

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

**Address** LAND ADJACENT TO 1 ST CATHERINES ROAD RUISLIP

**Development:** Two storey, 4-bedroom, detached dwelling with associated amenity space and parking and installation of vehicular crossover to front involving demolition of existing garage and amendments to existing vehicular crossover (Resubmission)

**LBH Ref Nos:** 33892/APP/2013/1337

**Drawing Nos:** ASW/BL/011/17/2013  
Design and Access Statement  
68717  
1161/P3/6  
1161/P3/1  
1161/P3/2  
1161/P3/3  
1161/P3/5  
1161/P3/4

**Date Plans Received:** 23/05/2013

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

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

### 1. SUMMARY

The proposed development is for the erection of a two storey, 4-bed, detached dwelling with habitable roofspace, and associated parking and amenity space. It involves the demolition of an existing garage. The design of the development is considered to complement with the character and appearance of the streetscene, and would provide high quality accommodation for future occupiers without unduly detracting from the amenities of the adjoining occupiers.

Neighbours have reported that bats use the site and the existing structure on the site. As such a bat emergence survey has been submitted with the planning application, and upon consultation with Natural England it is concluded that the proposed development would not affect protected species.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

**2.1 That delegated powers be given to the Head of Planning, Green Spaces and Culture to grant planning permission, subject to the following:**

**i) That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:**

**a)A contribution towards capacity enhancements in local educational establishments made necessary by the development;**

**2.2 That in respect of the application for planning permission, the applicant meets**

the Council's reasonable costs in preparation of the Section 106 Agreement and any abortive work as a result of the agreement not being completed.

**2.3 That officers be authorised to negotiate and agree the detailed terms of the proposed agreement.**

**2.4 That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised within 6 months of the date of this report, or any other period deemed appropriate by the Head of Planning, Green Spaces and Culture then delegated authority be granted to the Head of Planning, Green Spaces and Culture to refuse the application for the following reason:**

'The development has failed to secure obligations relating to capacity enhancements in local educational establishments made necessary by the development. Accordingly, the proposal is contrary to policies R17 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD.

**2.5 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 legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.**

**2.6 That if the application is approved, the following conditions be imposed:**

**1 RES3 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 RES4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers ASW/BL/011/17/2013, Design and Access Statement, 68717, 1161/P3/6, 1161/P3/1, 1161/P3/2, 1161/P3/3, 1161/P3/5 & 1161/P3/4 and shall thereafter be retained/maintained for as long as the development remains in existence.

**REASON**

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

**3 RES12 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 north-east or south-west.

**REASON**

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

**4 RES13 Obscure Glazing**

The first floor window(s) facing Elmwood 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).

**5 RES14 Outbuildings, extensions and roof alterations**

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 garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

**REASON**

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies BE13, BE21, BE23 and BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**6 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 5.12.

**7 RES16 Code for Sustainable Homes**

The dwelling 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.

**8 RES18 Lifetime Homes/Wheelchair Units**

The residential unit hereby approved shall be built in accordance with 'Lifetime Homes' Standards. .

**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.

**9 RES24 Secured by Design**

The dwelling 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 dwelling 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 exercising 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.

**10 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).

**11 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 (including demonstration that 5% of all parking spaces are served by electrical charging points)

2.e Hard Surfacing Materials

2.f External Lighting

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

3. Details of Landscape Maintenance

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

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

4. Schedule for Implementation

5. Other

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

5.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 Policies 5.17 (refuse storage) of the London Plan (July 2011).

**12 RES19 Ecology**

No development shall take place until a scheme to protect and enhance the nature conservation interest of the site has been submitted to and approved by the Local Planning Authority.

Thereafter, the scheme shall be implemented in strict accordance with the approved scheme.

REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with policy EC5 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (July 2011) Policy 7.19.

**13 RES6 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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **14 RES8 Tree Protection**

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.

2. 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.

Thereafter, 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:

2.a There shall be no changes in ground levels;

2.b No materials or plant shall be stored;

2.c No buildings or temporary buildings shall be erected or stationed.

2.d No materials or waste shall be burnt; and.

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

#### **15 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 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.

#### **16 RES26 Contaminated Land**

Before any part of the development is occupied, site derived soils and imported soils shall be independently tested for chemical contamination to the satisfaction of the Local Planning Authority. All soils used for gardens and/or landscaping purposes shall be clean and free of contamination.

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 Unitary Development Plan Saved Policies (September 2007).

### INFORMATIVES

#### **1 I52 Compulsory Informative (1)**

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

#### **2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) 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.

EC5	Retention of ecological features and creation of new habitats
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
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.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.5	(2011) Quality and design of housing developments
LPP 5.13	(2011) Sustainable drainage
LPP 5.3	(2011) Sustainable design and construction
LPP 7.19	(2011) Biodiversity and access to nature
LPP 8.2	(2011) Planning obligations

### **3 159 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.

#### **4**

You are advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy. The applicant will be liable to pay the Community Infrastructure Levy to the sum of £5052.24 on commencement of this development (please note this amount may change on final calculation). A separate liability notice will be issued by the Local Planning Authority, however you are advised that it is your responsibility to notify the Local Planning Authority of the anticipated commencement date and any changes in liability through submission of the appropriate forms.

#### **5**

The proposed and existing vehicle crossovers shall be reinstated and constructed in accordance with the council standard details.

### **6 IT05 Wildlife and Countryside Act 1981**

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats, nesting birds or other protected species. It is advisable to consult your tree surgeon/consultant to agree an acceptable time for carrying out any work.

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application relates to a 0.0325 hectare rectangular site located on the south-eastern side of St Catherines Road. The site comprises a dilapidated disused garage and is overgrown with shrubs and flora. Historically, the site formed part of 1 Catherine Road, located to the south-west of the site. The site is clearly demarcated from No.1 Catherine Street by way of boundary treatment. Directly north-east of the site is an electrical sub-station.



The streetscene is characterised by large to medium sized detached houses, set within rectangular plots and set back from the highway. The properties have varying plot widths and infill development is prevalent in the locality.

The site is located within the Developed Area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

### 3.2 Proposed Scheme

The proposed development comprises the erection of a two storey, 4-bed, detached dwelling with associated amenity space and parking, and the installation of a vehicular crossover to the front. The proposal involves demolition of the existing garage and amendments to the existing vehicular crossover. The property would provide four bedrooms, three of which would be on the first floor.

The proposed development would have a projecting gable and three dormer windows on the front elevation. The side elevations would have a window and door at ground floor level and no windows at first floor level. The first floor windows on the rear elevation would serve two bathrooms and a landing area and would be obscurely glazed and non-opening below 1.8m. The proposed development would have a single storey rear projection. The new house would be 10m wide, 7.39m deep and 6m high to the ridge (3.26m to the eaves)

126 square metres of amenity space would be provided.

Two off-street parking spaces would be provided.

### 3.3 Relevant Planning History

33892/APP/2002/1059 Land Adjacent To 1 St Catherines Road Ruislip  
ERECTION OF A TWO STOREY DETACHED DWELLING (INVOLVING DEMOLITION OF EXISTING GARAGE)

**Decision:** 27-06-2002 Refused

33892/APP/2007/1159 Land Adjacent To 1 St Catherines Road Ruislip  
ERECTION OF A TWO STOREY, THREE- BEDROOM CHALET STYLE DETACHED DWELLINGHOUSE WITH 3 FRONT AND 3 REAR DORMER WINDOWS AND 2 FRONTAGE PARKING SPACES (INVOLVING DEMOLITION OF EXISTING GARAGE).

**Decision:** 03-04-2008 Approved

33892/APP/2012/2922 Land Adjacent To 1 St Catherines Road Ruislip  
Two storey, 4-bedroom, detached dwelling with associated amenity space and parking and installation of vehicular crossover to front involving demolition of existing garage and amendments to existing vehicular crossover.

**Decision:** 25-01-2013 Withdrawn

33892/APP/2013/192 Land Adjacent To 1 St Catherines Road Ruislip

Two storey, 4-bedroom, detached dwelling with associated amenity space and parking and installation of vehicular crossover to front involving demolition of existing garage and amendments to existing vehicular crossover.

**Decision:** 26-03-2013 Refused

#### **Comment on Relevant Planning History**

Planning permission was refused on the 26 March 2013 application ref. 33892/APP/2013/192 for an almost identical application for a two-storey house with associated parking on the following grounds:

-The existing building proposed for demolition contains features which are likely to support bats and the Local Planning Authority has received submissions indicating that bats may utilise this building. In the absence of an appropriate bat survey and/or mitigation proposals it has not been demonstrated that the demolition of the existing building would not be harmful to protected species or their habitat and the application is contrary to Policy EC5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.19 of the London Plan, the National Planning Policy Framework and Natural Englands Standing advice for protected species dated 22 February 2011.

A bat emergence survey undertaken in May 2013 has been submitted support the application and to address the above refusal reason.

On the 25 January 2013 a planning application was withdrawn, ref.33892/APP/2012/2922 in order to address the height concerns raised by the Council as per the relevant condition in the approved scheme granted in 2007 (as described below). The following changes have been made in the current scheme to address concerns raised:

- i. The height has been reduced from 6.890m to 6.0m high
- ii. The width of the proposed development has decreased from 10.30m to 10.0m
- iii. The separation distance from the north-eastern boundary has increased from 1.0m to 1.30m

In November 2012, the applicant received paid pre-application advice from the council supporting the principle of a residential development on the site subject to meeting design requirements.

Planning permission was granted in 2007 under application reference 33892/APP/2007/1159FUL for the erection of a two storey property. A condition was imposed on the 2007 consent that no structure or building should exceed 6m high.

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

## Part 2 Policies:

EC5	Retention of ecological features and creation of new habitats
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
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.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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LPP 5.13	(2011) Sustainable drainage
LPP 5.3	(2011) Sustainable design and construction
LPP 7.19	(2011) Biodiversity and access to nature
LPP 8.2	(2011) Planning obligations

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

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

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

## **6. Consultations**

### **External Consultees**

8 neighbours and Ruislip Residents Association were consulted.

A Site Notice was erected on the 31 May 2013 and expired on the 28 June 2013.

Letters were sent on the 29 May 2013 to the following neighbours:

- 9 Arlington Drive
- 4 St Catherine Street
- Elmwood
- 2A St Catherine Street

Not all of the adjoining neighbours were initially consulted (although a site notice was erected

opposite the site), which was also raised by neighbours. Further letters were sent on the 26 June 2013 (expiring on the 17 July 2013) to the following neighbours:

- 1 Catherine Street
- 169 Bury Street
- 167 Bury Street
- 163 Bury Street

2 objections have been received, with the following comments raised:

- There are also newts in the area.
- This land forms plot 79 which is part of St Catherine's Estate and this is protected by a number of restrictive covenants restricting the number of dwellings that can be built on the plot.
- Overlooking.
- Overshadowing.
- Loss of light.
- Parking problems.
- Noise levels.

#### NATURAL ENGLAND

Natural England's comments in relation to this application are provided in the following sections.

#### Statutory nature conservation sites - no objection

This application is in close proximity to the Ruislip Woods Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. 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.

#### Protected species

##### Bats

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

We have not assessed the survey for badgers or barn owls and breeding birds. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

#### Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

#### Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

#### **Internal Consultees**

##### Highways

The development proposals are for the demolition of an existing garage building and the construction of a 4 bedroom detached dwelling within the site. As part of the proposals, 2 No. car parking spaces will be provided to the front of the dwelling with access provided over a new vehicle crossover. The existing vehicle crossover serving the site will be removed and reinstated as pedestrian footway.

It is quite apparent that the building on site is not utilised for car parking and that the proposal would therefore not result in the loss of any existing parking facilities.

When undertaking assessment of the development, it is noted that the PTAL index within the area of the site is 1b, which is classified as very poor. As a result, the maximum parking provision of 2 car parking spaces is justified in this instance.

Therefore, it is considered that the development would not be contrary to the policies of the adopted Hillingdon Local Plan, 2012, (Part 2) and an objection in relation to the highway or transportation aspect of the proposals is not raised.

However, an informative is required to be imposed on the planning consent, stating that the proposed and existing vehicle crossovers shall be reinstated and constructed in accordance with the council standard details.

##### EPU

The site appears to have been part of Little Manor Farm and it's possible there may have been an orchard on part of the site based on Ordnance Survey historical maps. We have no specific contamination information on ground conditions. As a new sensitive receptor is being introduced as a result of the development the following imports/landscaping condition is recommended as a minimum where a standard contaminated land condition may be too onerous. However, a condition to ensure imported soils are free of contamination is recommended.

##### ACCESS OFFICER

No objection subject to the development providing level access in accordance with the building

regulations and full compliance with lifetime home standards being secured by condition.

## **7. MAIN PLANNING ISSUES**

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

The site comprises a dilapidated garage and overgrown surrounding open space. The site does not form part of a rear garden of the surrounding properties, and the supporting Bat Survey demonstrates that it does provide a habitat for protected species. As such there is no in principle objection to the loss of the site, subject to the scheme meeting all other pertinent Policies of the Local Plan and the London Plan.

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

Paragraph 4.1 of HDAS Residential Layouts specifies that in new developments numerical densities are considered to be more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units, such as this proposal. The key consideration is therefore whether the development sits comfortably within its environment rather than a consideration of the density of the proposal.

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

Not applicable to this application.

### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

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

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to ensure that new development complements and improves the character and amenity of the area. Policy BE22 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires new buildings to be set-in from the side boundaries by 1.0 metre from the side boundary line, for the full height of the building.

It is considered that the design of the proposed house reflects the materials, design features, building heights and plot widths predominant in the locality whilst providing an element of architectural individuality. Further the proposed development would be set-in at least 1m from the side boundaries in order to maintain key visual gaps between the properties. The proposed development would maintain a separation of at least 1.30-1.67m to the adjoining boundaries, thus maintaining visual gaps between the detached properties. As such it is considered that the proposed development would harmonise with the streetscene and visual amenities of the locality.

### **7.08 Impact on neighbours**

Paragraph 4.11 of HDAS Residential Layouts states that the 45° principle will be applied to new development to ensure the amenity of adjoining occupiers and future occupiers are protected. Paragraph 4.9 states that a minimum acceptable distance to minimise the negative impact of overbearing and overshadowing is 15m. Paragraph 4.12 requires a minimum of 21m distance between facing habitable room windows to prevent overlooking and loss of privacy.

The proposed development would align with the rear building lines of the adjoining property at No. 1 St Catherine Road and would be approximately 5.14m away from the side flank wall and would project beyond the main proposed rear building line by 4.25m



and beyond the rear single storey projection by 0.85m. Although there is a kitchen window on the side elevation of No.1 St Catherine's Road facing the application site, it is considered that given the single-storey nature of the proposed development in this location, the height of the eaves extending to 3.26m high and the 5.14 separation distance, this would not unduly affect the amenities of the occupiers of No. 1 St Catherine's Road. The proposed single storey rear addition would project 3.2m deep which is acceptable in terms of HDAS Section 3.0 guidance and would not breach the 45-degree line of sight.

There would be no windows at first floor level on the side elevations and the first floor windows on the rear elevation would serve two bathrooms and a landing area and would be obscurely glazed and fixed shut below 1.8m to avoid overlooking. The separation distance to the south-east with Elwood, Howletts Lane, is sufficient at 15m. The separation distance with No. 169 Bury Street, to the north-east has been increased from 13.3m (in the previous withdrawn application) to 14.54m and the height reduced to from 6.89m high to 6.0m to the ridge, 3.26m to the eaves. It is also noted that No.169 Bury Street ground level is elevated above the ground level of the application site due to the natural gradient of the land. Further a 5m high hedge would be present on the boundary with No.169 Bury Street. It is considered that the separation distance, overall height and increased separation distance would prevent undue visual intrusion and overshadowing.

Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development contrary to Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

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

The proposed house would provide sufficient floor area for a four bedroom house, exceeding minimum floor space requirements as specified in Paragraphs 4.6 to 4.8 and Table 2 of HDAS: Residential Layouts, London Plan Policy 3.5 and Table 3.3, which require 92 square metres and 100 square metres, respectively, for a four bedroom property. The proposed development provides 156 square metres of residential floor space which exceeds minimum requirements.

The Mayor's Housing Supplementary Planning Guidance (November 2012) requires the minimum area for a single bedroom to be 8 square metres and a minimum floor area for a double bedroom to be 12 square metres. The proposed dwelling complies with these standards with bedroom providing one bedroom at 8 square metres and the remainder providing between 13 and 19.5 square metres of floor area.

The first floor of the property would not be overlooked by the first floor windows of Elwood, due to the existence of the large tree within the rear garden of the site and with Elwood having its first floor windows recessed from the rear building line of the building.

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

The proposed parking arrangements of two off street parking spaces with 25% soft landscaping are considered acceptable in accordance with Policies AM14 and BE38 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012). Although the site was formerly part of No.1 Catherine Street, No.1 Catherine Street has off-street parking at the front of the property for 1-2 cars.

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

In accordance with Paragraph 4.15 of HDAS, a four bedroom plus bedroom house requires a minimum of 100 square metres of private useable amenity space. The proposed development exceeds this by providing 126 square metres of amenity space.

#### **7.12 Disabled access**

All new development is expected to meet 16 Lifetime Home Standard in accordance with London Plan Policy 3.8 and the Council's Supplementary Planning Document 'Accessible Hillingdon'. The design and access statement indicates that the development is intended to achieve lifetime homes standards and this is secured by way of a recommended condition.

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

Not applicable to this application.

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

Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires the retention of landscape features of merit and new landscaping and planting where possible. Further, due to the extent of the proposed works, it is likely that the existing front garden and rear amenity space will need to be re-landscaped, which would be conditioned if the scheme was approved. In terms of Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) the scheme is considered acceptable.

Policy EC5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that on site ecology features to be retained and enhanced where possible. Policy 7.19 of the London Plan requires biodiversity and natural heritage to be conserved and enhanced for the benefit of current and future Londoners within new developments. Adjoining occupiers have mentioned that there may be protected species on the application site.

An independent study was undertaken by ASW Ecology to support the application. The Bat Emergence Survey dated May 2013 found that no bat roosts were found at all within the existing garage proposed for demolition and that the proposed demolition of the existing garage will have neither a direct nor indirect impact on bats. It was also noted that only a very low density of bats visited the site during the survey, and that there are a number of better quality sites with richer insect habitats in close proximity.

Natural England were consulted on the application and accompanying survey and in conclusion they stated, "It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development" and considers "that the proposed development would be unlikely to affect bats". However, it is considered that the site may provide opportunities to incorporate features into the design which are beneficial to wildlife. As such a landscaping scheme is being sought via condition.

It was also mentioned within the neighbour objections that 'newts' were present on the site, however the survey which was reviewed by Natural England who acknowledged that "It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. We have not assessed the survey for badgers or barn owls and breeding birds". As such, Natural England assessed the site for other protected species (apart from badgers, barn owls and breeding birds) and has no objections to the proposed.

The applicant has addressed the previous reason for refusal and has the support of Natural England (the government's advisor and specialise on the natural environment and protected species) and as such accords with Policy EC5 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy 7.19 of the London Plan.

It is proposed to condition the development to ensure that an ecological enhancement

scheme is provided as recommended by Natural England.

**7.15 Sustainable waste management**

Not applicable to this application.

**7.16 Renewable energy / Sustainability**

Policy 5.3 of the London Plan requires the highest standards of sustainable design and construction in all developments to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. The applicant has submitted a Code for Sustainable Homes pre-assessment and has made a commitment to provide Code for Sustainable Homes Level 4 in the proposed development through the provision of sustainable measures. This has been conditioned.

**7.17 Flooding or Drainage Issues**

A condition has been imposed in relation to Sustainable Water Management.

**7.18 Noise or Air Quality Issues**

Not applicable to this application.

**7.19 Comments on Public Consultations**

The comments made by the individual responses are noted and are considered within the main report, or are dealt with by way of recommended condition or are not material planning considerations.

**7.20 Planning Obligations**

The proposed development would provide 8 habitable rooms which would trigger the requirement for Educational Contributions as it would result in an increase in the number of children within the borough, and a planning obligation is required to mitigate this impact on schools. As such a sum of £12,796.00 in accordance with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) is sought. The applicant has agreed to pay this sum.

The proposed development would result in a net increase of 145.49 square metres (over 100 square metres) of residential floor area and thus would be CIL liable. A total of £5052.24 would be sought towards CIL which the applicant has acknowledged and completed the relevant form.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**7.22 Other Issues**

Historically, the site appears to have been part of Little Manor Farm and it's possible there may have been an orchard on part of the site based on Ordnance Survey historical maps. The Council has no specific contamination information on ground conditions, however as a new sensitive receptor is being introduced as a result of the development an imposed soils/landscaping condition is recommended as a minimum by the Council's Environmental Protection Unit, in accordance with Policy OE11 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**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**

None received.

#### **10. CONCLUSION**

It is considered that the proposed layout provides an opportunity to develop the site for residential purposes taking into consideration the site constraints whilst respecting the visual amenity and character of the area and amenities of the adjoining occupiers and accords with the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), HDAS Residential Layouts and the London Plan (2011). The application is therefore recommended for approval, subject to an appropriate legal agreement in relation to a contribution towards education provision.

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


Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
HDAS: Residential Layouts  
The London Plan 2011  
The Mayor's Housing Supplementary Planning Guidance (November 2012)  
HDAS: Accessible Hillingdon  
National Planning Policy Framework

**Contact Officer:** Henrietta Ashun

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**Notes**

 Site boundary

For identification purposes only.

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Site Address	
<b>Land rear of 1 Catherine Street Ruislip</b>	
Planning Application Ref:	Scale
<b>33892/APP/2013/1337</b>	<b>1:1,250</b>
Planning Committee	Date
<b>North</b>	<b>August 2013</b>

**LONDON BOROUGH  
OF HILLINGDON**

**Residents Services**

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



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