be sought for construction training in the borough.

7. Library Contribution - in line with the SPD a contribution of £23 per person is likely to be sought towards library facilities and books equivalent to £866.41

8. Project Management and Monitoring fee - a contribution equal to 5% of the total cash contribution is sought to enable the management and monitoring of the resulting agreement.

With respect to the affordable housing, an independent consultant has been used to justify the submitted financial viability appraisal. His findings confirm that the development of the site cannot support affordable housing.

TREE AND LANDSCAPE OFFICER

The site is currently occupied by a single storey day centre within the Southbourne Gardens residential development. The site fronts onto Elliott Avenue and to the west of Peter Lyell Court, with residential property to the south and a vacant plot to the north. The day centre was built in the 1990's and has a number of young trees around the boundaries, planted as part of the approved development. The proposal includes an 'initial' tree survey which assesses the quality and value of 15No. trees within the site and a further offsite Birch, T16, close to the southern boundary of the site

The 10No. *Pyrus calleryana* 'Chanticleer' on the north and west boundaries are rated 'C/C+' (poor) - which are not normally considered a constraint on development and the remaining *Acer*s, on the east boundary are assessed as 'B-' (fair). While these trees are not of the highest quality and are not protected by TPO or Conservation Area designation, they do, nevertheless, contribute to the landscape character of the area and have a useful life expectancy (> 30 years). There are no root protection areas (RPA's) given and no arboricultural implications assessment which would provide a guide as to the opportunities and constraints posed by the trees in relation to the proposed built development.

THE PROPOSAL

The outline proposal is to demolish the existing day centre and erect a two-storey building to provide 23 x one and two bedroom apartments, together with associated parking and amenity space.

The Design & Access Statement refers to landscaping in section 3.6. While some general points are made regarding the provision of landscaped amenity space, car parking and a screened bin store there are no clear landscape design objectives for the site. At 3.6.5 reference is made to the 're-siting' of some of the young trees which have to be lost. This is unlikely to be cost effective and it is likely to be easier and more effective to buy in suitable new nursery stock.

According to survey drawing No P/02, nine of the 15No. trees will be removed to facilitate the development - and 6No. retained. Given the age and quality of these trees, this is considered to be acceptable provided that suitable replacement tree planting is included as part of a comprehensive landscape scheme - to satisfy the requirements of saved policy BE38.

The proposed layout drawing No. P/03 indicates the retention of five (rather than six) existing trees and the provision of 11No. new trees around the boundaries. While the layout drawing illustrates that there is space and potential for the provision of landscape enhancement within much of the site, the car park at the southern end is dominated by hard surfacing with densely packed parking and opportunity to reduce the impact of parked cars with soft landscape. The design and layout of the main car park needs to be reviewed.

RECOMMENDATION

If you are minded to approve this application I have no objection subject to conditions TL1 (which should include an Arboricultural Implications Assessment and Method Statement), TL2, TL3, TL4, TL6 and TL7.

Comment: The plans were revised to soften the parking area with an additional 1.2 metre landscape buffer.

HOUSING DIRECTORATE

On this application we would seek our standard policy requirements of 50% affordable housing calculated on a habitable room basis on this site unless a lower figure could be justified by a Financial Viability Appraisal (FVA). The affordable housing should be split 70:30 in favour of rented units.

There are no larger family units, which is not in keeping with area and more suited to a high street location. Our preferred mix would be: 15% - 1 beds 35% - 2 beds; 25% - 3 beds; 15% - 4 beds & 10% - 5 beds. There is a chronic shortage of larger family homes and the expectation from the London Plan is that 50% of all new homes should be 3 bed plus. The units comply with HDAS size standards but all homes should comply with lifetime homes standards and 10% to be fully wheelchair accessible and thus of a larger than average footprint.

There is no information to confirm whether the units will comply with minimum HQI scores or meet level 3 of the code for Sustainable Homes both of which are essential for HCA funding on affordable housing.

Based on these observations this application is not acceptable from a Housing viewpoint.

WASTE STRATEGY

With respect to flats the plans do indicate a bin provision, it does not mention dimensions. The required ratio is of 1100 litre refuse and recycling bins on a ratio of 1:10 + 1 per waste stream as a minimum no rounding down.

For this development a recommendation for bins would be 5 x1100 ltr refuse and 5 x 1100 litre recycling bins.

The design of the bin chambers seems adequate but care should be taken to incorporate standard design principles.

ACCESS OFFICER

No unit has been identified to meet fully wheelchair accessible standards
The internal layout does not comply with HDAS standards for bathroom sizes.

URBAN DESIGN OFFICER

From an urban design point of view the amended scheme is considered to be much improved. The varied roof line and the segmented approach around a central gable element effectively reduces the scale, bulk and massing, and results in a more interesting and more balanced scheme, in tune with the existing built context.

The central main entrance feature creates a strong focal point and increases the legibility and with the more modest twin gable elements it creates a design theme along the main elevation. The full height glazed feature at the main entrance and an increasing element of full height glazing generally within the scheme creates a welcome lightness to the building which reduces the bulk and scale and creates more balanced proportions and massing. The increased amount of glazing also increases the degree of natural lighting which is considered positively from a health perspective.

HIGHWAY ENGINEER

34 parking spaces are provided to serve 23 units, a ratio of 1:1.48.

There are 16 one bed and 7 two 2 bed units. 10 parking spaces should be allocated to the 2 bed units (1:1.43), 16 spaces for the 1 bed units and 6 unallocated for visitors. 2 parking spaces from those in groups of three fronting Elliot Road should be deleted reducing the width of the crossovers. A total of 32 parking spaces are acceptable. The gates to the on site parking area should be set back 5.0 m from the kerb.

Subject to the above no objections are raised on highway grounds.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Saved Policy R5 of the UDP states:

The local Planning Authority will not grant planning permission for proposals which involve the loss of land or buildings used (or where the last authorised use was for) a sports stadium, outdoor or indoor sports and leisure facilities, public or community meeting halls, or religious, cultural and entertainments activities, unless adequate, accessible, alternative facilities are available.

The supporting text states that in assessing such proposals the Local Planning Authority will also have regard to:-

- (a) The suitability or potential of the premises to serve the recreational and leisure needs of people living within walking distance, and also within 3.2km;
- (b) The availability, location and accessibility of other existing or proposed alternatives for people who use the premises;
- (c) The alternative uses suitable for any existing building which is architecturally worthy of retention.

The applicants have submitted a Planning Statement which provides a justification for the loss of the community facility from Southborne Gardens and the relocation of these facilities elsewhere in the Borough. The use of the premises and site was previously a day centre for employment of disabled people, many of them with learning disabilities. This use was terminated in 2007 following a strategic review of the Council provided services for persons with learning disabilities.

The Final Strategy for Day and Employment Services sets out the strategic review for various sites in the London Borough of Hillingdon, and outlines the approach on Southborne site. This strategy is a document which forms the Learning Disability Modernisation Programme 'Opportunities for all.'

Under the assessment of asset fitness of the report the access at Southborne was considered poor, with a long walk to public transport and amenities. This is pertinent particularly where disabled people may have to attend with a degree of mobility impairment or learning impairment. Not all disabled persons are able to drive to the centre, so may have to rely on public transport, or be transported by car or minibus.

Additionally it was recognised that the building was too large for the occupancy at the time, and was under-utilised. The recommendation in the report was to provide the service from alternative sites, being Parkview and Woodside. The existing facility was classed as not fit to effectively deliver the service, even though the building was relatively new and in good condition.

The report states that service users will move and be integrated into Woodside and the Resource Centre in Autumn 2007. The Southborne building is now vacant.

It can be seen that the location of such a community use was seen as not viable, partly due to the limited access to and from transport and amenities for disabled people, and partly due to under-use of the facilities. In addition, there are no plans currently to provide an alternative community use at Southborne Gardens.

Given the factors above, it is considered that the proposal satisfies the requirements of Policy R5. No objections are therefore raised to the loss of the community use and redevelopment of the site for residential purposes.

7.02 Density of the proposed development

London Plan Policy 3A.3 seeks to maximise the potential of sites, compatible with local context and design principles in Policy 4B.1 (Design principles for a compact city) and with public transport capacity. Boroughs are encouraged to adopt the residential density ranges set out in Table 3A.2 (Density matrix (habitable rooms and dwellings per hectare) and which are compatible with sustainable residential quality.

The site has a Public Transport Accessibility Level (PTAL) of 1 on a scale of 1 to 6 where 1 represents the lowest level of public accessibility. Table 3A.2 recommends that developments within suburban residential setting with a PTAL score of 1 and with 2.7 - 3 hr/unit, should be within the ranges of 150-200 hr/ha and 50-75 units/ha.

The proposed density for the site would be 196 hr/ha, which is within the London Plan guidelines, having regard to the site's Public Transport Accessibility Level.

In terms of the number of units, the proposed density would be 85 units/ha, which slightly exceeds London Plan guidance. However, given the predominance of one bedroom apartments and that good environmental conditions can be provided for surrounding and future occupiers, (issues of which are dealt with elsewhere in the report), the proposed density is considered appropriate in this case.

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

There are no archaeological or historic issues associated with this site.

7.04 Airport safeguarding

there are no airport safeguarding issues related to this development.

7.05 Impact on the green belt

There are no green belt issues associated with this site.

7.06 Environmental Impact

Not applicable to this development.

7.07 Impact on the character & appearance of the area

The application site is situated in a predominantly suburban, residential area, characterised by small scale, mainly semi-detached dwelling houses. Although there are no objections in principle to the re-development of the existing day centre site for residential purposes, the initially submitted scheme raised concerns, as it failed to respect the established scale and built character of the area. In addition, the illustrative elevations failed to demonstrate good quality design. The Urban Design Officer considered that the excessive scale, bulk and massing of the 54 meter long monolithic building block would be seriously out of scale with the prevalent built character of the neighbourhood. The visual appearance of the front facade was unarticulated, whilst the unbroken roof line which lacks visual interest and relief further exacerbates the monotonous and static character of the building block.

Amended plans have been received, reducing the scale and massing of the built form, by breaking up the structure in several different compartments, to create a more varied, more legible and more accessible layout, and to reduce the visual impact. It is considered that the front facade, as well as the roof treatment, has responded to the local distinctiveness of the area, evoking the character of individuality and a stronger sense of place.

The urban design Officer considers that the varied roof line and the segmented approach around a central gable element effectively reduces the scale, bulk and massing, and results in a more interesting and more balanced scheme, in tune with the existing built context. Although appearance is not being determined at this stage, the illustrative elevations show a central main entrance feature, which creates a strong focal point and increases the legibility. The more modest twin gable elements at each end create a design theme along the main elevation. It is considered that the full height glazed feature at the main entrance, and fenestration generally within the scheme creates a welcome lightness to the building, which reduces the bulk and scale and creates more balanced proportions and massing.

7.08 Impact on neighbours

Policy BE20 of the Unitary Development Plan Saved Policies September 2007 states that the Local Planning Authority will seek to ensure that buildings are laid out so that adequate daylight, sunlight and amenities of existing houses are safeguarded.

Policy BE21 of the Unitary Development Plan Saved Policies September 2007 states that planning permission will not be granted for new development, which by reason of its siting, bulk and proximity, would result in a significant loss of residential amenity of established residential areas.

The supporting text to Policies BE20 and BE21 of the UDP Saved Policies September 2007 states 'that while some proposals of substantial width, height and depth, may not cause loss of amenity by reason of daylight or sunlight, these may nonetheless still be over-dominant in relation to the adjoining property and/or its private amenity space. This in turn can result in a depressing outlook detracting from residential amenity'.

Policy BE24 of the UDP Saved Policies September 2007 seeks to ensure that the design of new buildings protects the privacy of the occupiers and their neighbours. The supporting text to this policy states that 'the protection of privacy, particularly of habitable rooms (including kitchens) and external private amenity space is an important feature of residential amenity'.

The Council's Supplementary Planning Document 'Hillingdon Design and Access Statement' (HDAS) states that where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over domination. The distance provided will be dependent on the bulk and size of the building but generally 15m would be the minimum acceptable separation distance. The Council's HDAS also provides further guidance in respect of privacy, stating in particular that the distance between habitable room windows should not be less than 21m.

The Council's HDAS at paragraph 4.12 states that 'new residential development should be designed so as to ensure adequate privacy for its occupants and that of the adjoining residential property from windows above ground floor, an angle of 45 degrees each side of the normal is assumed in determining facing, overlooking distances'. This requirement has been adhered to so as to respect the residential amenity of existing residents.

In this case, the separation distance between the flank walls of the proposed block and No.47 Elliott Avenue, located to the north of the site would be 9 metres at their closest point and the development would fall completely outside the 45 degree angle of vision. In terms of the relationship with Peter Lyell Court to the east, the bulk of the block maintains an average separation distance of 22 metres. With regard to properties to the south, an average distance of 15 metres is maintained to the southern boundary, while an average of 28 metres is maintained between the southern elevation of the proposed block and the rear of properties backing onto the site (169 -177 Elliott Avenue). This represents an improvement over the current situation in terms of outlook from these properties, given that the existing building (to be demolished) is located only 5 metres away from the southern boundary. It is not therefore considered that the proposal would result in an over dominant form of development which would detract from the amenities of neighbouring occupiers, in compliance with policy BE21 of the UDP Saved Policies September 2007.

With regard to privacy, the position of all windows would be dealt with at reserved matter stage. However, it is considered that the relevant minimum overlooking distances can be achieved, as the proposed building would be sited a sufficient distance away from adjoining properties. In addition, boundary treatment is covered by condition.

It is not considered that there would be a material loss of daylight or sunlight to neighbouring properties, as the proposed buildings would be sited a sufficient distance away from adjoining properties. It is also considered given its layout that there will be a good level of day lighting for the proposed development. The proposal is considered to be consistent with Policies BE20 and BE24 of the UDP Saved Policies September 2007 and relevant design guidance.

7.09 Living conditions for future occupiers

All units comply with the Council's HDAS guidelines for minimum internal floor areas and it is not considered that these units would result in a poor internal living environment for future occupiers.

Policy BE23 of the Unitary Development Plan Saved Policies September 2007 requires the

provision of external amenity space which is sufficient to protect the amenity of the development and surrounding buildings and which is usable in terms of its shape and siting, for future occupiers. For one bedroom flats a minimum 20m² per unit should be provided and for two bedroom flats a minimum of 25m² per unit should be provided. In accordance with this standard, a total of 495m² of amenity space is required.

The application identifies a communal amenity area at the rear of the site comprising 559m², which is in excess of the guidelines in the HDAS. Any future landscaping scheme could also incorporate low hedge borders around each of the ground floor level patio areas, which allows the demarcation between private and communal amenity areas.

Overall, it is considered that the proposed development would provide good living conditions for all of the proposed units in accordance with Policies BE23, BE24, OE1 and OE5 of the UDP, HDAS Residential Layouts and the provisions of the London Plan.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The Council's Highways Engineer raises no objection to the development in terms of the impact of the traffic generated on the highway network or the proposed access arrangements from Elliott Avenue, subject to the provision of sight lines at the site entrance. This can be secured by an appropriate condition in the event of planning permission being granted.

With regard to parking, 34 (including 2 disabled) car parking spaces have been provided for the proposed development, which at a ratio of 1.47 spaces per unit, complies with Council's Parking Standards.

The Highway Engineer has requested that 10 parking spaces should be allocated to the 2 bed units (1: 1.43), 16 spaces for the 1 bed units and 6 unallocated for visitors. 2 parking spaces from those in groups of three fronting Elliot Road should be deleted, in order to reduce the width of the crossovers. This would result in a total provision of 32 parking spaces. In addition the highway Engineer has requested that the gates to the on site parking area should be set back a minimum of 5.0 m from the kerb. These measures can be secured by condition.

Subject to the implementation of these measures it is considered that adequate vehicular access to the site can be provided, and highway and pedestrian safety would not be prejudiced, in compliance with Policy AM7 of the UDP Saved Policies September 2007.

7.11 Urban design, access and security

In terms of the mix of units, Policy H4 states that, wherever practicable, new residential developments should have a mix of housing units of different sizes, including units of one or two bedrooms. Policy H5 states that the Council will encourage the provision of dwellings suitable for large families. The proposed mix of one and two bedroom units would have been more appropriate in a town centre location. However, the proposal would result in net gain of 23 units, which would contribute towards meeting the housing need in the Borough. The lack of larger units is therefore not considered to be a sustainable reason to refuse this application.

Other issues relating to urban design have been addressed in section 7.07 of this report.

7.12 Disabled access

HDAS was adopted on the 20th December 2005 and requires all new residential units to be built to lifetime home standards and 10% of units designed to wheelchair accessible standards. Further guidance is also provided on floor space standards for new residential development to ensure sound environmental conditions are provided on site. As a guide, the recommended minimum standard for 1 bedroom flats is 50sq. m and 63sq. m for 2 bedroom flats. Where balconies are provided, the floor space of the balconies can be deducted from these standards, up to a maximum of 5sq. metres. Additional floorspace would be required for wheelchair units.

The floor plans indicate that the development generally achieves HDAS recommended floor space standards and that Lifetime Home Standards could be met for these flats in terms of size.

The Access officer has concerns that no unit has been identified to meet fully wheelchair accessible standards and that the internal layout does not comply with HDAS standards for bathroom sizes. Although details have not been provided, two of the units could be designed to full relevant standards, while the internal layout of individual flats could be modified to enlarge the bathrooms at reserved matters stage. Conditions are therefore recommended, requiring the submission of internal layout details, to ensure compliance.

7.13 Provision of affordable & special needs housing

London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control tool kit is recommended for this purpose. The results of a tool kit appraisal might need to be independently verified. Where borough councils have not yet set overall targets as required by Policy 3A.9, they should have regard to the overall London Plan targets. It may be appropriate to consider emerging policies, but the weight that can be attached to these will depend on the extent to which they have been consulted on or tested by public examination.

The London Borough of Hillingdon Affordable Housing SPD (May 2006) seeks to secure a minimum of 50% affordable housing on new build schemes that contain 15 units or more. This should then be split in 70% social rented and 30% shared ownership / intermediate housing. The Council's Planning Obligations SPD (July 2008), together with the London Plan Consolidation (2008) supersedes these requirements and schemes with 10 units or more shall secure 50% affordable housing.

The affordable housing provision offered by the applicant represents 9% in terms of habitable rooms. The tenure split achieved on a unit basis equates to 70% social rented and 30% intermediate. This is to be secured by way of the S106 Agreement.

As the proposed affordable housing provision is below 50%, the applicant has submitted a financial appraisal (Three Dragon's toolkit). This appraisal has been checked by an independent consultant and his view is that the appraisal justifies the level of affordable housing provided by the applicant and is considered to be the maximum reasonable amount.

7.14 Trees, Landscaping and Ecology

It is proposed to remove 15 trees to facilitate the development. However, 6 trees are to be retained. Given the age and quality of these trees, the Tree/Landscape Officer considers that this tree loss is acceptable, provided that suitable replacement tree planting is included as part of a comprehensive landscape scheme, in order to satisfy the requirements of Saved Policy BE38.

While the layout drawing illustrates that there is space and potential for the provision of landscape enhancement within much of the site, the car park at the southern end on the originally submitted plans was dominated by hard surfacing with densely packed parking. The site layout plan has been revised to provide a 1.2 metre landscape strip along the southern boundary, to provide an opportunity for tree and shrub planting, to reduce the impact of parked cars, particularly when viewed from properties to the south of the site.

The layout drawing illustrates that there is space and potential for additional tree planting along the site frontage and along the rear boundary with Peter Lyell Court. It is considered that issues relating to landscaping can be addressed at reserved matters stage.

7.15 Sustainable waste management

It is proposed that the refuse collection point would be conveniently located close to the vehicular entrance to the site, to allow easy access for refuse collection.

Although the plans do indicate a bin provision, the number of bins is not indicated. The requirement is 1100 litre refuse and recycling bins on a ratio of 1:10 + 1 per waste stream as a minimum. Although the design details have not been provided, the requirement for the scheme to provide for appropriate covered and secure refuse and recycling bin storage facilities can be secured by a condition in the event that this scheme is approved.

7.16 Renewable energy / Sustainability

Policy 4A.4 of the London Plan requires submission of an assessment of the energy demand and carbon dioxide emissions from proposed major developments, which should demonstrate the expected energy and carbon dioxide emission savings from the energy efficiency and renewable energy measures incorporated in the development.

Policy 4A.7 of the London Plan advises that boroughs should ensure that developments will achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

The applicant has submitted a renewable energy assessment as part of the application. This sets out that solar collection for hot water heating is the preferred technology to deliver the renewables target for the scheme. A condition requiring the provision of 20% of the site's heat and/or energy needs from renewable technology is considered reasonable and therefore recommended, to ensure the current scheme achieves the required level of

energy efficiency and carbon reduction. No objections are raised to the details submitted.

7.17 Flooding or Drainage Issues

There are no specific flooding or drainage issues associated with this application. However, a condition is recommended requiring sustainable Urban Drainage (SUDS) measures for areas of hard surfacing.

7.18 Noise or Air Quality Issues

With respect to the noise impact the development may have upon surrounding residents, traffic to the proposed development would utilise the existing access and it is not considered that the additional vehicle movements associated with the proposed development would result in the occupiers of surrounding properties suffering any significant additional noise and disturbance or visual intrusion, in compliance with Saved Policy OE1 of the UDP.

7.19 Comments on Public Consultations

The primary concerns relating to the principle of the development, parking and the impact on residential amenity (loss of privacy, and outlook), have been dealt with in great detail in other sections of the report. Similarly, the effect of the scheme on the character of the area and intensification of use, have also been addressed.

The issues of noise, vibration and dust during construction (xi) and (xv) are covered by other legislation administered by the Council's Environmental Protection Unit.

With regard to wildlife (vii), the site is previously developed and has not been identified as being within, or in the vicinity of a site of Nature Conservation Importance.

7.20 Planning Obligations

Policy R17 of the Council's Unitary Development Plan states that: 'The Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals'.

The applicant has agreed to a full range of planning obligations required to offset the impact of the development, including contributions towards the provision of education, healthcare, community and libraries. A contribution can also be secured in respect of project management and monitoring.

Proposed Heads of Terms are:

- (i) A financial contribution of £8,161.96 for healthcare facilities.
- (ii) The developer provides a financial contribution of £46,331 towards, nursery, primary, secondary and Post 16 school places within the locality of the development to satisfy the educational requirements arising from the child yield resulting from the proposal, in accordance with the Supplementary Planning Document on Planning Obligations adopted in July 2008.
- (iii) A financial contribution towards training initiatives equal to £2,500 for every £1 million build cost.
- (iv) A financial contribution of £10,000 towards community facilities.
- (v) A financial contribution of £866.41 towards library facilities and books
- (vi) Provision of affordable housing equivalent to 9% of the total number of habitable rooms,

of which at least 70% are to be of social rented tenure.

(vi) The applicants pay a sum to the Council equivalent to 2% of the value of contributions for compliance, administration and monitoring of the completed planning (and/or highways) agreement(s).

(vii) The applicants pay a sum to the Council of 3% of the value of contributions for specified requirements to project manage and oversee implementation of elements of the completed planning (and/or highways) agreement(s).

The applicant has agreed to these proposed Heads of Terms, which are to be secured by way of the S106 Agreement. Overall, it is considered that the level of planning benefits sought is adequate and commensurate with the scale and nature of the proposed development, in compliance with Policy R17 of the UDP.

7.21 Expediency of enforcement action

There are no enforcement issues associated with this site.

7.22 Other Issues

There are no other issues associated with this development.

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

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

Planning Committee or the Council.

10. CONCLUSION

No objection is raised to the principle of the use of this redundant Day Centre site for residential purposes. The density of the proposed development is marginally higher than London Plan guidance, but the bulk and scale of the proposed building is considered appropriate for the site and existing surrounding development. The development should not result in unacceptable impacts on the amenities of neighbouring properties and would provide good environmental conditions for future occupiers.

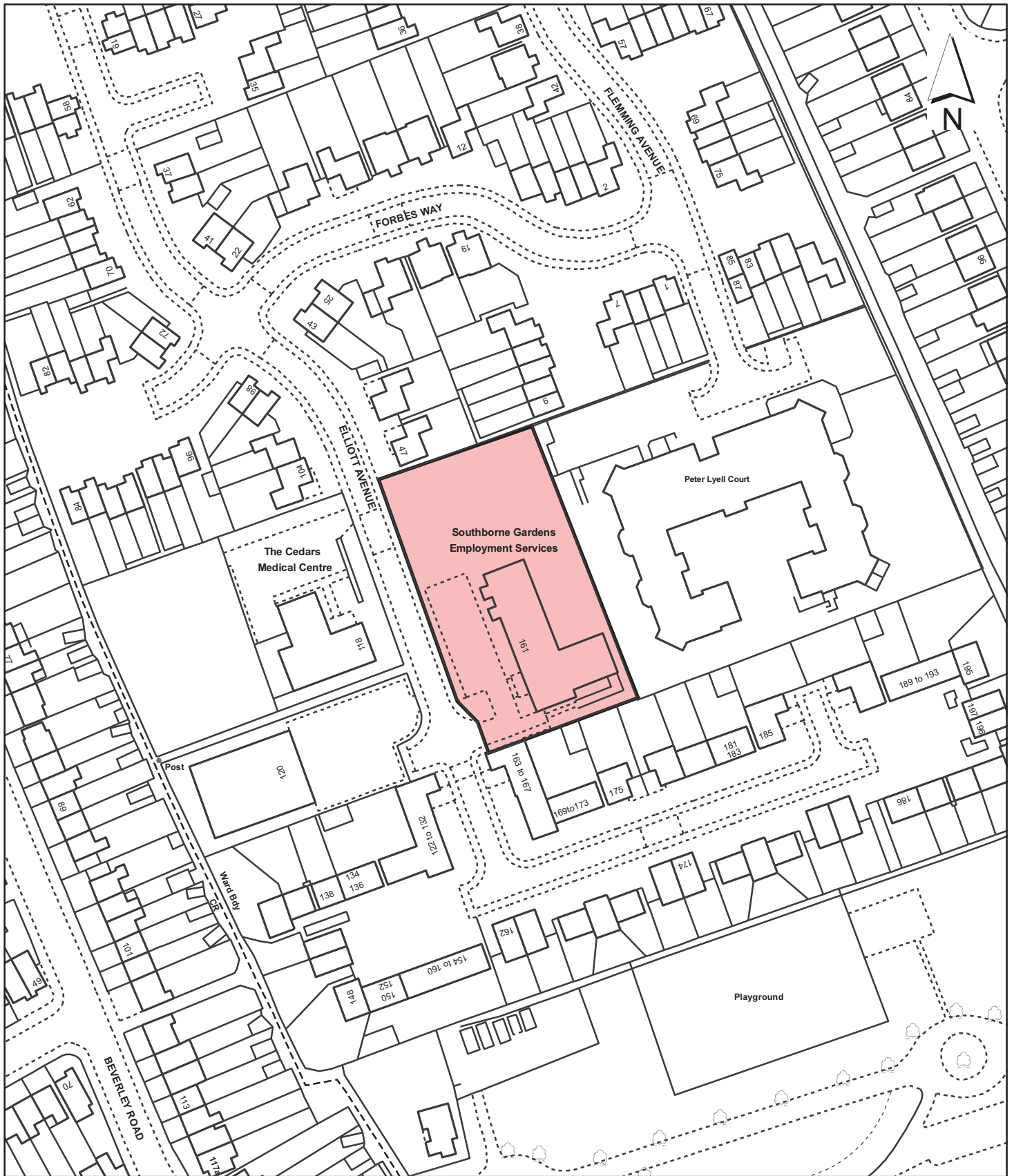
Subject to the recommended conditions and the planning obligations to be secured by a S106 Agreement, the application is recommended for approval.

11. Reference Documents

- (a) Planning Policy Statement 1 (Delivering Sustainable Development)
- (b) Planning Policy Statement 3 (Housing)
- (c) Planning Policy Guidance Note 13 (Transport)
- (d) The London Plan
- (e) Hillingdon Unitary Development Plan Saved Policies September 2007.
- (f) Hillingdon Design and Accessibility Statement - Residential Layouts
- (g) Hillingdon Design and Accessibility Statement - Residential Extensions
- (h) Supplementary Planning Guidance - Educational Facilities
- (i) Supplementary Planning Guidance - Community Facilities

Contact Officer: Karl Dafe

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Notes

 Site boundary

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Site Address

**Southborne Day Centre
161 Elliott Avenue
Ruislip**

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

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

Planning Application Ref:
66033/APP/2009/1060

Scale
1:1,250

Planning Committee
North

Date
August 2009



HILLINGDON
LONDON

APPENDIX B

Minutes-
NORTH PLANNING COMMITTEE

27TH OCTOBER 2009

Meeting held at the Civic Centre, Uxbridge

Come into effect on: Immediately

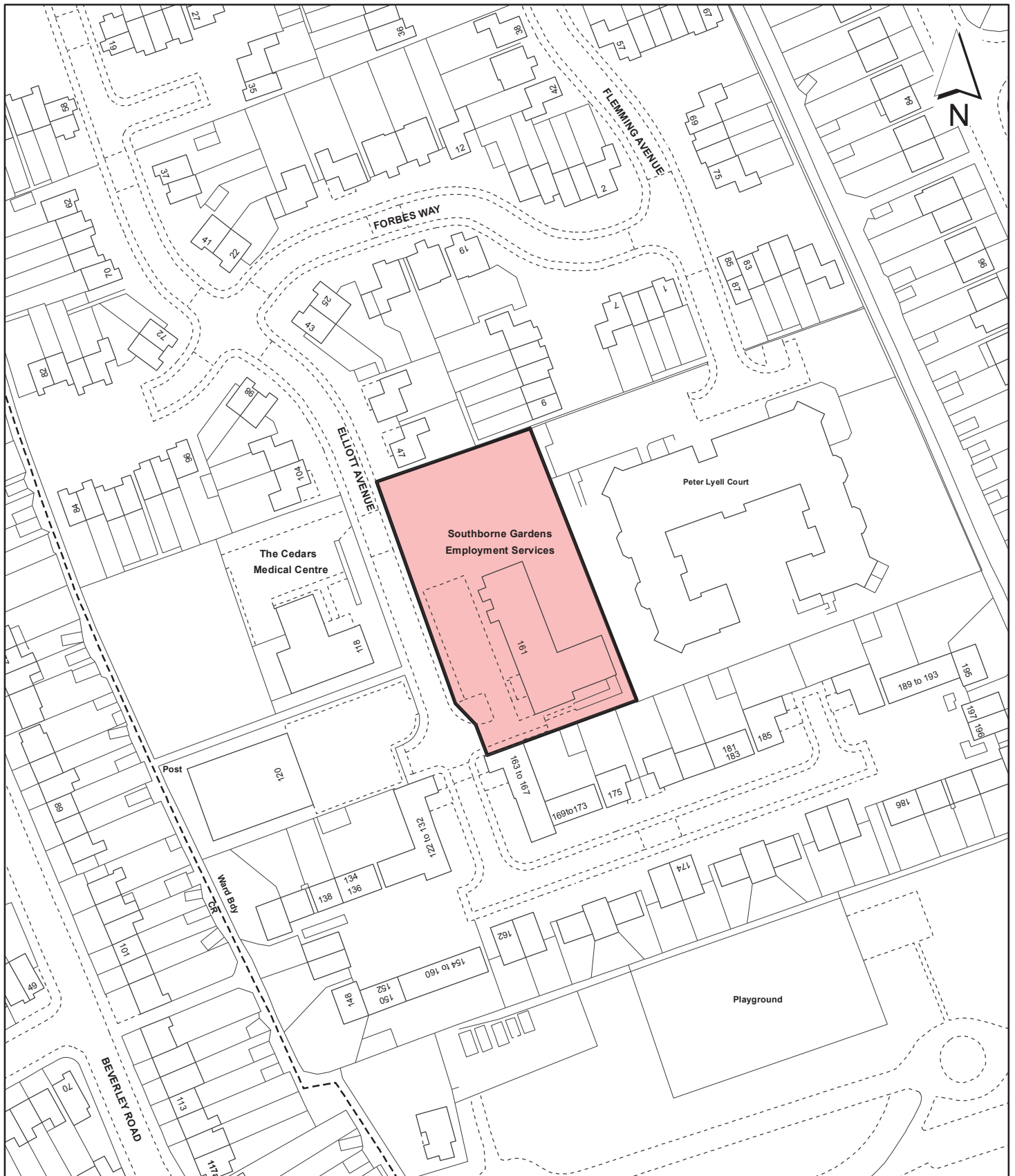



	<p>Members Present: Councillors Eddie Lavery, Allan Kauffman, Anita MacDonald, Michael Markham, Carol Melvin, John Oswell and David Payne</p> <p>Advisory Members / Co-optee Members present:</p> <p>Ms Lesley Crowcroft - Eastcote Residents Association and Eastcote Village Conservation Area Advisory Panel.</p> <p>Apologies for Absence None</p> <p>Officers Present: James Rodger, Meg Hirani, Manmohan Ranger, Sarah White and Charles Francis</p>
	<p>Declarations of Interest</p> <p>Councillor Melvin declared a personal interest in Item 13 and left the room for this Item.</p>
	<p>To confirm that the items of business marked Part I will be considered in Public and that the items marked Part 2 will be considered in private</p> <p>It was agreed that all items of business would be considered in public except item 19 which was considered in private.</p>
	<p>Consideration of Reports:</p> <p>Reports were considered as set out below:</p>

6.	<p>Southbourne Day Centre, 161 Elliott Avenue, Ruislip</p> <p>Erection of a two storey building to provide 23 one and two-bedroom apartments, together with associated parking, involving the demolition of existing day centre building (Outline application).</p> <p>66033/APP/2009/1060</p> <p>The officer in his presentation advised members that amended information had been circulated as there had been some amendments made since the report had been published.</p> <p>A Ward Councillor addressed the meeting in support of the petitioners (who had already spoken at 6th October 2009 meeting) and a number of issues were raised. These included traffic congestion, parking, community use and the bulk and size of the proposed development.</p> <p>A Member enquired whether any consideration had been given to possible Educational Uses for the site. Officers explained that no formal consultation had taken place with Education and Children's Services but in the view of Planning officers, the site was of insufficient size for a school and would be unable to provide adequate play space. A school playground on this site would also have a detrimental impact on surrounding residential dwellings.</p> <p>The recommendation for Approval was moved, seconded and on being put to the vote was agreed subject to the conditions in the report and addendum sheet and as amended:</p> <p>To delete recommendation 2.2 (vi) and insert a new 2.2 (vi) to read: <i>'To deliver either 9% affordable housing by habitable room on- site or an equivalent financial contribution towards providing for affordable housing off-site at the agreement of the Director of Planning and Community Services and the Director of Adult Social Care and Housing'</i></p> <p>Add the following wording at the end of Informative 16.</p> <p><i>'The site has been identified as being surplus to requirements in accordance with the Council's Final Strategy for Day and Employment Services and there are no national or regional planning objections in principle to the loss of such a use.</i></p> <p><i>There are no adverse impacts upon the visual amenities of the surrounding area, there would be no loss of residential amenity to surrounding occupiers and highway and pedestrian safety impacts are considered to be acceptable.</i></p>	Action By: James Rodger Meg Hirani
- Page 2 -		

	<p><i>The application is therefore recommended for approval, subject to conditions and a S106 Agreement'.</i></p> <p>Resolved –</p> <p>1. That this authority is given by the issuing of this notice under regulation 3 of the Town and Country Planning General regulations 1992 and shall ensure only for the benefit of the land.</p>	
	<p>2. That the Council enter into a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) or other appropriate legislation to secure the following:</p> <p>(i) A financial contribution of £8,161.96 for healthcare facilities.</p> <p>(ii) The developer provides a financial contribution of £46,331 towards, nursery, primary, secondary and Post 16 school places within the locality of the development to satisfy the educational requirements arising from the child yield resulting from the proposal, in accordance with the Supplementary Planning Document on Planning Obligations adopted in July 2008.</p> <p>(iii) A financial contribution towards training initiatives equal to £2,500 for every £1 million build cost.</p> <p>(iv) A financial contribution of £10,000 towards community facilities.</p> <p>(v) A financial contribution of £866.41 towards library facilities and books</p> <p>(vi) provision of affordable housing equivalent to 9% of the total number of habitable rooms, of which at least 70% are to be of social rented tenure.</p> <p>(vi) The applicants pay a sum to the Council equivalent to 2% of the value of contributions for compliance, administration and monitoring of the completed planning (and/or highways) agreement(s).</p> <p>(vii) The applicants pay a sum to the Council of 3% of the value of contributions for specified requirements to project manage and oversee implementation of elements of the completed planning (and/or highways) agreement(s).</p> <p>3. That in respect of the application for planning permission, the purchaser of the Council's interest in the land meets the Council's reasonable costs in</p>	

	<p>the preparation of the S106 Agreements and any abortive work as a result of the agreements not being completed.</p> <p>4. If the S106 Agreement has not been finalised within 12 months, the application is to be referred back to the Planning Committee for determination at the discretion of the Director of Planning and Community Services.</p> <p>5. That officers be authorised to negotiate and agree the detailed terms of the proposed agreements.</p>	
	<p>6. That if the application is approved the conditions and informatives set out in the officer's report and the addendum sheet circulated at the meeting be attached.</p>	
<p>7.</p>	<p>23 Lime Grove, Ruislip</p> <p>Two storey four-bedroom dwelling with habitable basement level and single storey detached garage to rear, involving demolition of existing dwelling and garage</p> <p>4065/APP/2009/1639</p> <p>The officer in his presentation advised members that amended information had been circulated as there had been some amendments made since the report had been published.</p> <p>In accordance with the Council's constitution a representative of the petitioners objecting to the proposal addressed the meeting.</p> <p>A Ward Councillor addressed the meeting in support of the petitioners. Concern was expressed about the loss of a bungalow for a two storey four bedroom house with basement accommodation with no natural light to the basement. The proposal is an overdevelopment and will not harmonise with the area.</p> <p>Officers explained that Hillingdon does not have a policy with regards to basements and use as either a gym or sauna would be acceptable subject to adding an additional condition to address the steam resulting from sauna usage.</p> <p>In answer to an issue raised by the petitioner about a potential breach of Article 6 of the Human Rights Act 1998 the Legal Officer informed members that Article 6 related to right to a fair hearing. The Legal officer stated that if normal committee</p>	<p>Action By:</p> <p>James Rodger Meg Hirani</p>



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p>Southborne Day Centre 161 Elliott Avenue Ruislip</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>66033/APP/2009/1060</p>	<p>Scale</p> <p>1:1,250</p>	
	<p>Planning Committee</p> <p>North</p>	<p>Date</p> <p>March 2013</p>	



HILLINGDON
LONDON