

Report of the Head of Planning, Sport and Green Spaces

Address	28 & 28A KINGSEND RUISLIP		
Development:	Variation of condition 27 of Planning Permission Ref: 5740/APP/2008/1214 (Erection of a three storey building to contain 7, two-bedroom and 1, one-bedroom flats, together with associated parking and amenity space (Amendment to previous approval ref. 5740/APP/2007/1043 to allow for an additional flat at second floor level) to allow revised landscape scheme including a resiting of bin store to front and hardstanding treatment (Part Retrospective Application).		
LBH Ref Nos:	5740/APP/2013/3520		
Drawing Nos:	Agent's covering email dated 14/1/14 07/3127/50 Rev. K 07/3127/51 Rev. A Un-numbered Existing Ground Floor Plan Un-numbered Existing First Floor Plan Design and Access Statement 07/3094/8 07/3094/10 (In part superseded by 07/3127/51 Rev. A) 07/3094/11 (In part superseded by 07/3127/51 Rev. A) E-mail received 6/6/08 Location Plan 07/3094/9 Rev. B E-mail received 13/6/08 Tree Protection Details Energy Demand Statement		
Date Plans Received:	27/11/2013	Date(s) of Amendment(s):	28/04/2008
Date Application Valid:	29/11/2013		14/01/2014 07/06/2008 06/06/2008 09/06/2008 12/04/2011 11/05/2007 13/06/2008

1. SUMMARY

This application seeks to vary condition 27 (Approved Plans) of planning permission dated 24 July 2008 (App. No. 5740/APP/2008/1214 refers) to allow revision of the front garden planting scheme. The main change involves the re-siting of the bin store from the side of the building adjoining the shared driveway with No. 28b Kingsend to the front of the site and the replacement of permeable block pavements on the driveway with tarmac spray and pea shingle topping.

The bin store would be screened with fencing and planting. The Council's Urban Design/Conservation Officer advises that although not ideal, no objection could be sustained to the revised plans which now include doors being provided to the front of the bin store, subject to adequate landscaping. The Council's Tree and Landscape Officer advises that the planting is adequate and would provide an effective screen to the store.

Crucially the scheme now includes a 'feature tree' which was a request of the committee (to replace a dead oak tree on the site frontage) when approving an earlier application on the site.

No objections are raised to the siting of the store by the Highway Engineer or the Council's Waste Services.

Furthermore, the Council's Urban Design/Conservation Officer considers that the use of tarmac spray, topped with pea shingle provides an attractive surface and the Water and Flood Management Officer raises no objections to the material, although advises that a drain should be installed across the driveway at the front of the site to prevent any surface water running onto the public highway. This has been conditioned.

As the application has now been appealed for non-determination, it is recommended that the Planning Inspectorate be advised that had the application still been within the Local Planning Authority's jurisdiction to determine, it would have been approved, subject to condition.

2. RECOMMENDATION

That the Planning Inspectorate be informed that had an appeal for non-determination not of been lodged, the application would have been approved, subject to the following conditions:-

1 RES3 Time Limit

The bin store and landscaping scheme hereby permitted shall be implemented within three months from the date of this permission and shall thereafter be permanently retained to the satisfaction of the Local Planning Authority.

REASON

To ensure that adequate facilities are provided and that the character and appearance of the Conservation Area and visual amenities of the street scene are safeguarded, in accordance with policies AM7, BE4, BE13 and BE38 of the The lounge, kitchen and w.c. windows facing west and towards 26B Kingsend shall be glazed with 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 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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 07/3094/8, 07/3094/9 Rev. B, 07/3094/10, 07/3094/11 and 07/3127/50 Rev. K 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 RES13 Obscure Glazing

The lounge, kitchen and w.c. windows facing west and towards 26B Kingsend shall be glazed with 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 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

4 RES22 Parking Allocation

Within 2 months of this permission, a parking allocation scheme shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

5 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.

6 RES23 Visibility Splays - Pedestrian

The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

REASON

In the interests of highway and pedestrian safety in accordance with Policy AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

7 NONSC Non Standard Condition

Within 2 months of the date of this permission, details of a drainage scheme that prevents surface water draining onto the public highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within 2 months of being approved and shall thereafter be permanently retained.

REASON:

To limit surface water runoff in order to ensure the development does not cause a surface water flooding in accordance with Policy OE7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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.

NPPF1

NPPF4

NPPF6

NPPF7

NPPF10

LPP 3.4 (2011) Optimising housing potential

LPP 3.5 (2011) Quality and design of housing developments

LPP 3.8 (2011) Housing Choice

LPP 3.14 (2011) Existing Housing - Efficient use of stock

LPP 5.2 (2011) Minimising Carbon Dioxide Emissions

LPP 5.3 (2011) Sustainable design and construction

LPP 5.7 (2011) Renewable energy

LPP 5.12 (2011) Flood risk management

LPP 5.13 (2011) Sustainable drainage

LPP 5.14 (2011) Water quality and wastewater infrastructure

LPP 5.15 (2011) Water use and supplies

LPP 6.3 (2011) Assessing effects of development on transport capacity

LPP 6.9 (2011) Cycling

LPP 6.13 (2011) Parking

LPP 7.2 (2011) An inclusive environment

LPP 7.3 (2011) Designing out crime

LPP 7.4 (2011) Local character

LPP 7.6 (2011) Architecture

LPP 7.21 (2011) Trees and woodland

BE4	New development within or on the fringes of conservation areas
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
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.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

3. CONSIDERATIONS

3.1 Site and Locality

The application site forms a 0.1 hectare roughly rectangular plot located on the northern side of Kingsend, some 40m to the west of its junction with Sovereign Close. To the east of the site lies Nos. 26 and 26B Kingsend. The site and its western side comprises a shared access which also serves No. 28B Kingsend located at the rear of the site.

The development site is located in the Ruislip Village Conservation Area as set out in the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

3.2 Proposed Scheme

This application seeks to vary condition 27 of planning permission ref: 5740/APP/2008/1214 to allow revise the landscaping scheme at the front of the site. The main change involves resiting the bin store from the side of the flatted block adjoining the shared access drive to the front corner of the site adjoining No. 26B Kingsend. The bin

store would be 3.46m wide by 1.35m deep, and sited adjacent to the side boundary with NO. 26B, set back 3.0m from the front boundary and be comprised of 1.5m high close boarded fencing with 300mm of trellis above. It would accommodate 2 x 1,100 litre capacity wheelie bins. Revised plans have been received which show two sets of double doors of a similar design added to the front to fully enclose the bin store. There would be a small area of hardstanding in front of the bin store with access provided from the car parking area between parking spaces 4 and 5. Planting is shown along the side boundaries and along the front boundary of the site, including a Silver Birch tree in a similar position adjacent to the bin store as previously agreed and notes added to the plan stating that the existing hedge would be completed along the front boundary and additional screening would be provided along the side boundary at the rear of the bin store.

The plans also show that instead of permeable block pavers being used on all of the shared drive/manoeuvring space and parking spaces, the former would now be finished with spray tarmac, topped with natural coloured pea shingle. This element of the revised landscape plan has been implemented and is therefore retrospective.

3.3 Relevant Planning History

Comment on Relevant Planning History

5740/APP/2007/1043 - Outline planning permission was granted on 15 January 2008 at appeal for the erection of a three storey building containing 7 x two-bedroom flats, together with associated access and parking.

5740/APP/2008/1214 - Full planning permission granted on 20 August 2008 for the erection of a three storey building containing 7 x two-bedroom and 1 x one-bedroom flats, together with associated parking and amenity Space (amendment to previous approval ref. 5740/APP/2007/1043 to allow an additional flat to be provided at second floor level).

5740/APP/2011/882 - Application for approved reserved matter (landscaping) following outline approval ref. 5740/APP/2008/1214 was approved on 26 August 2011.

5740/APP/2011/908 - Details in compliance with conditions 3 (bin and cycle storage), 4 (materials), 7 (boundary treatment), 9 (site survey), 11 (tree protection), 12 (landscape scheme), 14 (landscape maintenance), 16 (education facilities), 20 (renewable energy), 21 (energy efficiency report), 22 (SUDS), 24 (demolition and construction management plan), 25 (recessed windows) and 26 (parking) of planning permission ref 5740/APP/2008/1214 were approved on 26 August 2011.

As a result of the built scheme departing from the approved drawings the site has been subject to enforcement action and associated on-going court proceedings.

The North Planning Committee agreed to serve an Enforcement Notice and a Breach of Condition Notice.

The Breach of Condition Notice (Ref: 3E/04/NC) was served on 25 May 2012 with compliance by 29 June 2012.

The Breach of Condition Notice required the following steps to be taken:

(i) Reduce the height of the roof along the eastern side of the building so that the height accords with the approved planning permission reference 5740/APP/2008/1214 drawing number 07/3094/10 Rev C.

(ii) Remove from the land of all debris, building material, plant and machinery resulting from compliance with requirement (i)

The reasons for the issue of the notice are the built scheme should be carried out in strict accordance with the approved plans, unless consent to any variation is first obtained from the local planning authority, to ensure that the external appearance of the development hereby complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

An Enforcement Notice (Ref: 03/04/NC) has also been served on other aspects of the development and required the following steps to be taken:

1) Remove the unauthorised tarmacadam covering the access/manoeuvring and parking area (between the building and the street) and install hard surfacing materials in accordance with the approved planning permission reference 5740/APP/2011/908 drawing number 07/3127/50 Rev E, specifically installing permeable block pavers (colour Brindle).

2) Remove the unauthorised paving and concrete slab covering the south eastern corner of the property (between parking spaces 4 and 5, as shown on drawing number 07/3127/50 Rev E approved in permission reference 5740/APP/2011/908), and install landscaping in accordance with the approved planning permission reference 5740/APP/2011/908 drawing number 07/3127/50 Rev E.

The black tarmac was previously considered very intrusive within the street scene and detracted from the character and appearance of the conservation area. The tarmacadam was also considered to detract from the landscape setting of the new building.

The previously approved landscape details showed the south eastern corner of the site landscaped with a tree, grass and planting. Instead hard paving and a concrete slab have been laid down in this area. The approved landscaping was necessary to soften the appearance of the parking areas and views of the new building. The loss of the landscaping with a replacement of a concrete slab in such a prominent location was considered to be a very intrusive within the streetscene and detracted from the character and appearance of the conservation area. The as built development was not considered to preserve or enhance the appearance of the site or street scene (i.e. features which contribute to their special architectural and visual qualities of the Conservation Area).

The Enforcement Notice was served on 25 May 2012 with compliance by 29 June 2012

5740/APP/2013/411 - This retrospective planning application to vary condition 27 (development in accordance with approved plans) to planning permission Ref; 5740/APP/2008/1214 (Erection of a three storey building to contain 7, two-bedroom and 1, one-bedroom flats, together with associated parking and amenity space) to seek retention of the existimng roof profile which is a departure from the approved roof profile was allowed at appeal on 21 October 2013.

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
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM6 (2012) Flood Risk Management
- PT1.EM8 (2012) Land, Water, Air and Noise
- PT1.CI1 (2012) Community Infrastructure Provision
- PT1.30 To promote and improve opportunities for everyone in Hillingdon, including in particular women, elderly people, people with disabilities and ethnic minorities.
- PT1.39 To seek where appropriate planning obligations to achieve benefits to the community related to the scale and type of development proposed.

Part 2 Policies:

- NPPF1
- NPPF4
- NPPF6
- NPPF7
- NPPF10
- LPP 3.4 (2011) Optimising housing potential
- LPP 3.5 (2011) Quality and design of housing developments
- LPP 3.8 (2011) Housing Choice
- LPP 3.14 (2011) Existing Housing - Efficient use of stock
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.7 (2011) Renewable energy
- LPP 5.12 (2011) Flood risk management
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.14 (2011) Water quality and wastewater infrastructure
- LPP 5.15 (2011) Water use and supplies
- LPP 6.3 (2011) Assessing effects of development on transport capacity
- LPP 6.9 (2011) Cycling
- LPP 6.13 (2011) Parking
- LPP 7.2 (2011) An inclusive environment
- LPP 7.3 (2011) Designing out crime
- LPP 7.4 (2011) Local character
- LPP 7.6 (2011) Architecture
- LPP 7.21 (2011) Trees and woodland
- BE4 New development within or on the fringes of conservation areas

BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
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.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

57 neighbouring properties have been consulted on this application. A petition objecting to the application and 4 individual responses from neighbours have been received.

The petition, with 20 signatories states:-

'The Council agreed the position of the bin store at the side of the building when granting planning permission in 2008, after listening to residents' views about the development of new flats in Kingsend.

The developer knew the conditions when taking on the development and should not be able to come back to change the plan.'

The individual responses raise the following concerns:-

In objection:-

- (i) The bin storage should remain where it was originally approved at the side of the block of flats alongside the drive into No. 28b, away from public view. Having bins at the front is unsightly and not characteristic of Kingsend,
- (ii) The bin store has not been built and wheelie bins are in the car park, in contravention of Condition 6,
- (iii) The building should never have been built to this size. There are 8 flats and only 8 parking spaces, with no provision for guest parking. The original bin store was down the joint vehicle alley way but the overbuild prevents room for a bin store. The only place to build a bin store is the rear garden which will allow for an additional parking space to be provided,
- (iv) It would be nice if the owners could complete other outstanding works, ie driveway, hedging and trees,
- (v) A semi-mature tree of diameter 16 - 18cm was approved at the front right hand corner of the property whereas a tree of 5cm diameter has been planted in contravention of the plan agreed in August 2011. The Silver Birch that has been planted at the front is impractical due to its potential size,
- (vi) Repeat arguments previously made that as a professional developer, the applicant should take on the plans and inspect them before construction commences. It cannot be right that a plan approved in 2008 in order to reduce the effect of the binstore on the street scene and then in 2013 to make an application to allow it to be changed because the developer never wanted to build it at the side of the block of flats. This is just a way to get round the planning rules by submitting dubious plans delivering a fait accompli,
- (vii) Although we live at 34A Kingsend, and have corresponded with the Council on all the 8 previous applications, we were not consulted on this application. This has occurred on a number of previous occasions on this and other sites and just adds to the Council's problems when the period for consultation has to be extended and the applicant can then appeal for non-determination. This needs to improve.

In general support:-

- (viii) This has been ongoing since the property was built and more should have been done to ensure the developer put the bin store in place before residents moved in. Without a proper place for the bins, it has caused no end of grief for the residents and those in the property behind. Bins will finally have a proper place where they will not be seen and there is no chance of them rolling around,

Ruislip Residents' Association: No response.

Internal Consultees

CONSERVATION/URBAN DESIGN OFFICER:

Initial comments:

This site lies in the Ruislip Village CA, the front gardens of the properties on Kingsend are very important and these make a positive contribution to the character and appearance of the area. Placing a open fronted bin store in such a sensitive location would therefore be far from ideal and other options for the siting of this structure should be considered ie placing further back into the site. If all else fails, then the bin store should have doors and be fully screened from the road by

planting, this should include the retention of the existing bushes and the addition of appropriate new planting to create a much denser and wider area of screening.

Revised comments:

Although not ideal, at least doors can now be closed on the paladins etc. We will need to ensure that any planting on the frontage does the job re screening.

No objections to the tarmac spray and pea shingle topping on the drive which could be attractive.

TREE/LANDSCAPE OFFICER:

I refer to Macleod's amended drawing No. 07/3127/50 Rev K (minor amendments to the bin store) and confirm that the planting to the roadside of the bin store should provide a satisfactory screen.

The existing boundary hedge is to be gapped up - where there was previously a footpath link. Between the fence and the store an additional 12No. plants will be installed, a mix of Holly, Pyracantha and Berberis stenophylla. This is a mix of hardy, prickly shrubs with ornamental value and good for wildlife. If properly planted and maintained, they will form a dense evergreen mass which can be maintained at a suitable height to screen the bin store.

No objection.

HIGHWAY ENGINEER:

As the proposals include 8 car parking spaces as previously approved, there is no objection from a highways point of view.

FLOOD AND WATER MANAGEMENT OFFICER:

No objection. The scheme is acceptable subject to the provision of a drain across the drive at the front. This could be secured by an appropriate condition.

WASTE SERVICES:

No objection.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of the residential scheme including the number of residential units within the scheme built on site has already been established with the approved scheme for the site.

The only planning issues for consideration with this application in respect of the departure from the approved scheme are limited to the consideration of the impacts of the new landscape plan, which mainly involves the re-siting of the bin store and use of tarmac spray and pea shingle on the driveway on the the visual amenity of the street scene and impact upon the character and appearance of the Ruislip Village Conservation Area, the implications for residential amenity, highway safety and flooding.

7.02 Density of the proposed development

The number of residential units and bedspaces on this site has already been established.

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

Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires that new development within conservation areas preserves or enhances those

feature which contribute to their special architectural and/or visual qualities. Policy BE13 requires development to harmonise with the existing street scene.

The bin store would be sited on the south eastern corner of the site, adjacent to the side boundary with No. 26B and set back approximately 3.0m from the front boundary. Although bin stores within front gardens are not particularly characteristic within Kingsend, the store being some 1.5m high with 300mm of trellis above would not be unduly conspicuous within the street scene. Furthermore, planting to a depth of 3m would be provided along and front boundary, including the provision of a Silver Birch tree (which appears to have already been planted) and the existing hedging at the side of the site would be supplemented. The Council's Tree/Landscape Officer advises that the landscaping, if properly planted and maintained, will form a dense evergreen screen which can be maintained at a suitable height to screen the bin store. Furthermore, although the revised landscaping in this south eastern corner would be slightly less in extent than the area of landscaping previously approved, it will provide an enhanced level of tree planting compared to the previously approved scheme that will effectively screen the car parking and assist with softening the views of the new building.

The tarmac spray with natural coloured pea shingle topping on the driveway and manouvring area is also viewed as an improvement over the tarmacadam and by retaining the permeable block pavers in the parking spaces, will assist with breaking up the visual impact of the hardstanding. The Council's Conservation/Urban Design Officer raises no further objections to the revised landscape plan.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

See Section 7.03.

7.08 Impact on neighbours

The proposed bin store would be sited some 19m from the front elevation of the adjoining property at No. 26B Kingsend. This distance would ensure that the store would not have any detrimental impacts upon their amenities by reason of overshadowing or dominance, particularly as there is an existing hedge along this side boundary.

7.09 Living conditions for future occupiers

The bin store would be sited some 13m from the flatted block so that it would be sited within a convenient distance for residents use.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The revision of the landscaping scheme retains the same general car layout for 8 vehicles and cycle provision at the side of the block as that of the previously approved scheme. The revised bin store provision would be located close to the entrance to the site. Both the Council's Highway Engineer and the Waste Services Manager raise no objections to the revised refuse store and associated collection arrangements.

7.11 Urban design, access and security

Urban Design: This is considered in Section 7.03 above.

Access: The only new access issue relates to access to the new bin store which is considered in Section 7.10 above.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

This is dealt with in Section 7.03 above.

7.15 Sustainable waste management

The proposed bin store would make adequate provision for refuse and waste storage on site.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

The permeable block pavers which were to cover all the drive/manoeuvring area and parking spaces have been replaced by spray tarmac topped with natural coloured pea shingle. The Council's Flood and Water Management Officer has considered the proposals and raises no objection subject to a condition requiring the provision of a drain along the site frontage.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

As regards the issue raised by the petitioners and in point (vi), specific provision has been made within the Planning Acts to allow approved schemes and plans to be amended. Local Planning Authorities have a duty to consider any revised plans on their planning merits. As regards point (i), there are practical difficulties to providing the bin storage at the side of the building and the impact of providing a bin store on the conservation area and street scene are considered in the report. As regards points (ii) and (iv), a condition is recommended to ensure that the revised landscape plan is implemented within the specified time frame. As regards point (iii) the building and parking provision has already been established and it would be impractical to site the bin store in the rear garden. As regards point (v), no objections are raised to the species of tree, given its siting and it is likely to soon become established. Points (vi), (vii) and (viii) are noted.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

There are no outstanding enforcement issues on this site.

7.22 Other Issues

There are no other relevant planning issues raised by this application.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to

the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

10. CONCLUSION

The revised landscape scheme, involving the resiting of the bin store is acceptable. The location of the bin store would be convenient for residents and collection vehicles and the existing and proposed landscaping would provide effective screening to the bin store, car parking area and also help soften views of the building.

Furthermore, the tarmac spray with pea shingle topping provides an attractive, more traditional setting for the building that is appropriate within the conservation area and represents a significant improvement upon the tarmacadam of the as built development.

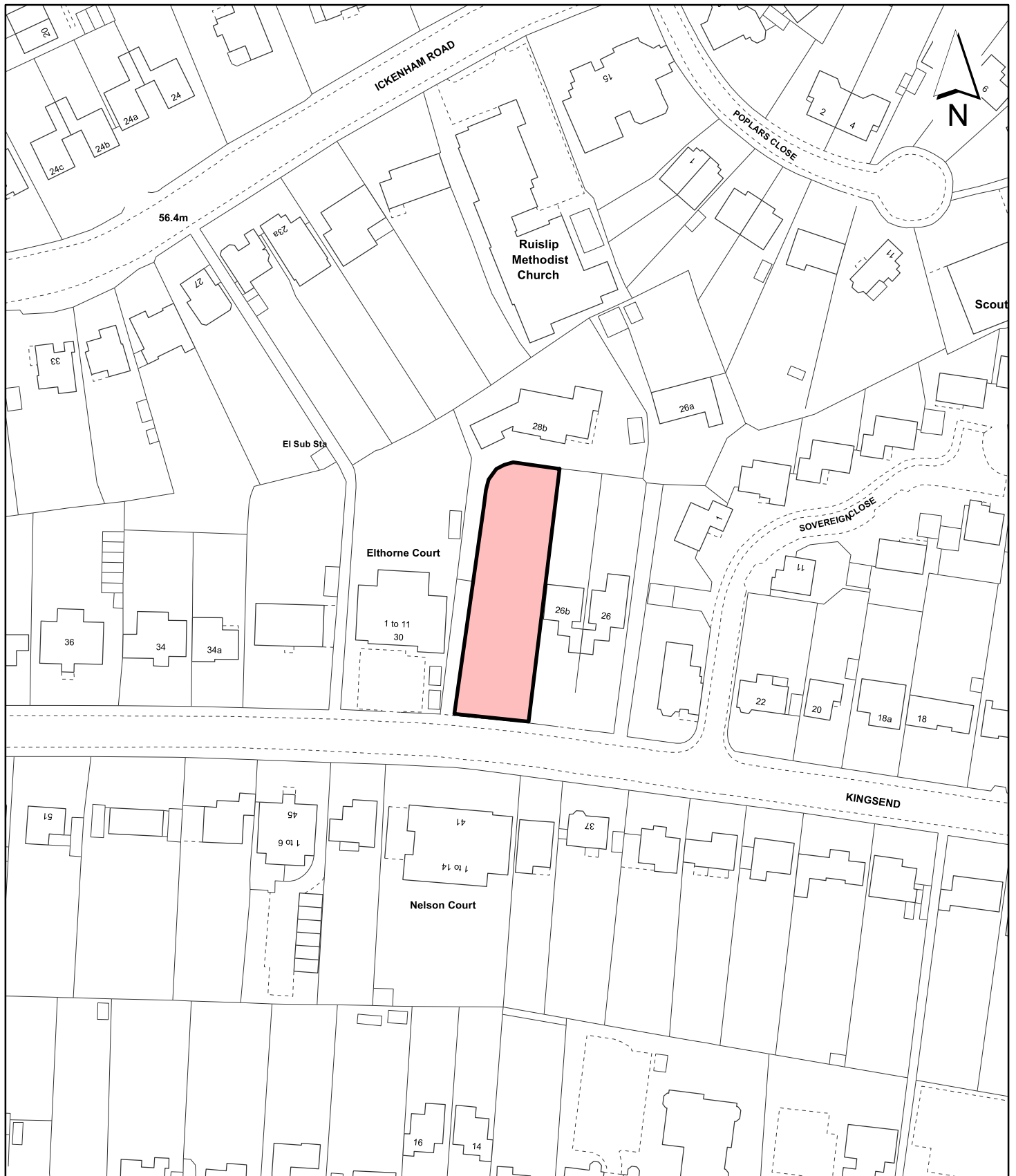
The application is recommended accordingly.

11. Reference Documents


NPPF (March 2012)
The London Plan (July 2011)
Hillingdon Local Plan (November 2012)
Planning History
Consultation Responses

Contact Officer: Richard Phillips

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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.

© Crown copyright and database rights 2013 Ordnance Survey 100019283

Site Address	
28 & 28A Kingsend Ruislip	
Planning Application Ref:	Scale
5740/APP/2013/3520	1:1,250
Planning Committee	Date
North Application	March 2014

**LONDON BOROUGH
OF HILLINGDON**

Residents Services

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



HILLINGDON
LONDON