

## Report of the Head of Planning, Sport and Green Spaces

**Address** 51 THE DRIVE ICKENHAM

**Development:** Two storey building with habitable roofspace to create 5 x self-contained flats with associated parking and landscaping and installation of vehicular crossover, involving demolition of existing detached dwelling

**LBH Ref Nos:** 21977/APP/2013/1333

**Drawing Nos:** 3D image of street scene  
Tree Survey and Arboricultural Constraints Report  
Design and Access Statement  
Preliminary Arboricultural Impact Plan  
Tree Location and Constraints Plan  
99315.P01A  
99315.P02A  
99315.P06  
99315.P07  
99315.P10C  
99315.P11C  
99315.P11.2B  
99315.P20  
99315.P21A  
99315.P22B  
Extended Phase 1 Habitat Survey  
99315.P23A  
99315.P24A  
99315.P30C  
99315.P31C  
99315.P32  
99315.P100A  
99315.P101  
99315.P110C  
99315.P111A

**Date Plans Received:** 22/05/2013

**Date(s) of Amendment(s):**

**Date Application Valid:** 28/05/2013

### 1. SUMMARY

The application proposes to demolish the existing house and erect a two storey building with accommodation in the roof space to provide 5 self-contained flats, together with 8 parking spaces, landscaping, installation of vehicular crossover and bin and recycling store. This application differs from the previously refused application by reducing the size of the building to the western corner by 4m in depth and 4 metres in width.

It is considered that the design of the proposal would be in keeping with the character and appearance of the surrounding area and that it would not be harmful to the amenity of nearby residents or future occupiers. The proposal would be of low density and the internal floor space required for new flats would provide an adequate level of amenity for future occupants. As such, the proposal is considered acceptable and is recommended for approval subject to conditions.

## 2. RECOMMENDATION

a) That the Council enters into a legal agreement with the applicant under Section 106 of the 1990 Town & Country Planning Act (as amended) or other appropriate legislation to secure:

i) Educational facilities contribution of £22,253.

b) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Statement and any abortive work as a result of the agreement not being completed.

c) That planning officers be authorised to negotiate and agree details of the proposed Statement.

d) If the Legal Agreement/s have not been finalised before within 6 months of the date of this resolution, delegated authority be given to the Head of Planning, Green Spaces and Culture to refuse planning permission for the following reason:

'The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of capacity enhancements in educational facilities). The proposal therefore conflicts with Policy R17 of the adopted Local Plan and the Council's Planning Obligations SPG.

e) That subject to the above, the application be deferred for determination by the Head of Planning Green Spaces and Culture under delegated powers, subject to the completion of the agreement.

f) That if the application is approved, the following conditions be attached:

**1 HO1 Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON**

To comply with Section 91 of the Town and Country Planning Act 1990.

**2 HO2 Accordance with approved**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 99315.P111A, Design and Access Statement, Preliminary Arboricultural Plan, Tree Location and Constraints Plan, 99315.P01A, 99315.P02A, 99315.P06, 99315.P07, 99315.P10C, 99315.P11C, 99315.P11.2B, 99315.P20, 99315.P21A, 99315.P22B, Extended Phase 1 Habitat Survey, 99315.P23A, 99315.P24A, 99315.P30C, 99315.P31C, 99315.P32, 99315.P100A, 99315.P101, 99315.P110C, Tree Survey and Arboricultural Constraints Report.

**REASON**

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

**3 RES7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **4 HO5 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing 49b and 51a The Drive.

#### REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **5 HO6 Obscure Glazing**

The windows facing 49b and 51a The Drive shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

#### REASON

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **6 RES8 Tree Protection**

The development shall be implemented in accordance with the approved details. 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:

- a. There shall be no changes in ground levels;
- b. No materials or plant shall be stored;
- c. No buildings or temporary buildings shall be erected or stationed.
- d. No materials or waste shall be burnt; and,
- e. 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 can and will be retained on site and not damaged during construction work and to ensure that the development conforms with Policy BE38 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

#### **7 RES9 Landscaping (car parking & refuse/cycle storage)**

No development shall take place until a landscape scheme has been submitted to and

approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

2.a Refuse Storage

2.b Cycle Storage

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts showing the provision of 8 parking spaces and a parking allocation scheme which ensures that the parking remains allocated for the use of the approved units and remains under this allocation for the life of the development

2.e Hard Surfacing Materials

2.f External Lighting

2.g Other structures (such as play equipment and furniture)

4. Details of Landscape Maintenance

4.a Landscape Maintenance Schedule for a minimum period of 5 years.

4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

5. Schedule for Implementation

6. Other

6.a Existing and proposed functional services above and below ground

6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (July 2011).

**8 RES10 Tree 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 or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority 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 BS 3998:2010 'Tree work - Recommendations' 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **9 NONSC Non Standard Condition**

Level access shall be provided into the building and all five individual units.

#### REASON:

To ensure adequate access for all is achieved and maintained, and to ensure an appropriate standard of accessibility in accordance with policy 3.8 of the London Plan (2011).

#### **10 NONSC Non Standard Condition**

Before any part of the development is occupied, site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

#### REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Policy OE11 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

#### **11 RES18 Lifetime Homes/Wheelchair Units**

All units within the development hereby approved shall be built in accordance with Lifetime Homes Standards as set out in the Council's Supplementary Planning Document HDAS: 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 (July 2011) Policies 3.1, 3.8 and 7.2.

#### **12 RES24 Secured by Design**

The flats shall achieve '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). No flats shall be occupied until accreditation has been achieved.

#### 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, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

### **13 RES15 Sustainable Water Management (changed from SUDS)**

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

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

#### **REASON**

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 of the Hillingdon Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and London Plan (July 2011) Policy 5.12.

### **14 RES16 Code for Sustainable Homes**

The flats shall achieve Level 4 of the Code for Sustainable Homes. No development shall commence until a signed design stage certificate confirming this level has been received.

The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request.

The development must be completed in accordance with the principles of the design stage certificate and the applicant shall ensure that completion stage certificate has been attained prior to occupancy of each dwelling.

#### **REASON**

To ensure that the objectives of sustainable development identified in London Plan (July 2011) Policies 5.1 and 5.3.

## **INFORMATIVES**

### **1 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed

precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

## **2 115 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 which are audible at the site boundary shall only be carried out between the hours of 08.00 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, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) 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.

## **3 12 Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

## **4 15 Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

## **5 152 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).

## **6 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
R16	Accessibility for elderly people, people with disabilities, women and children
H4	Mix of housing units
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.3	(2011) Sustainable design and construction
LPP 5.7	(2011) Renewable energy
LPP 5.13	(2011) Sustainable drainage
LPP 7.2	(2011) An inclusive environment
LPP 7.4	(2011) Local character
PO-EDU	Revised Chapter 4: Education Facilities of the Planning Obligations Supplementary Planning Document, adopted 23 September 2010



## **7 159 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies.

On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

## **8 16 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.

## **9**

You are advised that the development hereby approved represents chargeable development under the Mayor's Community Infrastructure Levy. At this time the Community Infrastructure Levy is estimated to be £19,635 which is due on commencement of this development. The actual Community Infrastructure Levy will be calculated at the time your development is first permitted and a separate liability notice will be issued by the Local Planning Authority. Should you require further information please refer to the Council's Website [www.hillingdon.gov.uk/index.jsp?articleid=24738](http://www.hillingdon.gov.uk/index.jsp?articleid=24738).

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is located on the west side of The Drive and comprises a 1930's detached 4-bed, two-storey house with a detached garage forward of the main house. To the front of the property is hardstanding with ample parking for cars. To the rear is a single storey rear element with a roof terrace above. The house is set back from the highway and sits on a spacious plot and comprises white painted brick elevations with a green pantile roof. The site is on a gentle slope with the land to the rear sloping downwards. There are a number of small trees and shrubs along the site's front boundary which form an effective green screen. There is a large, protected Scots Pine and a protected Blue Spruce in the rear garden (T9 and T8 on TPO 287). To the north of the site lies 51a The Drive, a two storey detached house and to the south of the site lies 49b The Drive, also a two storey detached house with a single storey rear extension and conservatory. To the rear of the site is Uxbridge Golf Course.

The street scene is residential in character and appearance comprising single and two storey, individually designed detached houses. The private road has no street lighting and have no pavements. The application site lies within the developed area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **3.2 Proposed Scheme**

This scheme is a resubmission following refusal of application reference 21977/APP/2012/2194. The application proposes to demolish the existing house and erect a two storey building with accommodation in the roof space to provide 5 self-

contained flats, together with 8 parking spaces, landscaping, installation of vehicular crossover and bin and recycling store.

The proposed building would be approximately 21.40m wide, 20m deep and 9.80m high increasing to 10.20m high as the ground slopes downwards east to west. The building would have a crown roof with solar panels above and windows to the front and rear of the roof and rooflights to the side. There would be a covered projecting porch centrally located to the front of the property leading to an entrance hallway. To the rear of the property, there would be recessed balconies on the first floor and the roof space and a private terrace on the ground floor serving apartment 1 and 2. The building would maintain a minimum 2.35m distance from the side boundaries and would be set back from the highway by a minimum of 20m increasing to 24m and in line with the building line of the adjacent properties. The property would retain approximately 1170sq. metres of private amenity space. A communal parking area would also be provided at the front of the building allowing for 8 car parking spaces. The existing vehicle crossovers would be stopped up and a new crossover provided centrally along the front of the site. Cycle storage would be provided to the front of the property and in the entrance hall of the building.

There would be two flats on the ground floor, two flats on the first floor and one flat in the roof space. The floor areas would be as follows:

Flat 1 = Two bedroom flat of 114sq.m.

Flat 2 = Two bedroom flat of 121sq.m.

Flat 3 = Two bedroom flat of 145sq.m.

Flat 4 = Three bedroom flat of 131sq.m.

Flat 5 = Three bedroom flat of 168sq.m.

The elevations of the building would comprise red brick with reconstituted stone features and the roof would be of slate. Windows would be of a traditional sash pattern in painted aluminium and double glazed.

This application differs from the previously refused application by by reducing the size of the building to the western corner by 4m in depth and 4 metres in width.

### 3.3 Relevant Planning History

21977/APP/2012/2194 51 The Drive Ickenham

Two storey building with habitable roofspace to create 5 x self-contained flats with associated parking and landscaping and installation of vehicular crossover, involving demolition of existing detached dwelling.

**Decision:** 16-04-2013 Refused

#### Comment on Relevant Planning History

This application is a resubmission of ref.21977/APP/2012/2194, which was refused on 26th April 2013 for the following reason:

The proposal by reason of its size, scale, bulk, height and projection to the rear would be detrimental to the amenities of the adjoining occupiers, particularly No.49b, by reason of over-dominance and loss of outlook. The proposal is therefore contrary to Policies BE19 and BE21 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies November 2012).

#### 4. Planning Policies and Standards

Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) is relevant to this application and in particular the following parts of that Policy:

BE1 - The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should:

1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;
2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties;
3. Be designed to include Lifetime Homes principles so that they can be readily adapted to meet the needs of those with disabilities and the elderly, 10% of these should be wheelchair accessible or easily adaptable to wheelchair accessibility encouraging places of work and leisure, streets, neighbourhoods, parks and open spaces to be designed to meet the needs of the community at all stages of people's lives;
7. Improve the quality of the public realm and provide for public and private spaces that are attractive, safe, functional, diverse, sustainable, accessible to all, respect the local character and landscape, integrate with the development, enhance and protect biodiversity through the inclusion of living walls, roofs and areas for wildlife (7.20), encourage physical activity and where appropriate introduce public art;
8. Create safe and secure environments that reduce crime and fear of crime, anti-social behaviour and risks from fire and arson having regard to Secure by Design standards and address resilience to terrorism in major development proposals.
9. Not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas.
10. Maximise the opportunities for all new homes to contribute to tackling and adapting to climate change and reducing emissions of local air quality pollutants. The Council will require all new development to achieve reductions in carbon dioxide emission in line with the London Plan targets through energy efficient design and effective use of low and zero carbon technologies. Where the required reduction from on-site renewable energy is not feasible within major developments, contributions off-site will be sought. The Council will seek to merge a suite of sustainable design goals, such as the use of SUDS, water efficiency, lifetime homes, and energy efficiency into a requirement measured against the Code for Sustainable Homes and BREEAM. These will be set out within the Hillingdon Local Plan: Part 2 - Development Management Policies LDD. All developments should be designed to make the most efficient use of natural resources whilst safeguarding historic assets, their settings and local amenity and include sustainable design and construction techniques to increase the re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill. All developments should be designed to make the most efficient use of natural resources whilst safeguarding historic assets, their settings and local amenity and include sustainable design and construction techniques to increase the re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill.

Support will be given for proposals that are consistent with local strategies, guidelines,

### UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -  
(i) Dial-a-ride and mobility bus services  
(ii) Shopmobility schemes  
(iii) Convenient parking spaces  
(iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- BE13 New development must harmonise with the existing street scene.
- BE15 Alterations and extensions to existing buildings
- BE19 New development must improve or complement the character of the area.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE22 Residential extensions/buildings of two or more storeys.
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE11 Development involving hazardous substances and contaminated land - requirement for ameliorative measures
- R16 Accessibility for elderly people, people with disabilities, women and children
- H4 Mix of housing units
- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LPP 3.1 (2011) Ensuring equal life chances for all
- LPP 3.3 (2011) Increasing housing supply
- LPP 3.4 (2011) Optimising housing potential
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.7 (2011) Renewable energy
- LPP 5.13 (2011) Sustainable drainage
- LPP 7.2 (2011) An inclusive environment
- LPP 7.4 (2011) Local character

## **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

24 neighbouring properties were consulted by letter on 29th May 2013 and a site notice was posted on 10th June 2013. 7 letters of representation have been received with 1 letter supporting the application and 6 against the application. Two petitions, both with 216 signatories each have also been received opposing the proposed scheme. The comments can be summarised as follows:

1. Efficient use of land. There is a great need for different type of smaller properties in this road. There are too many unsold large houses in this road. Some has been empty for many years.
2. Increase in parking problems and traffic;
3. The site is not big enough to build 5 large flats;
4. This new application considers a development of apartments in a road that is 100% comprised of established, quality, detached properties - approval would trigger further applications in this and adjoining roads. This is completely out of character with the street scene and environment;
5. This application still proposes a substantial increase in density;
6. The site is located in a low-density residential area where occupiers could reasonably expect a level of amenity concurrent with a detached house. The use of the property as apartments introduces a diverse element that likely to give rise to noise, disturbance and nuisance to the detriment of neighbouring homeowners' amenity.
7. The overspill parking for this site will ultimately end up along The Drive which will have an increased effect on road safety and access;
8. Overbearing effect on Nos.49b and 51a;
9. The proposed building is still twice the size of the present house;
10. The proposed development would be moving much closer to No.49b than at present, extend the full depth and beyond the rear of No.49b and propose living accommodation over three floors;
11. The kitchen window with clear glass, breakfast room window, the conservatory windows and upstairs bathroom window of No.49b would be in almost total darkness resulting in a reduction in standard of living;
12. I still believe several south windows would line up directly with No.49b; it mentions clear glass to ground floor to flank meaning that the occupants may have a direct view into No.49b, which is unacceptable and contravenes with right of privacy. Furthermore, the proposed balconies would overlook the garden at No.49b;
13. Increase in number of people would result in noise and pollution increasing, both in the garden and the flats;
14. Increase in problems with the drain and sewerage system;
15. pollution and smell that will arise from the increased rubbish generated by five families;
16. Existing House should be considered for local listing.

### **ICKENHAM RESIDENTS ASSOCIATION:**

We refer to our letters 2012/2194 dt. 19.10.12 and 2012/2194 amended dt. 28.01.13 (copies enclosed) and the obvious difference of this new proposal is the layout on drawing P30C, showing a small reduction in size of side elevation towards No. 49B (no dimensions), plus the details of the

S106 calculations.

In principle, the main body of the proposed two storey building with habitable roofspace to create 5 x self-contained flats with associated parking and landscaping and installation of vehicular crossover, involving demolition of existing detached dwelling (Resubmission) remains unchanged, and our reasons for objection given in our above two letters are still valid for this new amended application.

We repeat yet again our earlier comments that the proposed conversion of an existing large family home into 5 x self-contained flats would create an undesirable precedent in The Drive, and would cause harm to the residential amenities and character of the area.

The front garden would be turned into a substantial car-park, unlike the generous, suburban landscaping of the rest of The Drive. Eight proposed car-parking spaces seem inadequate for 5 two-bedroom flats with at least two occupiers per flat. No doubt, this will lead eventually to on-road parking.

We repeat our objection to this application.

(Officer comment: The comments raised are considered in the main body of the report).

**NATURAL ENGLAND:**

This application is in close proximity to Fray's Farm Meadows Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Natural England has previously commented on this proposal under planning reference 21977/APP/2012/2194 and made comments to the authority in our letter dated 02 November 2012. The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application relate largely to size, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

### **Internal Consultees**

**HIGHWAYS:**

The highway implications associated with the development are the same as those of the previous planning application. Therefore, the previous highway observations in relation to planning application - Ref: 21977/APP/2013/2194 are applicable to the current proposals.

Previous comments:

It is considered that the development proposals would not be contrary to the Policies of the adopted Hillingdon Unitary Development Plan and an objection in relation to the highway aspect of the proposals is not raised in this instance. Objectors have highlighted a lack of street lighting as a highway pedestrian safety issue. The Drive serves a large number of residential properties and the erection of 5 flats would not be such a material increase in highway or pedestrian movements to raise a concern in this regard.

The parking spaces are considered to be the maximum allowable under Council parking guidelines,

overspill parking is not therefore considered relevant to this application.

#### EDUCATION CONTRIBUTION:

I have been re-consulted on this revised application and I can advise that education would be the only obligation arising from this proposal. Please seek either a Unilateral Undertaking to deliver this obligation or in the event that the application is refused please include the education obligation as a reason for refusal.

#### EPU:

There appears to be few material changes to the original proposed permission (21977/APP/2012/2194) so the previous conditions would still apply:

The site appears to have been built on farmers fields. No former contaminative uses have been identified based on Ordnance Survey historical maps. However, as an additional number of sensitive receptors are being introduced to the site as a minimum a condition to ensure the soil is free of contamination and suitable for use is advised.

#### CONDITION

Before any part of the development is occupied, site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

Note: The Environmental Protection Unit (EPU) must be consulted for their advice when using this condition.

#### REASON

To ensure that the occupants of the development are not subject to any risks from soil contamination in accordance with Policy OE11 of the Hillingdon Local Plan: Part Two -unitary Development Plan Saved Policies (November 2012).

Also the site construction informative is recommended.

#### TREES AND LANDSCAPE:

Tree Preservation Order (TPO)/Conservation Area: This site is covered by TPO 287.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (on-site): There are a number of small trees and shrubs along the site's front boundary which form an effective green screen (not protected). The majority of these trees are due to be removed and replaced.

There is a large, protected Scots Pine and a protected Blue Spruce in the rear garden (T9 and T8 on TPO 287). The trees have a high amenity value and are to be retained. The submitted tree report recommends adequate protection for the high value trees on-site.

Significant trees/other vegetation of merit in terms of Saved Policy BE38 (off-site): There is a large, mature, protected Oak (T2 on TPO 297) in the front garden of the neighbouring front garden. The tree is situated far enough away to not be affected by the proposals.

Scope for new planting (yes/no): Yes, this matter can be dealt with by condition at a later stage

Conclusion (in terms of Saved Policy BE38): Acceptable, subject to conditions RES8

(implementation of tree protection); RES9 (1, 2, 4, 5 and 6) and RES10.

#### URBAN DESIGN:

The Urban Design Officer was asked to comment on the suitability of the property / building for local listing, to address the concern raised by local residents.

Given the previous positive design comments, no objections are raised to the current revised scheme. The building is large and quite attractive, but there appears to be nothing particularly special about it, we have other similar and indeed better examples. As such, I cannot see a good reason to include it on the Local List at present.

#### New development:

Setting: The new block would be set back from the main street frontage and would be in line with the neighbouring houses. The scheme proposes planting to the front to mitigate the impact of the parking and hard-standing to the front. This would also ensure to preserve the street suburban scene of the area. There are, therefore, no objections regarding the setting and positioning of the new building.

Design: The new building would be in a Neo-Georgian style and as such given the other new houses in the street, there would be no objections to the same from a design point of view. Whilst not ideal, the crown roof would be acceptable in this instance as it has been allowed in other schemes on the street. The concerns raised previously regarding the proportions of the windows, dormers and the roof have been addressed and there are no further objections.

Conclusion: Acceptable. Materials to be conditioned.

#### ACCESS OFFICER:

The Design & Access Statement suggests that the proposed flats would comply with the Lifetime Home Standards. The document also states that, due to their generous size, the proposed flats achieve the standards required for full wheelchair access. 8 car parking spaces are proposed, each measuring 2.4 m x 4.8 m with a 1.2 m level path either side. None of the spaces would be designated specifically for use by disabled people.

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document- Accessible Hillingdon adopted January 2010. Compliance with all 16 Lifetime Home standards (as relevant) should be shown on plan.

The following access observations are provided:

1. Level access should be achieved. Details of level access to and into the proposed dwelling should be submitted. A fall of 1:60 in the areas local to the principal entrance should be incorporated to prevent rain and surface water ingress. In addition to a levels plan showing internal and external levels, a section drawing of the level access threshold substructure, and water bar to be installed, including any necessary drainage, should be submitted.
2. The flats do not include a minimum of one bathroom compliant with the Lifetime Home requirements. To this end, a minimum of 700mm should be provided to one side of the toilet pan, with 1100mm in front to any obstruction opposite.
3. At least one bathroom should achieve a minimum of 700mm to one side of the WC, with



1100mm provided between the front edge of the toilet pan and a door or wall opposite.

4. To allow a minimum of one bathroom within each flat to be used as a wet room in future, plans should indicate floor gulley drainage.

5. The plans should indicate the location of a future 'through the ceiling' wheelchair lift.

Conclusion: revised plans should be requested as a prerequisite to any planning approval.

In any case, an additional Condition, as set out below, should be attached to any planning permission:

#### ADDITIONAL CONDITION

Level or ramped access shall be provided to and into the dwelling houses, designed in accordance with technical measurements and tolerances specified by Part M to the Building Regulations 2000 (2004 edition), and shall be retained in perpetuity.

REASON: to ensure adequate access for all, in accordance with London Plan policy 3.8, is achieved and maintained, and to ensure an appropriate standard of accessibility in accordance with the Building Regulations.

#### POLICY:

This is an established residential area where new types of residential units can be compatible. There is adequate communal space as required by the Residential Design Guide. There is no adverse designations relative to this site shown on the Proposals Map.

Only 2 policies items are relevant. Firstly the scheme complies with UDP policy BE22 in the provision of a minimum 1.5 metres to the side boundary.

Of greater relevance is to the Residential Design Guide policy of maximum of 10% redevelopment in a street. In this regard no more than 10% of properties in the Drive can be subject to redevelopment for flats/apartment. If this scheme complies with this limit then no objections.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The proposed site is located within the developed area as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007). The site is not located in a conservation area and the building is not listed. There are no policies which prevent the demolition of the existing building, in principle.

The Supplementary Planning Document (SPD) HDAS: Residential Layouts, at paragraph 3.3 states that in relation to the redevelopment of large plots and infill sites currently used for individual dwellings into flats, the redevelopment of more than 10% of properties on a residential street is unlikely to be acceptable, including the houses which have been converted into flats or other forms of housing.

The above document underpins and supports Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), which seek to protect the impacts of flatted development on the character and amenity of established residential areas. There are currently no new flats/apartments on The Drive, therefore the erection of flats is acceptable in principle.

The many representations against the application refer to the unique character of the Drive. Nonetheless, the Drive has not been identified through any policy designation as being of special architectural character, it would therefore be very difficult to refuse a planning application for this reason.

#### **7.02 Density of the proposed development**

The London Plan 2011 requires that new housing within a suburban setting and a PTAL score of 1a to generally be in the range of 150-200 habitable rooms per hectare (hr/ha) and 35-55 units per hectare (u/ha). The residential density of the proposed development equates to 14 hr/ha and 2.5 u/ha. As such, the proposed scheme is considerably below the minimum range, but given the spacious layout and large plots within the vicinity of the site and the density of development of the surrounding area, it is considered that a density below the London Plan requirements is acceptable in this instance. However, density is only one consideration and the proposal still needs to comply with other Council and London Plan policies and standards and these issues are considered elsewhere in the report.

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

The property lies within a Developed area and does not fall within a Conservation Area, ASLC and is not a Listed Building. Furthermore, the Conservation Officer does not consider the existing building to be sufficiently special such that it could be included on the Local List at present.

#### **7.04 Airport safeguarding**

Not applicable to this application.

#### **7.05 Impact on the green belt**

Not applicable to this application.

#### **7.06 Environmental Impact**

Not applicable to this application.

#### **7.07 Impact on the character & appearance of the area**

The site is located within a Developed Area where there is no objection in principle to flats on the site subject to the proposal satisfying other policies in the plan and supplementary planning documents.

UDP Policies BE13 and BE15 resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The street scene is characterised by large detached properties individually designed. The proposed building would be well designed, rectangular in shape with a crown roof with solar panels. It is proposed that the building would follow the existing front building line of the adjacent properties and it would retain a large front garden which, despite the provision of parking on the frontage, would still entail a considerable level of soft landscaping, including a landscape area of a minimum 3.5m depth extending to over 5m at the front of the site, before any hardsurfacing commences. This combined with the grass verge to the front of the property would result in a soft landscape area of a minimum 8m depth right at the front of the site. This would ensure that the building would integrate well into its surroundings and that the front garden would not have the appearance of a car park.

The Drive consists of large properties in spacious surroundings. This proposal results in a building which is sited a minimum 20m back from the front boundary, on a similar building line as the adjoining properties and in fact further back than the existing property, which is sited some 15m back from the front boundary. The proposed building would also be set in

from the side boundaries by a minimum of 2.5m, which is in excess of the council's normal requirement of 1m, but reflects the spacious nature of the setting of the properties in The Drive. The siting of the property and its overall footprint is thus considered to be in character with the existing character of the road.

The Drive comprises of, in the main large detached properties, of varying designs. It does not have a homogenous character and thus the provision of a building designed in a neo-georgian style, with a crown roof, would not in itself be alien to the street. It would, in fact, reflect the design of a number of other properties, which have recently been redeveloped in the street. The Council's urban design officer considers the design to be acceptable.

Overall, it is considered that the proposed development, in terms of its siting, size, scale, bulk and design would be in keeping with the character and appearance of the surrounding area and that its visual impact is acceptable, in accordance with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012).

#### **7.08 Impact on neighbours**

UDP Policy BE21 of the adopted Hillingdon Unitary Development Plan 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 in residential amenity. Likewise UDP Policies BE20 and BE24 resist any development which would have an adverse impact upon the amenity of nearby residents and occupants through loss of daylight and privacy.

The proposed development would extend approximately the same depth as the adjacent properties and would be a minimum 2.5m from the side boundaries. In relation to the adjoining properties, No. 49b has two ground floor windows in the side elevation serving a kitchen, one obscure glazed, the other clear glazed and a window in the side elevation at first floor level, which is obscure glazed and serves a bathroom. No.49b has been extended with an extension to the kitchen, which included a window in the rear elevation. However a further conservatory has been added which encloses this window. No. 51a has two ground floor windows in the side elevation serving a reception room, both obscure glazed. This room is also served by window in the rear elevation. It also has a window in the side elevation at first floor level, which is obscure glazed and serves a WC.

Thus, in terms of the impact of the development on these properties, the issue is whether the impact on the kitchen window, in the side elevation of No.49b, is sufficient to refuse the application, as the windows in the side elevation of No.51a are either secondary or to non-habitable rooms. Given that there are two windows serving the kitchen in the side elevation and a window in the rear, which has been enclosed by a conservatory, it is considered that any loss of light to this area is, in the main, self-inflicted and a refusal on loss of light to the kitchen would be difficult to sustain.

The application complies with the Council's 45 degree angle, by some distance, in terms of habitable room windows on the rear elevation of both adjoining properties, due to the changes made to the size of the building. As a result it is considered that the proposal would not impede upon the daylight serving these properties or result in loss of outlook. The building would be a sufficient distance from the side boundary and the neighbouring properties to not result in an overbearing impact. The balconies on the upper floors are set back within the footprint of the building to prevent angular views into neighbouring gardens. The first floor side windows serving en-suites, utility and kitchens can be conditioned to be obscure glazed and fixed shut below 1.8m to prevent any unacceptable overlooking to the neighbouring properties. The roof space would have rooflights on the

side elevation, however due to the angle of these windows, they would not directly overlook the adjacent properties.

As a result it is considered that the proposal would not be harmful to the amenity of nearby residents through loss of privacy, loss of light and overbearing impact. It would be in compliance with Policies BE20 BE21 and BE24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) in this respect.

#### **7.09 Living conditions for future occupiers**

London Plan Policy 3.5 seeks to ensure that all new housing development is of the highest quality, both internally and externally and in relation to their context.

The London Plan sets out the minimum internal floor space required for new housing development in order to ensure that there is an adequate level of amenity for existing and future occupants. The London Plan recommends that for a three bed, five person flat a minimum of 86sq.m should be provided and for a 2 bed 4 person flat a minimum of 70sq.m. The total internal floor area for each of the proposed flats would be well in excess of these standards and therefore they are in accordance with the London Plan.

Section four of the Council's HDAS: Residential Layouts states that developments should incorporate usable attractively laid out and conveniently located garden space in relation to the dwellings they serve. It should be of an appropriate size, having regard to the size of the flats and the character of the area.

The minimum level of amenity space required for a 2 bed flat is 25sq.m and 3 bed flat is 30sq.m and the proposed development would thus require the provision of 135sq.m of amenity space to meet the standard. The scheme provides some 1170sq. metres and would thus far exceed these standards.

The proposed bedrooms would have windows that face the front and rear of the property and would therefore not be overlooked by adjoining properties.

It is also considered, that all the proposed habitable rooms would maintain an adequate outlook and source of natural light, therefore complying with Policy 5.3 of the London Plan (2011).

#### **7.10 Traffic impact, car/cycle parking, pedestrian safety**

Policies AM2, AM7, AM14 and AM15 are concerned with traffic generation, road capacity, on site parking and access to public transport.

A communal parking area would be provided within the front of the building to provide 8 car parking spaces. Additionally, 5 cycle parking spaces would be provided within the site, secured and undercover. The existing vehicle crossovers would be stopped up and a new crossover provided centrally along the boundary of the site, fronting on to the adjacent highway. Access to the site would be provided at 5.0m wide, which would enable two vehicles to pass side by side.

The Drive does not form part of the adopted highway network and is under private ownership. Additionally, it is noted that the PTAL index within the area is 1a, which is classified as very poor. As a result, the maximum parking provision of 1.5 parking spaces per flat is acceptable.

Therefore, it is considered that the development proposals would not be contrary to the above Policies of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and an objection in relation to the highway aspect of the

proposals is not raised in this instance.

#### **7.11 Urban design, access and security**

##### URBAN DESIGN

The design of the new building would be in a Neo-Georgian style. Taking into consideration the similar large size and design of houses in the street, there would be no objection from a design point of view. Furthermore, the crown roof would be acceptable in this instance as it has been allowed in other schemes on the street. The proportions of the windows, dormers and the roof are considered acceptable and the Urban Design officer has raised no objection.

##### ACCESS

London Plan Policy 3.8 and the Council's adopted Supplementary Planning Document HDAS: Accessible Hillingdon require all new housing to be built to Lifetime Homes standards. Given the space available within the units, this can be secured by means of a condition. The Access Officer has recommended a condition which requires level access into the building and this is incorporated.

##### SECURITY

Should the application be approved, a condition is also recommended to ensure that the scheme meets all Secured By Design Criteria.

#### **7.12 Disabled access**

See section 7.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this application.

#### **7.14 Trees, Landscaping and Ecology**

There are a number of small trees and shrubs along the front boundary to the site which form an effective green screen. The majority of these trees are to be retained. There is a large, protected Scots Pine and a protected Blue Spruce in the rear garden (T9 and T8 on TPO 287). The trees have a high amenity value and are to be retained. The submitted Tree Report recommends adequate protection for the high value trees on-site. There is a large, mature, protected Oak (T2 on TPO 297) in the front garden of the neighbouring front garden. The tree is situated far enough away to not be affected by the proposals.

It is considered that the proposal would comply with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), subject to appropriate conditions being imposed.

The site and adjacent land are given over to buildings, hard-standing and well maintained gardens. The proposed works would therefore not impact upon any habitats of ecological interest or conservation concerns.

#### **7.15 Sustainable waste management**

A covered refuse store is proposed, of a size and in a location which is considered acceptable. Subject to conditions being imposed on any consent granted, no objection is raised to the scheme in terms of waste management.

#### **7.16 Renewable energy / Sustainability**

The redevelopment of the site allows the opportunity to significantly improve the energy efficiency of the property and accordingly reduce energy demand and CO2 emissions. The application proposes solar panels to the roof with the possibility of increasing the

number of solar panels in the future, subject to securing the appropriate planning permissions. A condition requiring that the development meets Level 4 of the Code for Sustainable Homes is recommended.

#### **7.17 Flooding or Drainage Issues**

The site does not fall within a Flood Zone and therefore the proposed development is not at potential risk of flooding.

#### **7.18 Noise or Air Quality Issues**

Not applicable to this application.

#### **7.19 Comments on Public Consultations**

Concerns relating to drainage and value of properties are not material planning considerations. Concerns raised over traffic, parking, character and appearance of the area, density, pollution, noise, the amenities of adjoining properties, and refuse are considered in the main body of the report.

#### **7.20 Planning Obligations**

Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) 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 educational facilities through planning obligations in conjunction with other development proposals.

The proposed scheme has more than six habitable rooms and would result in a requirement for an education contribution of £22,253 if the application is recommended for approval. The applicant has agreed to pay this financial contribution.

Community Infrastructure Levy:

The proposed scheme represents chargeable development under the Mayor's Community Infrastructure Levy. At this time the Community Infrastructure Levy is estimated to be £19,635.

#### **7.21 Expediency of enforcement action**

Not applicable to this application.

#### **7.22 Other Issues**

None.

### **8. Observations of the Borough Solicitor**

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

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

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

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

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

#### **9. Observations of the Director of Finance**

Not applicable to this application.

#### **10. CONCLUSION**

It is considered that the principle of flats on this site is acceptable, and that the proposed building and use would not be harmful to the character and appearance of the street scene, nor the amenities of nearby residents. Parking and highway safety matters are also satisfactory. The application accords with the Council's planning policies and is therefore recommended for approval, subject to appropriate conditions.

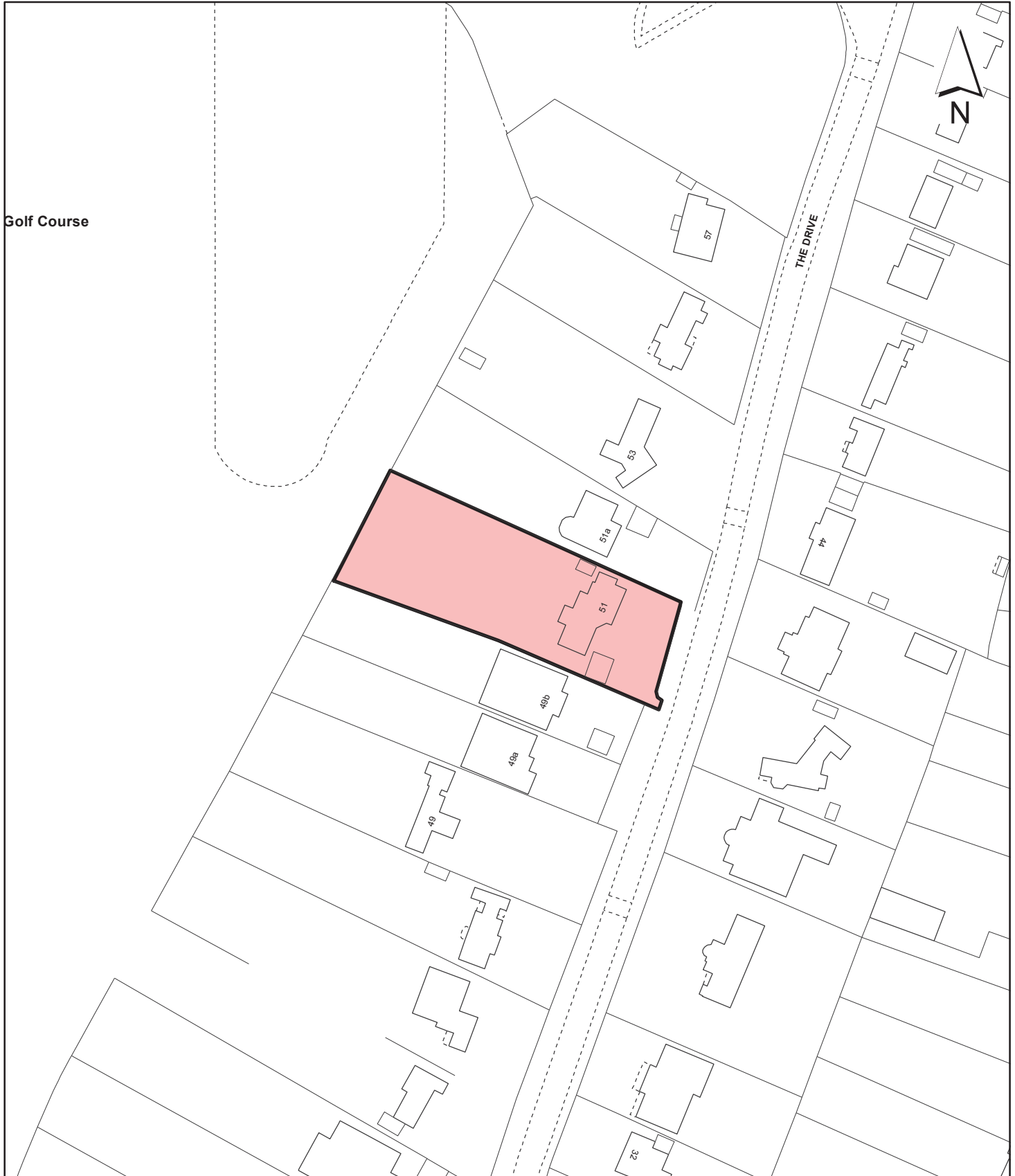
#### **11. Reference Documents**

Hillingdon Local Plan (November 2012)  
London Plan (July 2011)  
National Planning Policy Framework  
HDAS: Residential Layouts  
Supplementary Planning Guidance - Community Safety by Design  
Supplementary Planning Guidance - Noise  
Supplementary Planning Guidance - Air Quality  
HDAS: Accessible Hillingdon  
Hillingdon Planning Obligations Supplementary Planning Document July( 2008) and updated chapter 4 Education (August 2010).

**Contact Officer:** Mandeep Chaggar

**Telephone No:** 01895 250230

Golf Course



**Notes**

 Site boundary

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Site Address

**51 The Drive  
Ickenham**

**LONDON BOROUGH  
OF HILLINGDON  
Residents Services**

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

Planning Application Ref:  
**21977/APP/2013/1333**

Scale  
**1:1,250**

Planning Committee  
**North**

Date  
**July  
2013**



**HILLINGDON**  
LONDON