

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

**Address** THE KINGS ARMS P.H. 109 COLDHARBOUR LANE HAYES

**Development:** Erection of part 2, part 3, part 4 storey building comprising basement parking, mixed use at ground level (430 square metres of non-food retail space and 4 residential units) and a further 17 residential units above ground level (21 residential dwellings total), as well as associated landscaping and refuse storage areas

**LBH Ref Nos:** 10954/APP/2011/1997

**Drawing Nos:** AE-00-0006-12 A2e Rev. 4  
AP-00-0001-01 A1 Rev. 2  
AE-00-0006-11 A2e Rev. 2  
AP-B1-0005-01 A1 Rev. 4  
AP-U1-0005-01 A1 Rev. 8  
AP-U2-0005-01 A1 Rev, 5  
AS-00-0007-01 A1 Rev. 2  
Sound Report dated 23 March 2011  
Ecology Report dated 12 August 2011  
Transport Assessment dated August 2011  
Landscaping Design Strategy  
AE-00-0006-10 A2e Rev. 2  
AP-B1-0005-02 A1 Rev. 3  
AP-U3-0005-01 A1 Rev. 4  
CGIs received 11 July 2012  
AP-00-0300-04 A3 Rev. 1  
AP-00-0300-01 A4 Rev 1  
AP-B1-0005-04 A1 Rev. 1  
AP-B1-0005-05 A1 Rev. 1  
AE-00-0006-10.1e A1 Rev. 1  
AP-B1-0005-06 A1 Rev. 1  
AP-B1-0005-07 A1 Rev. 1  
AP-B1-0005-03 A1 Rev. 1  
AE-00-0006-13 A2e Rev. 2  
AP-B1-0005-02 A1 Rev. 3  
AP-UO-0005-01 A1 Rev. 10  
AP-UO-0005-12 A1 Rev. 2  
AP-00-0001-03 A3 Rev. 2  
AP-00-0001-04 A3 Rev. 2  
AP-00-0001-05 A3 Rev. 2  
AP-00-0001-06 A3 Rev. 2  
AP-00-0001-07 A3 Rev. 2

<b>Date Plans Received:</b>	16/08/2011	<b>Date(s) of Amendment(s):</b>	11/07/2012
<b>Date Application Valid:</b>	16/08/2011		16/08/2011
			27/06/2012
			31/07/2012
			28/06/2012
			14/08/2012
			26/06/2012

## 1. SUMMARY

### UPDATED SUMMARY

The application was reported to committee on 14 August 2012 and the planning committee resolved to grant permission subject to the following planning obligations being applied:

1. Affordable Housing: £56,254.97
2. Education: £58,144
3. Health: £8,021.12
4. Community facilities: £10,000
5. Construction Training: £16,907.34
6. Libraries: £851.46
7. Air Quality: £12,500
8. Project Management & Monitoring: £5,321.11

The application was lodged prior to the Mayoral CIL being introduced in April 2013 however by the time construction was able to commence (due to amendments and work required to make the scheme acceptable at officer level) the imposition of the Mayoral CIL has resulted in the viability of the scheme being further eroded.

The applicant approached the council in January 2013 to seek further viability analysis on the basis that the owner was finding it difficult to obtain funding and the introduction of the Mayoral CIL had further eroded the schemes viability. The Mayoral CIL for this scheme is £65,275.

After analysis of the revised FVA for the scheme, it was considered that this FVA was robust and is able to be validated. What this states that when taking out the Mayoral CIL payment of £65,275 and other further development costs not factored into the original FVA, there is very limited money left to deliver the previously agreed obligations, and on that basis a S106 offer of £58,144 towards education contributions only was made.

Upon discussion with the Head of Service, he asked what funds would be realised if the code for sustainable homes were to be reduced from code level 4 to code level 3. Analysis has demonstrated that an additional £42,000 would be realised and could be used as an additional payment to towards the remaining and required planning obligations. It should be noted that the applicant had indicated the code for sustainable homes planning condition was having a major impact on scheme viability. A review mechanism is proposed such that in 18 months time if the scheme is not implemented a new FVA must be submitted.

Committee approval is therefore sought to:

- 1) reduce the code for sustainable homes from code level 4 to code level 3 and reflected in the associated condition.
- 2) amend the obligations deemed necessary to make the scheme acceptable in planning terms:
  - i) Education: £58,144
  - ii) Health: £8,021.12
  - iii) Libraries: £851.46
  - iv) Construction Training: £16,907.34
  - v) Air Quality: £12,500
  - vii) Project Management & Monitoring Fee: £3720.08
  - viii) Affordable Housing Review Mechanism: will be applied in the event that substantial commencement does not occur within 18 months following grant.

ix) Highways Works: Any and all Highways Works required.

## ORIGINAL SUMMARY

The application seeks full planning permission for the erection of a mixed use (residential/retail) part 2, part 3 and part 4 storey building with basement car park serving use both components. The residential element consists of 21 flats (12 x 2 bedroom and 9 x 1 bedroom flats) and the commercial element comprises a 430sqm retail unit (A1) for non-food retail sales.

The site is situated on a corner site with 3 direct street frontages and this combined with the schemes height, rising to 4 storeys on the Coldharbour Lane frontage, would mean the scheme will make for a reasonably prominent appearance in the locality at the north end of the Hayes Town Centre.

There is no objection to the principle of a mixed use development in planning policy terms given the sites location within the designated Hayes Town Centre. The scheme avoids undue dominance, most notably to the more modest existing residential housing estates located to the west and north of the site by the use of familiar local vernacular brick finish, the adoption of softening curves on the main street frontages, a recessed 4th storey and the proposed construction of only a 2 storey block on the East Avenue/rear of East Way street frontage.

The density of the development accords with the recommendations of the London Plan.

The scheme would not result in any significant detrimental impact on the amenity of nearby residential properties. The car parking provision and vehicle access arrangements for the retail and residential are considered acceptable. The internal floor areas to the additional units comply with the London Plan's minimum space standards and the private external amenity space areas meets the Council's minimum standards

The proposal would not provide any on site affordable housing units. A Financial Viability Appraisal for affordable housing was submitted any its financial analysis accepted. Subject to a S106 agreement, the proposal is recommended for approval.

## 2. RECOMMENDATION

**APPROVAL subject to the following:**

**A. 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 other appropriate legislation to secure:**

**i. Transport: The developer to meet all costs, including traffic orders, in relation to the implementation of a loading bay in East Way, alterations to the site's existing vehicular access and to restrict all deliveries vehicles to not exceed 7.5 tons.**

**ii. Affordable Housing: Review Mechanism will be applied in the event that substantial commencement does not occur within**

**iii. Education: a contribution in the sum of £58,144.**

**iv. Health: a contribution in the sum of £8,021.12.**

v. **Construction Training: a contribution for the sum of £16,907.34.**

vi. **7 Libraries: a contribution for the sum of £851.46 (£23 x 37.02).**

vii. **Air Quality: a contribution for the sum of £12,500.**

ix. **Project Management and Monitoring: a contribution for the sum of £3,720.08.**

**B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 and 278 Agreements and any abortive work as a result of the agreement not being completed.**

**C) That officers be authorised to negotiate and agree the detailed terms of the proposed agreement and conditions of approval.**

**D) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised before 28 March 2014, or any other period deemed appropriate by the Head of Planning, Green Spaces and Culture, then the application may be referred back to the Committee for determination.**

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

**F) That if the application is approved, the following conditions be imposed subject to any changes negotiated by the Head of Planning, Green Spaces and Culture prior to issuing the decision:**

**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 AE-00-0006-10.1e A1 Rev. 1, AE-00-0006-11 A2e Rev. 2, AE-00-0006-12 A2e Rev. 4, AP-00-0001-01 A1 Rev. 2, AP-B1-0005-01 A1 Rev.4, AP-UO-0005-01 A1 Rev. 10, AP-UO-0005-12 A1 Rev. 2, AP-U1-0005-01 A1 Rev. 8, AP-U2-0005-01 A1 Rev, 5, AS-00-0007-01 A1 Rev. 2, AE-00-0006-10 A2e Rev. 2, AP-B1-0005-02 A1 Rev. 3, AP-U3-0005-01 A1 Rev. 4, AP-00-0300-04 A3 Rev. 1, AP-00-0300-01 A4 Rev 1, AP-B1-0005-04 A1 Rev. 1, AP-B1-0005-05 A1 Rev. 1, AP-B1-0005-06 A1 Rev. 1, AP-B1-0005-07 A1 Rev. 1, AP-B1-0005-03 A1 Rev., AE-00-0006-13 A2e Rev. 2, AP-B1-0005-02 A1 Rev. 3, AP-00-0001-03 A3 Rev.2, AP-00-0001-04 A3 Rev. 2, AP-00-0001-05 A3 Rev. 2, AP-00-0001-06 A3 Rev. 2, AP-00-0001-07 A3 Rev. 2, Sound Report dated 23 March 2011, Ecology Report dated 12 August 2011, Transport Assessment dated August 2, Landscaping Design Strategy and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

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

### **3 NONSC No Sales of Food Items (Restrictions on Use Class)**

The retail unit shall not be used for the retail sale of food. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any orders revoking and re-enacting either of these orders with or without modification). The retail unit shall be used only for the purpose of non-food retail sales and not for any general A1 retail use within Use Class of the Town and Country Planning Use Classes Order 1987

#### REASON

To ensure pedestrian and vehicular safety and to safeguard the residential amenity of residents on East Way and the surrounding roads served by this road from large delivery lorries in compliance with Policy AM14 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007) and Chapter 6 of the London Plan (July 2011).

### **4 RES7 Materials (Submission)**

The street elevations shall be finished in brick. Notwithstanding the external finish materials itemised on the approved elevation plans no development shall take place until details including samples of all materials and external surfaces, including the details of balconies, decking and windows 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.

#### REASON

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

### **5 RES9 Landscaping (including CCTV provision)**

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 including to the public realm areas on Coldhabour Lane

2.a Means of enclosure/boundary treatments

2.b Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)

2.c Hard Surfacing Materials

2.d Details of the new vehicle crossover design and treatments

2.e External Lighting

2.f CCTV cameras and fixings to serve the basement area and the communal lobby and cycle store

2.g Other structures including communal garden furniture

#### 3. Living Walls and Roofs

- 3.a Details of the inclusion of living walls and roofs
- 3.b Justification as to why no part of the development can include living walls and roofs

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 surfing/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 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan.

**6 NONSC Allocated Car Parking Spaces**

Notwithstanding the submitted plans details of how the proposed parking spaces are to be allocated for staff, visitors and residents (with 1 car parking space allocated per residential unit) shall be submitted to and approved, in writing, prior to the commencement of any development on site. The details as agreed shall be implemented prior to the occupation of the development and thereafter be permanently retained.

**REASON**

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

**7 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 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**8 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 Unitary Development Plan Saved Policies (September 2007) and London Plan (July 2011) Policy 5.12.

#### **9 RES16 Code for Sustainable Homes**

The dwelling(s) shall achieve Level 3 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.

#### **10 NONSC 25% Saving of CO2 Emissions Against Building Standards**

Prior to the commencement of development, a detailed energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall set out the technology and measures used to provide a 25% reduction in CO2 emissions from a 2010 Building Regulations compliant development. The scheme shall include full details of the location, type and specifications of the technology. The development should proceed in accordance with the approved plan.

#### REASON

To reduce the CO2 emissions and provide an energy efficient development in accordance with policies 5.2, 5.3, 5.5, 5.6 and 5.7 of the London Plan (2011)

#### **11 RES17 Sound Insulation from Road Traffic Noise**

Development shall not begin until a scheme for protecting the proposed development from road traffic noise has been submitted to and approved in writing by the Local

Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

**REASON**

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

**12 N5 Building Services Plant - Control of Noise**

The residential properties nearer to the application site, including those within the development itself will be sensitive to noise arising from building services plant. The rating level of the noise emitted from the plant and equipment (LA90,T) hereby approved shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential property during the relevant periods of operation and will all other items of machinery operating together. The measurement and assessment shall be made in accordance with British Standard 4142 "Method for raing industrial noise affecting mixed residential and industrial areas"

**REASON**

To protect the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved policies) September 2007.

**13 NONSC Control of Basement Noise Spikes**

Before the development hereby approved commences, a scheme shall be submitted and approved in writing by the Local Planning Authority to control intermittent noise spikes arising from the basement car park in accordance with appropriate internal noise levels given in British Standard BS8233 as set out in Council's Supplementary Planning Document on Noise.

**REASON**

To ensure that the amenity of the occupiers of the proposed development and neighbours is not adversely affected by basement vehicle noise in accordance with policy OE5 and London Plan (July 2011) Policy 7.15.

**14 RES18 Lifetime Homes/Wheelchair Units**

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

**15 RES24 Secured by Design**

The development, including the security of the basement car park, 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 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.

### **16 RES25 No floodlighting**

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.

## REASON

To safeguard the amenity of surrounding properties in accordance with policies BE13 and OE1 of the Hillingdon Unitary Development Plan; and  
To protect the ecological value of the area in accordance with Policy EC3. (delete as appropriate)

### **17 NONSC Ingress of Polluted Air**

Before the development commences a scheme for protecting the proposed residential accommodation from external air pollution shall be submitted and approved by the Local Planning Authority. Any works which form part of such a scheme shall before any part of the development is first occupied or used and measures put in place to ensure it is maintained for the life of the development.

No biomass boiler shall be used on the premises until a scheme which specifies the provision to be made for the control of the air pollutants from the site has been submitted, The scheme shall include such combination of measures as may be approved by the LPA. Thereafter, the scheme such shall be implemented and maintained in full accordance with approved measures.

## REASON

To safeguard residential amenity in accordance with Policy OE1 of Saved Policies of the Unitary Development Plan (September 2007).

### **18 NONSC Non Standard Condition**

Development shall not begin until details of permanently obscure glazed screening/balustrading for the proposed balconies have been submitted to and approved in writing by the Local Planning Authority and no residential unit shall be occupied until the approved screening relating to that unit has been erected.

## REASON

In the interests of visual amenity in accordance with Policy BE13 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).

## **2 153 Compulsory Informative (2)**

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

BE13	New development must harmonise with the existing street scene.
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.
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
H4	Mix of housing units
LPP 2.15	(2011) Town Centres
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.3	(2011) Increasing housing supply
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 3.12	(2011) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
LPP 4.7	(2011) Retail and town centre development
LPP 5.3	(2011) Sustainable design and construction
LPP 5.7	(2011) Renewable energy
LPP 5.13	(2011) Sustainable drainage
LPP 6.9	(2011) Cycling
LPP 6.13	(2011) Parking
LPP 7.6	(2011) Architecture
LPP 7.3	(2011) Designing out crime
LPP 7.14	(2011) Improving air quality
LPP 7.15	(2011) Reducing noise and enhancing soundscapes

OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE6	Proposals likely to result in pollution
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
S3	Increasing the attractiveness of town centres

### 3

You are advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy. The applicant will be liable to pay the Community Infrastructure Levy to the sum of £133,280 on commencement of this development. A separate liability notice will be issued by the Local Planning Authority, however you are advised that it is your responsibility to notify the Local Planning Authority of the anticipated commencement date and any changes in liability through submission of the appropriate forms. Should you require further information please refer to the Council's Website (<http://www.hillingdon.gov.uk/index.jsp?articleid=24738>).

#### 4 11 **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.

#### 5 13 **Building Regulations - Demolition and Building Works**

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

#### 6 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.

**7**            149            **Secured by Design**

The Council has identified above complying with the general Secure by Design accreditation standards the following site specific security needs need to be addressed in regard to boundary treatment, cycle store and internal access for bin storage.

**8**            123            **Works affecting the Public Highway - Vehicle Crossover**

The development requires the formation of a vehicular crossover, which will be constructed by the Council. This work is also subject to the issuing of a separate licence to obstruct or open up the public highway. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW.

**9**            147            **Damage to Verge**

You are advised that care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

**10**           158            **Opportunities for Work Experience**

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

Please contact: Mr Peter Sale, Chief Executive Officer, Hillingdon Training Ltd: contact details - c/o Hillingdon Training Ltd, Unit A, Eagle Office Centre, The Runway, South Ruislip, HA4 6SE Tel: 01895 671 976 email: [petersale@hillingdontraining.co.uk](mailto:petersale@hillingdontraining.co.uk)

### **3. CONSIDERATIONS**

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

The site has an area of approximately 0.3 hectares and is located at the north end of Hayes Town Centre, at the junction of Coldharbour Lane and East Way. The site is cleared and secured by a hoarding, but formerly comprised a disused Public House with associated garden and car park. The former public house was locally listed that provided no statutory protection against its demolition.

The site serves as the interface between the more commercial/retail character of Hayes Town Centre to the south and a series of residential streets lying to the north and west of Coldharbour Lane, consisting of modest 2 storey houses typically grouped as short terraces of 4 units.

The site is located within Hayes Town Centre and the Hayes/West Drayton Corridor as designated on the Proposals Map of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

The site has a Public Transport Accessibility Level score of 2 on a scale of 1 to 6 where 1 represents the lowest level of public transport accessibility and 6 the highest accessibility. The applicant's Transport Assessment records the site as PTAL 3, based on site specific calculations not independently validated. There are no parking standard implications between these two differing PTAL calculations for the site.

### **3.2 Proposed Scheme**

The proposed scheme is for the erection of a part 4, part 3 and part 2 storey building with basement car park comprising a non-food sales A1 retail unit of 430 sq.m fronting Coldharbour Lane and 21 residential flats to the rear and on the upper floors. The 21 residential units would consist of 12 two bedroom flats and 9 one bedroom flats. 1 of the ground floor 1 bedroom flats and 1 of the two bedroom ground floor flats located towards the rear of the site would be designed for compliance with wheelchair occupants.

The development provides approximately 556sq.m of communal and private outdoor amenity space comprising of three communal areas on the ground floor, the 1st floor and at roof level above the 3rd storey plus a series of individual private balconies and ground floor terraces to the flats.

The scheme would be served by a basement car park containing 33 car parking space with 10 allocated for the retail unit and 23 for the residential units with a minimum of 1 car parking space allocated per individual residential unit.

### **3.3 Relevant Planning History**

10954/APP/2011/893      The Kings Arms P.H. 109 Coldharbour Lane Hayes  
DEMOLITION OF BUILDING AND ADJOINING STRUCTURES

**Decision:** 09-05-2011    NO

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

No relevant planning history to this scheme.

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

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

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

Part 1 Policies:

- PT1.10      To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.16      To seek to ensure enough of new residential units are designed to wheelchair and mobility standards.
- PT1.19      To maintain a hierarchy of shopping centres which maximises accessibility to shops and to encourage retail development in existing centres or local parades which is appropriate to their scale and function and not likely to harm the viability and vitality of Town or Local Centres.

PT1.20 To give priority to retail uses at ground floor level in the Borough's shopping areas.

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- 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.
- BE26 Town centres - design, layout and landscaping of new buildings
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- AM2 Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
- AM7 Consideration of traffic generated by proposed developments.
- AM9 Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- H4 Mix of housing units
- LPP 2.15 (2011) Town Centres
- LPP 3.1 (2011) Ensuring equal life chances for all
- LPP 3.3 (2011) Increasing housing supply
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.8 (2011) Housing Choice
- LPP 3.12 (2011) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
- LPP 4.7 (2011) Retail and town centre development
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.7 (2011) Renewable energy
- LPP 5.13 (2011) Sustainable drainage
- LPP 6.9 (2011) Cycling
- LPP 6.13 (2011) Parking
- LPP 7.6 (2011) Architecture
- LPP 7.3 (2011) Designing out crime



LPP 7.14	(2011) Improving air quality
LPP 7.15	(2011) Reducing noise and enhancing soundscapes
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE6	Proposals likely to result in pollution
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
S3	Increasing the attractiveness of town centres

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

**5.1** Advertisement Expiry Date:- **22nd September 2011**

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

## **6. Consultations**

### **External Consultees**

A site notice was displayed. The application was advertised in accordance with the statutory requirements and 50 nearby owner/occupiers and the Townfield Tenants and Residents Association were consulted. No written responses received.

BAA Airport Safeguarding: No objection.

Thames Water: No Objection

Metropolitan Police Crime Prevention Design Adviser:

No objection, I confirm development must meet secure by design standards and a condition will need to be attached to address this and CCTV for basement car park and other areas.

### **Internal Consultees**

URBAN DESIGN OFFICER:

The site is that of the former Kings Arms Public House, a Locally Listed Building that has now been demolished. It marks the northern end of the commercial frontage on the western side of Coldharbour Lane. It is surrounded to the north and west by early to mid two storey twentieth century local authority housing, to the south and immediate east are mainly small scale commercial properties and later, purpose built two and three storey, commercial terraces. The site is quite large and its corner position means that it is prominently located in terms of the local townscape.

The proposal has been subject to extensive discussion with the team. Whilst the building is still large, it is considered that given the set back of the upper floor and its continuation of the established building line, it would not be unduly prominent in the overall townscape along Coldharbour Lane. In addition, it would create an interesting gateway feature to the town centre, which is quite varied in character and architectural quality. The rear 2 storey curved terrace is of a scale that reflects that of the adjacent municipal housing, and whilst quite different in design, is felt to provide an interesting contemporary addition to the street scene of the immediate area.

CONCLUSION: No objection, subject to conditions requiring the agreement of all external materials, window, doors, gates and balcony design; details of the parapets and cornices; down pipes and drainage. A detailed scheme for the landscaping of the courtyard and frontage areas, including means of enclosure should be required

ACCESS OFFICER:

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

Owing to the pre-application discussions and e-mail dialogue with the applicant/agent, the proposed development has reached the full planning application stage with a good standard of accessibility.

The Design and Access Statement and plans confirm the inclusion of two units designed to wheelchair home standards would be accessible from the proposed basement car park.

The lifts above ground floor are not interlinked due to the varying building height and dividing wall which isolates the 2 lift cores. However, given that two wheelchair standard flats and two Lifetime Home flats would be at ground level, with the remaining 17 flats on the upper floors, the provision of 2 lifts as configured is considered acceptable in this instance.

Conclusion: No objection

NB: To reduce the adverse effect that a lift breakdown would have on accessibility, it is acknowledged that the Council would normally require, in blocks containing 15 flats or more, 2 lifts that serve the same flats. In this instance, however, as no wheelchair standard accommodation is proposed above ground floor and as proposed design is two units above the threshold, it is recommended that the Council invokes its discretion not to require three lifts.

HIGHWAY ENGINEER:

The site has a PTAL of 2 and is located at the edge of the 'town centre' where the controlled parking ends. The surrounding streets are heavily parked.

The transport statement is based on a non-retail food store and as such these highway comments relate only to a non food store.

There is a weight limit of 7.5 tons to vehicles that can enter East Way and proceed through into East Avenue. As no turning facilities are being provided for delivery vehicles in East Way, all delivery vehicles will have to exit via East Avenue. As such a Section 106 agreement is required restricting vehicles serving the site not to exceed 7.5 tons and all deliveries to take place from East Way. A CCTV camera to monitor deliveries is to be included in the s106.

A s278 or s38 will not be required, however the developer will be required to meet all costs, including traffic orders, in relation to the implementation of a loading bay in East Way and alterations to the site's existing vehicular access.

There is an existing 7.5 ton weight limit to vehicles that can enter East Way, therefore the s106 should require the new non food retail to restrict all deliveries to vehicles not exceeding 7.5 tons.

A construction management plan must address the servicing of the site during construction.

For A1 use the Council applies the London Plan car parking standards, which stipulate maximum standards of 1 space per 50-30 sq. m of gross floor space for PTAL's of 4 to 2. 10 parking spaces are provided for the retail use.

The residential parking standard for flats is a maximum of 1.5 spaces per dwelling. 23 spaces are provided for 21 one and two bed flats. Not more than 1 space per flat ought to be allocated to each unit.

Cycle parking for the residential units is provided at ground level at 1 per unit and would benefit from CCTV coverage, complying with standards. For the A1 use 12 cycle parking spaces are provided in the basement car park.

Subject to the s106 no objections are raised on highway grounds.

#### ENVIRONMENTAL PROTECTION UNIT:

The applicant proposes a mixed use development comprising of residential and commercial units. I have reviewed the supporting details together with associate drawings and I wish to provide comments as follows:

#### Impact of external road traffic noise:

An Environmental Noise survey has been carried out by Hann Tucker Associate and the report considers road traffic noise which has been determined as the dominant noise source on Coldharbour Lane. The assessment was conducted in accordance with industry guidance such as PPG24, BS8233 with particular reference to Hillingdon's noise SPD. A series of unmanned noise measurements was undertaken over a 24 hour period measured to determine the Noise Exposure Category (NEC) the sites will fall as determined by PPG 24. The corresponding calculation has shown the site to fall with NEC B. The integrity of the assessment of the assessment is not disputed. I therefore recommend a condition to address this.

#### Building Services Plant:

The residential properties nearer to the application site, including those within the development itself will be sensitive to noise arising from building services plant. The requirement set out in Hillingdon's SPD is that the rating level of the noise emitted from these plants be at least 5dB below measured background (LA90,T) noise levels. I therefore recommend a condition to address noise control measures from any fixed building services plant at the proposed development.

#### Noise spikes from basement car park:

Details shall be submitted to, and of the control measures imposed to limit intermittent noise spikes from the basement car park use. The noise levels should be expressed as an (Lmax) noise indicator. These noise spikes can be dealt with by planning condition.

#### Commercial units within the mixed use development:

Details of the proposed commercial use are limited. It should be noted that noise associated with hours of operation, delivery/waste collections and other air handling systems will need to be addressed by planning condition.

#### Air Quality:

The proposed development is within the designated Air Quality Management Area (AQMA) in an

area which may be exceeding the European Union limit value for annual mean nitrogen dioxide. This development will add to the road traffic and therefore add to the pollution burden, as well as introduce new receptors to the area. The road network leading to Hayes Town is in the close proximity to the site and can be considered the one of the main contributor to the poor air quality in the area and are known to be very congested. A s106 contribution to air quality should be considered up to £20,000. The funding will required to contribute to the air quality monitoring network in this area and implementation of any action plans to improve air quality. The Council requested the submission of an Air Quality assessment. The assessment was not forthcoming and therefore EPU consider these matters can be appropriately dealt with in this instance by condition.

No biomass boiler shall be used on the premises until a scheme which specifies the provisions to be made for the control of air pollutants from the site has been submitted to and approved by the Local Planning Authority.

**SUSTAINABILITY OFFICER:**

No objection. The standard conditions relating to sustainable drainage, Code Level 3 and an energy statement showing 25% reduction in CO2 from 2010 Part L Building Regulations should be attached to any approval.

**TREES & LANDSCAPE OFFICER:**

I confirm that the Landscaping Design Strategy describes the quality and range of hard and soft landscape enhancement which is proposed for this residential development, with the aim of providing a landscape setting which will complement the scheme. However, while setting clear guidelines, the details submitted falls short of providing the level of specification and schedules required by the LPA (and indeed the contractor who will have to implement the work).

In conclusion the Landscaping Design Strategy notes that the current proposals will be reviewed and varied by the landscape design contractors. The scheme is now acceptable subject to the full landscape details, which should be dealt with by condition.

**7. MAIN PLANNING ISSUES**

**7.01 The principle of the development**

The site is located within Hayes Town Centre. As such, there is no objection in principle to the provision of a mixed use containing a retail unit on the ground floor fronting Coldharbour Lane.

Policy H4 states that a mix of housing units of different sizes should be provided in residential developments and in particular one and two bedroom units within Town Centre locations will be preferable. The supporting text states: 'The Council recognises the importance of residential accommodation in town centres as a part of the overall mix of uses which is necessary to ensure their vitality and attractiveness. Such housing offers particular advantages in terms of accessibility to town centre facilities, employment opportunities and public transport. In order to maximise the residential potential of town centre sites, residential development within them should comprise predominantly one or two-bedroom units.

The scheme provides for a percentage mix of 57% 2-bed and 43% 1-bed units. This mix is considered to be acceptable with respect to Policy H4.

On the basis that there is an established need and that the re-use of brownfield land is encouraged, provided site specific issues are addressed, the principle for the re-use of the site for residential and retail use is acceptable.

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

London Plan Policy 3.4 seeks to maximise the potential of sites. The site is in Major Town Centre with an urban character with a PTAL of 2 or 3. The London Plan (2011) provides for a density range between 70-170u/ha or 200-450 habitable rooms per hectare (hr/ha) for sites with a PTAL 2 in an urban location and with an indicative average unit size of 2.7hr-3.0hr/unit.

The proposed scheme has 369hr/ha and therefore falls within the London Plan density. Subject to the scheme achieving an appropriate design in relation to other planning policies and other material considerations the proposed density is considered acceptable.

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

The site is not located within an Archaeological Priority Area or an Areas of Special Local Character or a Conservation Area.

## **7.04 Airport safeguarding**

BAA and NATS have no safeguarding objections to the proposal.

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

Not applicable to this application.

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

The mixed used scheme would have a good degree of prominence in the streetscape and wider locality. This is a result of number of factors including the scheme being situated on a corner site, the proposed building envelope fronting onto 3 streets, the scale of the proposed footprint of the building - with it rising to 4 storeys on Coldharbour Lane and finally due to the current site marking and in the future the proposed building strongly articulating in townscape/urban design terms the northern end of the Hayes Town Centre.

The surrounding existing residential and commercial buildings on East Way and East Avenue are predominantly two storey buildings with pitched roof as is the case No. 130 Coldharbour Lane that is situated opposite the site. Immediately to the south of the site on Coldharbour Lane the existing building are a mix of pitched and flat roof 2 storey buildings with commercial on the ground floor, although further south there are a number of examples of 3 storey building frontages. Set against this existing built environment the proposed scheme would represent a larger and in part taller scale of development compared to its immediate neighbours. However the design of the scheme seeks to avoid an undue overbearing appearance in the townscape and to its immediate neighbours through its general design approach and through the adoption of a number of specific design elements to the scheme, these include:

1. The building not being set forward of the former public house on Coldharbour Lane and respecting the front building line to No 103 (to the south ) and to No. 111 (to the north) on Coldharbour Lane. This also means there will be retained a generous public realm space at the crossroads serving Coldharbour Lane and East Way.
2. The building respecting the two storey mid twentieth century local authority housing to the south and to the east by taking the form of a low curved terrace and being only two storey in height finished with a flat roof.
3. The use of red brick, a traditional material, to provide a familiar and reassuring appearance and a facing material that is strongly in evidence on surrounding residential and other buildings

4. The use of the same palette of materials on the 2 storey element on East Avenue and the 4 storey facing Coldharbour Lane to provide a unifying element to the overall scheme.

5. The adoption of 2 curved elevations on the scheme to again seek to unify and soften the development and seek to provide some architectural interest.

6. The use of a single framing element to surround a pair of balconies set over 2 storeys to provide some visual interest to the architectural composition on the 4 storey element plus other modulations on this elevation including the ground floor retail unit front elevation being set back behind that of the 2nd and 3rd storeys above and the recessed front building elevation on the 4th storey.

7. Revisions to the scheme to accentuate the recess on the window frames and balconies to offer opportunities for shadow lines to provide more perception of depth and visual interest including the over-sailing eaves detail.

8. A light glazed design approach to the main stair and lift tower to reduce this elements visual prominence.

9. The front of the 4th storey set back from the 2nd and 3rd storey that reduce its visual bulk and impact as viewed from street level.

The Council's Supplementary Planning Document (SPD) HDAS: Residential Layouts requires that new housing development, of whatever scale, should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The National Planning Policy Framework emphasises the need for good design and paragraphs 56 & 64 state "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Policy BE13 of UDP highlights the importance of designing new development to harmonise with the existing streetscene, while Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.

From an urban design point of view, the regeneration of the site would be welcomed in principle to consolidate the existing urban fabric, improve the character and appearance of the area and achieve a more attractive, safe and well functioning neighbourhood with a gateway building to Hayes Town Centre as one arrives from the north of the borough.

The Council's Urban Design Officer considers that the scale, height and massing of the proposed development is appropriate for the site, and responds well to the scale of the existing built environment and considers the design to have integrity and show some signs of architectural merit.

The development steps up to four storeys, but creates some interest in the treatment of



this 4 storey Coldharbour/East Way corner elevation through the fenestration detailing, the framing of the balconies and the recessing of the ground floor and the stepping back at 4th floor. The proposed design approach has been modified since submission with regard to the front building line on Coldharbour Lane, the detailed design approach to the elevations, the choice of building materials, the fenestration, and the layout of the courtyard open spaces. The use of brick provides a unity to the scheme, would be robust, have longevity and weathers well and is harmonious with the local vernacular. On balance it is considered the scheme would provide a reasonably attractive form, harmonious with the adjacent buildings and avoids over-dominance to neighbours and to wider general townscape.

Overall, it is considered that the scheme would provide for an attractive mixed use scheme with the servicing and car parking elements well integrated, discrete and not featuring strongly in the streetscene. There is also scope for a series of small private and larger shared open spaces that would create a sense of place within the development. The proposal would appropriately harmonise and integrate with the existing character and appearance of the area in accordance with Policies BE13 and BE19 of the UDP Saved Policies.

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

Policy BE24 the Saved Policies UDP and guidance within the adopted Hillingdon Design and Accessibility Statement (HDAS): Residential Layouts require that the design of new buildings protects the privacy of occupiers and their neighbours.

The HDAS: Residential Layouts and Policy BE20 of the UDP seek to ensure that all new developments maintain appropriate provision of daylight and sunlight to neighbouring properties and avoid overshadowing.

Policy BE21 of the UDP and guidance within HDAS: Residential Layouts requires that proposals for new buildings would not result in a significant loss of residential amenity by reason of their, siting, bulk or proximity.

The site is bounded to the west by East Avenue, to the north by East Way and to the east by Coldharbour Lane. The nearest residential dwellings on these streets are Nos. 2 & 4 East Way to the north and Nos. 59, 61, 63 to the west on East Avenue. The minimum separation distance between the proposed built scheme and the residential properties lying opposite East Way and East Avenue is 20m and given the separation provide by the street and the manner the proposed bulk of the scheme mediates from 2 storeys on East Avenue and on the bend with East Way to 4 storeys towards/fronting Coldharbour Lane it is considered the scheme will not present any undue impact in terms of overshadowing, loss of outlook or over-dominance to residential properties on these frontages.

On Coldharbour Lane itself there is no building with residential occupancy located immediately opposite the development. No. 130 Coldharbour Lane that is located opposite the site was built as a home but is now converted into sole use as a dental surgery.

The south/south west site boundary immediately abuts the curtilage of No. 90 East Avenue and No. 103 Coldharbour Lane. Neither of these properties are in residential occupancy at either ground or first floor, nor do their adjoining neighbours to the south have habitable rooms windows facing the site.

No. 86 East Avenue is the nearest property on east side of East Avenue that has a residential unit at 1st floor however the separation distance between the rear facing

residential windows to this property and proposed habitable room windows for the scheme (within the 45 degree angle) is over 30 metres and a comparable distance of over 30 metres also applies to north looking windows facing the side serving existing residential flats to the rear of 101 Coldhabour Lane. These flats at 101 Coldhabour Lane are the nearest residential occupied property to the south of the site. The nearest neighbouring residential properties to the built development would be over 20m away set across a street. This relationship across a street does not present privacy issues to neighbours. Excluding this street relationship to residential neighbours the scheme has no proposed habitable room windows within a 45 degrees angle facing habitable room serving neighbouring residential units within a distance of 30m. Accordingly the scheme complies with Policy BE24.

With the scheme building profile and bulk varying between 2 storeys and 4 storeys in a manner that responds appropriately to the height of surrounding residential properties the scheme will not result in undue overshadowing or over-dominance to neighbouring residential occupiers and accordingly is considered to comply with Policies BE20 and BE21 of the UDP Saved Policies.

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

The scheme is considered to comply with all relevant guidance within the SPD HDAS: Residential Layouts and the London Plans minimum internal space standards.

The London Plan (July 2011) requires all 1 bedroom flats to provide a minimum 50sqm of floor area and all 2 bedroom flats to provide a minimum of 61sqm. All the 1 and 2 bedroom flats would meet these standards. The residential units also benefit from all being dual aspect and provide 2.5m minimum internal floor to ceiling heights in accord with the Mayor of London's Draft Housing Supplementary Planning Guidance, December 2011

Policy BE23 of the Hillingdon Unitary Development Plan requires the provision of external amenity space which is sufficient to protect the amenity of the development and surrounding buildings and which is usable in terms of its shape and siting. The council's HDAS Residential Layout provides further guidance on this issue and indicates that in flatted development communal amenity space should be provided in a quantum equating to 20sq.m per 1 bedroom unit and 25sq.m per 2 bedroom unit. With 12 x 2 bedroom units and 9 x 1 bedroom units the total minimum useable outdoor amenity space should be equal to 480sqm.

The application includes the provision of approximately 556sq.m of communal and private outdoor amenity space separated into 3 communal gardens at ground, 1st and 4th floor (totalling areas of 192sqm, 126sqm and 78sqm respectively), a series of private balconies serving the individual flats above ground floor that aggregate to 65sqm and 4 private terraces to the rear of the ground floor flats (Units 1, 2, 3 and 4) that aggregate to 65sqm. Notwithstanding these latter private terraces serving ground floor flats would have a degree of overlooking from the communal amenity spaces set beyond them it is considered on balance the scheme will provide sufficient useable external amenity space as assessed against the Council's SPD and Policy BE23.

The scheme presents no issues of habitable rooms windows facing other habitable rooms windows within 21 metres and within a 45 degree angle within the scheme. In this aspect the scheme is not contrary to Policy BE24 and paragraph 4.13 of the Residential Layouts SPD.

Overall, it is considered that the proposed development would result in an appropriate residential environment for future occupiers. No objection is therefore raised in this regard.

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

A total of 33 car parking spaces will be provided within the basement car park. 10 of these space would be allocated and marked out for use by the retail unit and the remainder for the 21 residential units with no more than 1 car parking bay specifically allocated per residential unit. This ratio of 1:1 car parking provision for a mix of 1 and 2 bedroom flats sited within a Town Centre location is considered acceptable and compliant with London Plan standards.

There is adequate space for 2 of the proposed residential car parking spaces and 1 for the retail to be laid out to meet wheelchair standards. This level of provision represents 10% of the total parking spaces in accordance with the requirements of the Council's Parking Standards. Accordingly, the level of disabled parking is considered acceptable.

12 secure cycle stands for staff of the retail unit will be provided within the basement car park and 21 secure cycle stands located within a cycle store room located at ground floor next to the main lobby area, are provided for the residential component.

There is road signage of a weight limit of 7.5 tons to vehicles that can enter East Way and proceed through into East Avenue. With no turning facilities being provided for delivery vehicles in East Way, all delivery vehicles will have to exit via East Avenue. As such a Section 106 agreement is required to restrict vehicles serving the site to not exceed 7.5 tons and all deliveries to take place from East Way. A CCTV camera to monitor deliveries is to be included in the s106.

The Council's Highways Engineer has reviewed the layout of the development and considers the scheme including the servicing of the retail unit for non-food A1 retail use, the location of the refuse stores for refuse vehicle collection purposes and the level of car parking provision, to be acceptable in terms of highway/pedestrian safety subject to a s106 that limits the delivery vehicles to 7.5 tons and the developer meeting the costs in relation to the implementation of a loading bay in East Way and alterations to the site's existing vehicular access.

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

Issues of design and access are addressed in Section 7.07 of the report.

The application has been reviewed by the Metropolitan Police Crime Prevention Design Adviser who is satisfied with the general design, including bin stores and boundary treatments to street to the ground floor (units 1- 4). He is also satisfied, subject to the provision of closed circuit surveillance, appropriate access control and to a condition requiring the development to achieve Secured by Design accreditation, that the development as a whole would provide for a secure environment.

#### **7.12 Disabled access**

In assessing this application, reference has been made to the London Plan Policy 6.4 and the Council's Supplementary Planning Documents HDAS: Accessible Hillingdon and HDAS: Residential Layouts. Policies 7.1 and 7.6 of the London Plan also require developments to provide for inclusive environments.

The scheme indicates that all units are proposed to be built to Lifetime Homes standards. 2 flats (units 2 and 4) would be fully wheelchair accessible. These units would have private terraces and level access to the main communal garden beyond. Provision of

these 2 fully wheelchair accessible flats would meet the 10% requirement, 2 disabled car parking spaces would be provided and 1 lift would be provided to allow access to all floors of the development including the basement car park.

The development proposal would satisfy both Lifetime Homes and is considered to comply with Policies 6.4, 7.1 and 7.6 of the London Plan and the Council's Accessible Hillingdon Supplementary Planning Guidance.

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

The Council's Housing Section has advised that 35% of the development should be provided for as affordable housing in accordance with the Council's Affordable Housing Supplementary Planning Document, the Planning Obligations Supplementary Planning Document and the amended London Plan.

Policy 3.11 of the London Plan advises that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes having regard to their affordable housing targets.

Policy 3.12 of the London Plan states negotiations on sites should take account of their individual circumstances including development and states the Mayor wishes to encourage, not restrain, overall residential development. Boroughs should take a reasonable and flexible approach to securing affordable housing on a site by site basis

The Council's Planning Obligations SPD further advises that in circumstances where a proposed development does not propose to meet the affordable housing requirements in full a financial viability appraisal (FVA) will be required and will need to be validated. Furthermore, if the results of the FVA confirm that the affordable housing requirement cannot be provided as per LDF and London Plan policies, the FVA will determine the level of Affordable Housing the scheme can afford to deliver be it in units on site or a payment in lieu, dependent upon site specifics and local circumstances.

In this instance the applicant has submitted a FVA which has been validated by an independent third party, demonstrating that the development cannot afford to provide the affordable housing provision on site or fulfil in full a payment in lieu of on site provision. With due assessment the resulting residual sum under s106 for an affordable housing contribution in lieu of on-site provision is £56,254.97. This will be used to assist in the funding of the Council's supported housing programme.

#### **7.14 Trees, landscaping and Ecology**

There are no existing trees on this cleared site. The application is supported by a Landscaping Design Strategy that describes the quality and range of hard and soft landscape enhancement which is proposed for this residential development. The Council's Trees & Landscape Officer considers the revised details submitted acceptable to provide an adequate complement to the residential scheme subject to the full landscape details provided by means of condition. Subject to conditions to provide full details of a landscaping the scheme is considered to be compliant in relation to Policy BE38 of the UDP Saved Policies.

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

The scheme is to be supported by a communal bin storage facility for the flats located above ground floor, and individual bin stores screened from the street within the front gardens to the 4 ground floor flats (units 1-4) on East Avenue/East Way. Separate waste and recycling stores are proposed for the retail unit set immediately alongside the provision for the residential unit.

2 x 1100 litre waste bins to serve units 5-21 and 1 x 1280 litre recycling bin. The two main residential bins store would be integrated into the main fabric of the building that is the preferable option from an urban design perspective. This level of provision is considered to be adequate to serve a development of this size and appropriately allocated to provide for waste & recycling needs and refuse collection. The refuse stores have raised no objection from the Crime Prevention Design Advisor.

Accordingly, the proposal is considered to make adequate provision for the storage and management of waste and recycling within the development.

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

Policies 5.1, 5.2, 5.3, 5.13, 5.14, and 5.15 of the London Plan require all developments to make the fullest contribution to achieving sustainable design and reducing carbon dioxide emissions. Specifically with reference to Major Developments, developments are required to identify energy efficiency savings and the provision of 25% reduction in the buildings carbon dioxide emissions through renewable technology.

The Council's Sustainability Officer has no objection to the scheme subject to appropriate conditions. Subject to conditions in respect of sustainable drainage, Code Level 3 for Sustainable Homes and an energy statement showing 25% reduction in CO2 from 2010 Part L Building Regulations, it is considered that the application would comply with requirements relating to sustainability and renewable energy.

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

The site is not within a flood zone, and no other drainage issues have arisen.

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

NOISE:

An acoustic report has been submitted as a part of the application. The assessment states the site falls with NEC B. The integrity of the assessment is accepted by officers within the Environmental Protection Unit team.

The Council's Environmental Protection Unit have reviewed the proposal and subject to the imposition of conditions to protect the development from road noise and from noise spikes within the basement car park have raised no objection.

AIR QUALITY

The proposed development is within the designated Air Quality Management Area (AQMA). The application has not been supported by an air quality assessment. However the Council's Environmental Protection Unit have reviewed the scheme and raise no objections on the grounds of air quality subject to attachment of an appropriate condition for an air quality assessment and a s106 contribution toward air quality monitoring.

Given that the proposal would bring new residents into an area of poor existing air quality a condition requiring details of mitigation measures to protect the internal environment for future occupiers is recommended should the scheme be approved. Subject to the recommended conditions the scheme is considered to comply with Policy OE6.

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

No written public comments received.

#### **7.20 Planning obligations**

Policy R17 of the Unitary Development Plan states that: 'The Local Planning Authority will, where appropriate, seek to supplement the provision of recreation open space, facilities to



support arts, culture and entertainment activities and other community, social and education facilities through planning obligations in conjunction with other development proposals'.

Affordable Housing is address separately under the relevant section.

The Council's S106 Officer has advised that the proposed development would necessitate the following contributions in line with the Council's Supplementary Planning document for Planning Obligations:

Transport: s278 or s38 will not be required. The developer will be required to meet all costs, including traffic orders, in respect to the implementation of a loading bay in East Way and alterations to the site's existing vehicular access. There is a an existing 7.5 ton weight limit to vehicles that can enter East Way, therefore the s106 should require the new non-food retail to restrict all deliveries to vehicles not exceeding 7.5 tons.

i) Education: £58,144

ii) Health: £8,021.12

iii) Libraries: £851.46

iv) Construction Training: £16,907.34

v) Air Quality: £12,500

vii) Project Management & Monitoring Fee: £3720.08

viii) Review Mechanism: will be applied in the event that substantial commencement does not occur within 18 months following grant.

The applicant has agreed to the principle of these planning obligations, all of which can be achieved alongside the proposed level of affordable housing. Subject to an appropriate legal agreement being secured the scheme would accord with Policy R17 of the UDP.

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

No applicable to this application.

#### **7.22 Other Issues**

### **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**

No applicable to this application.

#### **10. CONCLUSION**

Full planning permission is sought for the redevelopment of the site for a mixed used scheme comprising of 21 residential units and a ground floor non-food sales A1 retail of 430sq.m with associated outdoor residential amenity space and a basement car parking area to serve both the retail and residential component of the scheme.

The proposed development is acceptable in principle and the density of development accords with the recommendations of the London Plan.

Subject to conditions an appropriate level of sustainable design could be achieved.

The proposal would not provide any on site affordable housing units following a submission of a Financial Viability Appraisal for affordable housing. This lack of on-site provision has been fully justified by way of a Financial Viability Assessment. The applicant has also agreed to meet all other necessary planning obligations by way of a legal agreement.

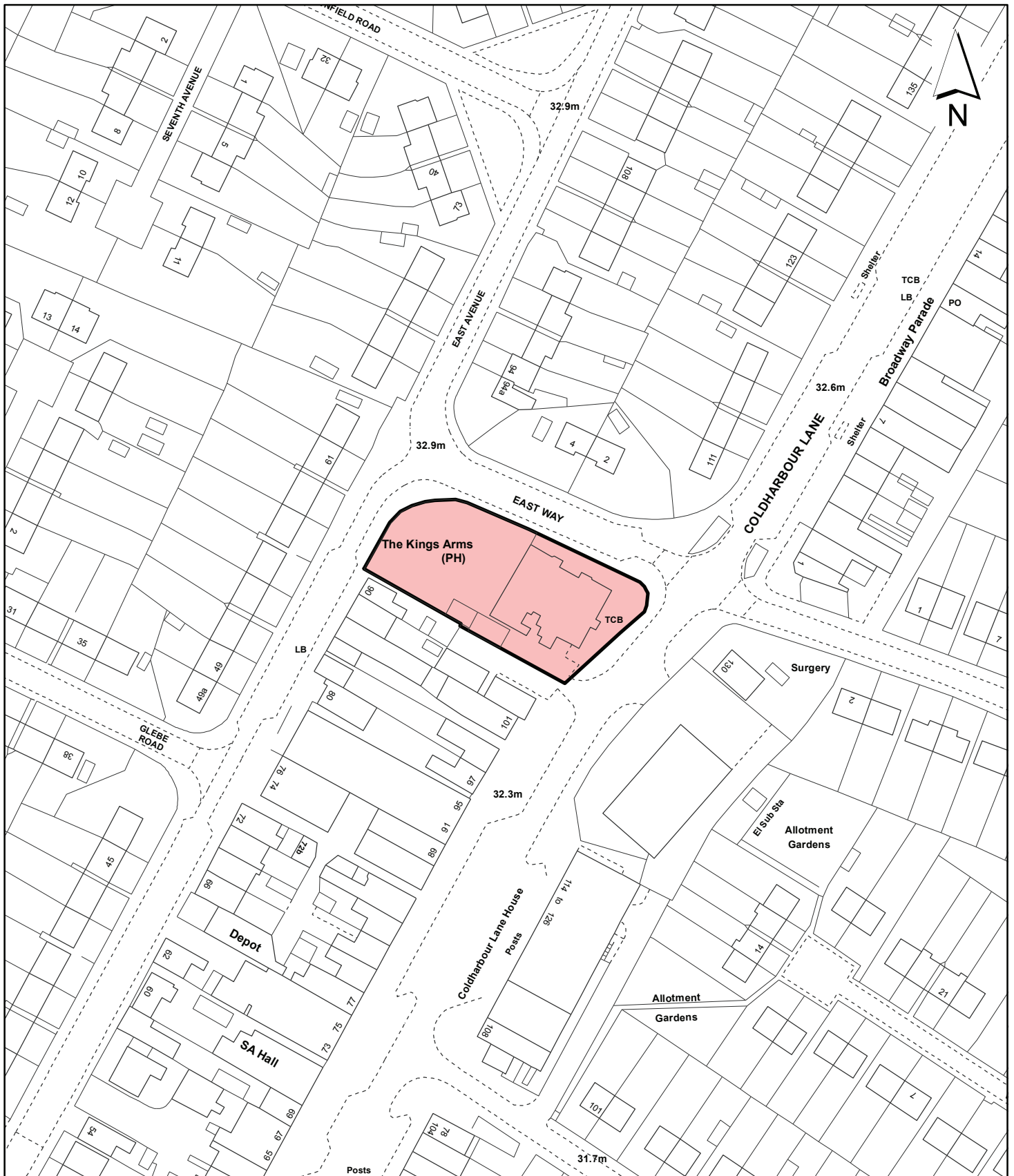
Subject to a S106 agreement and conditions, the application is recommended for approval.

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

National Planning Policy Framework (March 2012)  
The London Plan (July 2011)  
Mayor of London's Housing - Draft Supplementary Planning Guidance, December 2011  
Hillingdon Unitary Development Plan Saved Policies September 2007.  
Hillingdon Design and Accessibility Statement - New Residential Layouts  
Accessible Hillingdon Supplementary Planning Document  
Hillingdon Supplementary Planning Document, Planning Obligations  
Hillingdon Supplementary Planning Document, Accessible Hillingdon

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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p><b>The Kings Arms P.H.</b>  <b>109 Coldharbour Lane</b>  <b>Hayes</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Residents Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW          Telephone No.: Uxbridge 250111</p>
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	<p>Planning Committee</p> <p><b>Major Application</b></p>	<p>Date</p> <p><b>January 2014</b></p>	