

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

**Address** LAND ADJOINING 43-44 FAIREY AVENUE HAYES

**Development:** Demolition of existing garage blocks and erection of a two storey, detached building containing 4 x 2-bedroom, self contained flats with associated parking and amenity space involving the installation of a cycle and bin store to front

**LBH Ref Nos:** 69055/APP/2014/37

**Drawing Nos:** Material List  
2661-01  
2661-02 Rev. A  
2661-03 Rev. A  
2661-104 Rev. A  
2661-105 Rev. A  
2661-106 Rev. A  
2661-107 Rev. A  
Design and Access Statement

**Date Plans Received:** 07/01/2014                      **Date(s) of Amendment(s):**

**Date Application Valid:** 07/01/2014

### 1. SUMMARY

The application seeks planning permission to erect a block of 4 flats on the site of a number of lock up garages on land adjacent Nos.43-44 Fairey Avenue. The application site is located at the end of Fairey Avenue and contains 20 single storey, lock up garages located along the eastern and western boundaries.

The application is to be considered to be similar in many respects to the application allowed on Appeal under reference 66668/APP/2011/1892 (Appeal reference APP/R5510/A/11/2165252) on land adjacent Nos.33 and 34 Fairey Avenue, approximately 50 metres east of the application site, which is now significantly complete.

The proposal would relate satisfactorily with the character and appearance of the street scene and surrounding area generally. It would not harm the residential amenities of adjoining occupiers and would provide adequate off street parking. It would provide suitable internal floorspace for future occupiers. The applicant has indicated they would be willing to provide a contribution in the form of legal agreement for the payment of the required sum of £14,118 for capacity enhancements in local schools.

Therefore, the application is recommended for approval.

### 2. RECOMMENDATION

**That delegated powers be given to the Head of Planning, Green Spaces and Culture to grant planning permission, 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 Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:**

i) A contribution of £14,118 for capacity enhancements in local schools;

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the legal Agreement(s) 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 legal agreement has not been finalised within 6 months of the date of this Committee resolution, or any other period deemed appropriate by the Head of Planning, Green Spaces and Culture , then the application be refused for the following reason:

'The development is likely to give rise to a significant number of children of school age that would require additional educational provisions, due to the shortfall of places in schools serving the area. Given that a legal agreement or unilateral undertaking has not been offered and the applicants are not willing to enter into or provide any such agreement, to address this issue, the proposal is considered to be contrary to Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).'

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 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 T8 Time Limit - full planning application 3 years**

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 OM1 Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved, numbers 2661-01, 2661-02 Rev. A, 2661-03 Rev. A, 2661-104 Rev. A, 2661-105 Rev. A, 2661-106 Rev. A, 2661-107 Rev. A, Design and Access Statement and Material List unless consent to any variation is first obtained in writing from the Local Planning Authority.

**REASON**

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**3 OM2 Levels**

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

**REASON**

To ensure that the development relates satisfactorily to adjoining properties in accordance with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**4 RPD1 No Additional Windows or Doors**

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

**REASON**

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

**5 RPD5 Restrictions on Erection of Extensions and Outbuildings**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension to any dwellinghouse(s) nor any garage(s), shed(s) or other outbuilding(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

**REASON**

So that the Local Planning Authority can ensure that any such development would not result in a significant loss of residential amenity in accordance with Policy BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**6 RPD9 Enlargement to Houses - Roof Additions/Alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no addition to or enlargement of the roof of any dwellinghouse shall be constructed.

**REASON**

To preserve the character and appearance of the development and protect the visual amenity of the area and to ensure that any additions to the roof are in accordance with Policy BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7 RES15 Sustainable Water Management (changed from SUDS)**

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

- i. provide information about the design storm period and intensity, the method employed

to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

iv. provide details of water collection facilities to capture excess rainwater;

v. provide details of how rain and grey water will be recycled and reused in the development.

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

#### REASON

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

#### **8 RES16 Code for Sustainable Homes**

The dwelling(s) shall achieve Level 4 of the Code for Sustainable Homes. No development shall commence until a signed design stage certificate confirming this level has been received. The design stage certificate shall be retained and made available for inspection by the Local Planning Authority on request.

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

#### REASON

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

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

All residential units within the development hereby approved shall be built in accordance with Lifetime Homes Standards.

#### REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (July 2011) Policies 3.1, 3.8 and 7.2.

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

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

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

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

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

2. Details of Hard Landscaping

- 2.a Means of enclosure/boundary treatments
- 2.b Hard Surfacing Materials
- 2.c External Lighting
- 2.d Other structures (such as play equipment and furniture)
  
- 3. Details of Landscape Maintenance
  - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
  
- 4. Schedule for Implementation
  
- 5. Other
  - 5.a Existing and proposed functional services above and below ground
  - 5.b Proposed finishing levels or contours

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

#### REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies BE13 and BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **11 RES26 Contaminated Land**

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

#### REASON

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

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

The dwelling(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

#### REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (July 2011) Policies 7.1 and 7.3.

### INFORMATIVES

- 1 152 **Compulsory Informative (1)**

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

## **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) 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.

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.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.17	(2011) Waste capacity
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

## **3 159 Councils Local Plan : Part 1 - Strategic Policies**

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

**4**            147            **Damage to Verge**

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

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).

**5**            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.

**6**            12            **Encroachment**

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

**7**            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).

**8**            134            **Building Regulations 'Access to and use of buildings'**

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

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

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

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

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

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

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

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

## **9            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.

## **10            16            Property Rights/Rights of Light**



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

## **11**

Nuisance from demolition and construction work is subject to control under the Control of Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

(i) Demolition and construction works should only be carried out between the hours of 0800 and 1800 on Monday to Friday and between the hours of 0800 and 1300 on Saturday. No works should be carried out on Sundays, Public or Bank Holidays;

(ii) All noise generated during such works should be controlled in compliance with British Standard 5228, and use best practicable means as defined in section 72 of the Control of Pollution Act 1974;

(iii) Measures should be taken to eliminate the release of dust, odours and other emissions caused by the works that may create a public health nuisance. Guidance on control measures is given in *The control of dust and emissions from construction and demolition: best practice guidelines*, Greater London Authority, November 2006; and

(iv) No bonfires that create dark smoke or cause nuisance to local residents should be allowed at any time.

For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155).

## **12**

It is contrary to section 163 of the Highways Act 1980 for surface water from private land to drain onto the highway or discharge into the highway drainage system;

The applicant is advised to contact the Council's Highways Team in respect of the construction of the vehicle crossover.

## **13**

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 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.

### **3. CONSIDERATIONS**

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

The application site is located at the end of Fairey Avenue on land to the west of Nos.43-44 Fairey Avenue. Currently the site is concrete hardstanding with 20 single storey lock up garages located in two terraces along the eastern and western boundaries. The garages are constructed from red brick, with wooden double doors and corrugated iron roofs.

The surrounding area predominantly comprises of 2 storey semi-detached and terrace dwellings/flats which surround the site on all sides.

The application site has a public transport accessibility level of 4 and lies within the developed area as identified within the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). No additional designations apply to the application site.

### **3.2 Proposed Scheme**

The application seeks full planning permission for the erection of a two storey pitched roof building to provide 4 x two-bedroom flats with associated car parking, amenity space and refuse/cycle storage, following the demolition of the existing garages.

The proposed building would be a two storey block with a gable roof. The main portion would have a rectangular footprint, with centrally located porch on the principal elevation. The width of the building at ground and first floor level would be 15m, with the depth being 11.07m at both ground and first floor level. The height to eaves of the main building would be 5.3m rising to a maximum height of 8.7m to ridge level.

The materials palette consists of brickwork and render with roof tiles and a schedule with specific materials details has been submitted.

A bin and cycle store is also proposed in front of the main block, along the western boundary, which would be a brick construction with pitched roof.

A total of 6 parking spaces would be provided to the front of the proposed block including 2 disabled persons parking spaces. An amenity area would be provided to the rear of block which would include a small private amenity area for each of the proposed ground floor units and a communal area further to the rear.

### **3.3 Relevant Planning History**

69055/APP/2013/522 Land Adjoining 43-44 Fairey Avenue Hayes

Demolition of existing garage blocks and erection of a two storey, detached building containing 4 x 2-bedroom, self contained flats with associated parking and amenity space including the installation of a cycle and bin store to front

**Decision:**

**Appeal:** 31-12-2013 Withdrawn

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

Application 69055/APP/2013/522 for 'Demolition of existing garage blocks and erection of a two storey, detached building containing 4 x 2-bedroom, self contained flats with associated parking and amenity space involving the installation of a cycle and bin store to front' was Appealed for non-determination. The Appeal was withdrawn on 31/12/2013. If the application had been determined, it would have been refused for the following reason:

'The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development in respect of education. The scheme therefore conflicts with Policy R17 of the London Borough of Hillingdon Local Plan (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Planning Obligations as amended by Revised Chapter 4 (September 2010)'.

The applicant has now sought to overcome this potential reason for refusal by agreeing to enter into a legal agreement for the required sum.

Apart from the above application, attention is to be drawn to the planning history at the recently redeveloped site at the opposite end of the turning head at the end of Fairey Avenue adjoining 33-34 Fairey Avenue. A residential block of 4 two bedroom flats has been recently erected, following the demolition of 31 garages. In relation to this neighbouring site/development, the application site is of a similar shape, although smaller at around 540sq.m as opposed to 740sq.m, and has a similar context, surrounded by residential dwellings and flats. Application 66668/APP/2011/1892 for the development of this site with a two storey building comprising 4 x two-bedroom flats was refused by Planning Committee on 11/01/2012 for the following reasons:

1. The proposed block of flats, by reason of its design, width and bulk would fail to harmonise with the existing scale and character of development in the surrounding area, and the development would have a detrimental impact on the character and appearance of the streetscene. Therefore the proposal would be contrary to policies BE13, BE19, BE20, and BE21 of the Hillingdon Unitary Development Plan (Saved Policies September 2007) and to the Council's Supplementary Planning Documents HDAS Residential Layouts.

2. The development fails to provide adequate internal floor space in order to afford an acceptable standard of residential amenity for its occupiers, contrary to London Plan (2011) Policy 3.5.

3. The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development in respect of education. The scheme therefore conflicts with Policy R17 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27th September 2007.

The application was allowed on Appeal under reference APP/R5510/A/11/2165252. Some specific quotes from the Appeal Inspector's report in relation to the above reasons for refusal are provided below.

In relation to Reason for refusal 1:

Paragraph 7:

The width of the proposed block, on the street frontage would not be discordant with other properties in the vicinity and it would be inset from its side boundaries. The depth of the two-storey element of the new building would be very similar to that of its neighbours, though the building would be set back by a small amount, in relation to its immediate neighbours, to facilitate off-street car parking, in conjunction with some planting in front of habitable rooms in the new ground floor flats. Thus, the building's overall scale would be in keeping with its surroundings.

In relation to Reason for refusal 2:

Paragraph 9 and 10:

The concern which has been raised in relation to the internal floorspace of the four proposed flats relates to their occupancy. The proposed flats would meet the standards

set out in The London Plan, as well as local standards, for three-person, two-bedroom flats but would fall short of the standards set out in The London Plan for four-person, two-bedroom flats. Nevertheless, the shortfall would be relatively minor, the number of occupants in the flats could not realistically be controlled by the imposition of conditions, and future modifications of the internal layout of the flats would not require planning permission. The submitted drawings show double beds in all bedrooms but it is by no means obvious that the secondary bedrooms would be used in that way and the internal layout of proposed flats would be satisfactory. In this case, therefore, it would not be necessary to follow slavishly the standards set out in The London Plan and the proposed layout of the flats is acceptable in planning terms.

In relation to Reason for refusal 3:

Paragraph 14:

Within the Council's submissions, reference is made to the need for a contribution to be made to educational facilities locally and a draft reason for refusal is included in the officer's report on the case (which was prepared following the submission of this appeal). Nevertheless, a "Planning Obligation by Unilateral Undertaking", dated 31 January 2012, has been entered into during the course of this Appeal, which meets the Council's concerns. I accept that the obligation is justified, to address the recognised need for educational provision, and I have taken it into account in considering the Council's concerns. This issue has been resolved, therefore, and does not form a "main issue" in the Appeal.

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

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

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

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.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.

BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.3	(2011) Increasing housing supply
LPP 3.4	(2011) Optimising housing potential
LPP 3.5	(2011) Quality and design of housing developments
LPP 3.8	(2011) Housing Choice
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.12	(2011) Flood risk management
LPP 5.13	(2011) Sustainable drainage
LPP 5.17	(2011) Waste capacity
LPP 7.2	(2011) An inclusive environment
LPP 7.3	(2011) Designing out crime
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

Letters of notification were sent to nine neighbouring properties on 09/01/2014 and a site notice erected.

Objections from two neighbouring occupiers were received objecting on the following grounds:

1. No neighbour notifications;
2. One of the garages is used to park car;
3. Existing traffic problems, emergency vehicles have great difficulties;
4. Loss of garages would add to parking congestion;
5. Applicant misled about other garages;
6. No parking as of yet for other site that was developed.
7. Parking on street by non-residents of street. If residents evicted from garages, where will they park? Without garages, will have to park in another street.

Case Officer Comments: The above considerations will be addressed in the main body of the report.

Thames Water: No objection, standard comments/informatives recommended.

## Internal Consultees

### Highways:

6 car parking spaces for 4 flats comply with the Council's maximum standards. 6 cycle parking spaces are provided which comply with the Council's minimum parking standards. They need to be covered and secure. No objections are raised on highway grounds.

### Environmental Protection Unit:

I refer to the above application for flats with amenity space on the second part (western) of the garage site at the Cul - de -Sac in Fairey Avenue. I note that the eastern part of the site is now built after the appeal process. Checking through the past records it appears that no contaminated land investigation was submitted for this garage site and the inspector did not see this as an issue in the Appeal decision as below. The issue appears to be the use of the site and potential for garage owners to spill car fuel, oil or paint they may have stored in the garages. The asbestos roofing on the eastern side was removed prior to development and I think this would also apply to the western side. Asbestos roof cement would need to be cleaned away after demolition if there is debris left on the ground. Past uses indicate a possible orchard or plant nursery before Fairey Avenue was built.

Our previous comments on the eastern area advised either a full contaminated land condition or a soil testing condition for the gardens and communal amenity space areas. The soil testing condition was advised as a minimum, possibly the full contaminated land condition (boreholes and trial pits required) being too onerous for a small development on an old domestic garage site. Records of the appeal for the eastern area show that the inspector did not apply either a full contaminated land condition or garden / amenity space soil testing condition (reference APP/R5510/A/11/2165252). I would advise that as a minimum the garden and amenity space testing condition to any permission so we are assured that the private gardens and communal areas on the old garages site are clean and free from contamination. It is likely the soils and any turf will all be imported but the gardens could possibly include site derived soil (from below the concrete) which should also be tested.

### Trees & Landscaping:

**LANDSCAPE CHARACTER/CONTEXT:** The site is occupied by a dilapidated garage court, with two rows of garages, at the end of the cul de sac of Fairey Avenue. There are no trees or other landscape features of merit which might constrain development either on, or close to, the site.

**LANDSCAPE CONSIDERATIONS:** Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- No trees or other significant landscape features will be affected by the proposal.
- The layout includes parking in front of the building together with storage for bins and bikes. There are two areas labelled 'planting' in front of the building. These should be planted and managed with suitable shrubs to provide privacy/security for the ground-floor occupants.
- Footpath access to the rear garden is indicated on either side of the building. These should be provided with lockable gates (for the privacy and security of the residents).
- To the rear of the building a small area of communal external space is indicated with private patios for the ground-floor flats. Landscape details should be provided to show how this space will be both attractive and functional and serve the needs of the occupants.
- External storage for bikes and bins can have a detrimental visual impact on the front garden and streetscape. They should be carefully detailed to ensure that they are both attractive and secure.
- Provision for, and details of, the maintenance of the communal landscaped will be necessary to ensure that the hard and soft landscape is suitably established and maintained.
- Landscape conditions are necessary to preserve and enhance the visual amenities of the locality

and to ensure that adequate facilities are provided.

RECOMMENDATIONS: No objection, subject to the above considerations and conditions RES9 (parts 1,2,4,5 and 6).

Access Officer:

The site is located in a corner at the end of Fairey Avenue, a cul-de-sac that lies to the south of North Hyde Road. The proposal to demolish the existing garages and construct a two-storey building containing four flats, has been evaluated against the requirements of the London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted May 2013.

Whilst the proposal appears to largely comply the Lifetime Homes Standards, the following additional information should be submitted:

1. Level access should be achieved via the principal entrance as opposed to ramped access as shown on plan. Details of level access to and into the proposed structure should be submitted. A fall of 1:60 in the areas local to the principal entrance should be incorporated to prevent rain and surface water ingress. In addition to a levels plan showing internal and external levels, a section drawing of the level access threshold substructure, and water bar to be installed, including any necessary drainage, should be submitted.

Conclusion: revised plans should be requested as a prerequisite to any planning approval. In any case, an additional Condition, as set out below, should be attached to any planning permission:

#### ADDITIONAL CONDITION

Level access shall be provided to and into the building, designed in accordance with technical measurements and tolerances specified by Part M to the Building Regulations 2010 (2004 edition, incorporating 2010/13 amendments), and shall be retained in perpetuity.

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

Officer Comment: The recommended condition would not comply with the National Planning Guidance in that it requires compliance with specific controls outside planning legislation ie. Building Regulations.

## **7. MAIN PLANNING ISSUES**

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

The site is currently laid out as 20 lock up garages in a residential area. There was another block of garages at the eastern end of the cul de sac which originally had around 30 garages which has recently been developed with a residential 4 x 2 bedroom flatted scheme following appeal decision APP/R5510/A/11/2165252. All the garages were erected in the 1960's independently of the surrounding flatted developments on Fairey Avenue. Given the private ownership of the garages and the recent redevelopment to the east, there is no objection in principle to the development of the site for residential purposes.

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

Policy 3.4 of the London Plan (2011) seeks to ensure that new development 'takes into account local context and character, the design principles in Chapter 7 and public

transport capacity .... development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.'

The site has a Public Transport Accessibility Level (PTAL) of 4. The London Plan (2011) range for sites with a PTAL of 4-6 in a suburban area is 200-350 habitable rooms per hectare and 45-90 units per hectare, based on an average of 4 habitable rooms per unit. As such, based on a total site area of 0.054ha the site would have a residential density of 74 units per hectare and 296 habitable rooms per hectare.

The application proposal is within the guidelines of the London Plan (2011) with regard to units per hectare and the number of habitable rooms per hectare. It is considered that the redevelopment of the application site at the proposed density would not be to the detriment of the local context of the area. The proposals would not therefore be contrary to Policy 3.4 of the London Plan (2011).

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

The application site is not located within an Archaeological Priority Area, a Conservation Area, an area of Special Local Character or adjacent to any Listed Buildings. The proposal does not raise any concerns relating to these matters.

#### **7.04 Airport safeguarding**

The proposal does not give rise to any concerns regarding airport or aerodrome safeguarding.

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

The application site is not located in proximity to the Metropolitan Green Belt.

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

The application site lies in an area behind the rear gardens of existing residential properties, and is accessed via Fairey Avenue, which is a cul de sac. The street is characterised by relatively small, uniform properties.

As mentioned above, a similar site to the east of Fairey Avenue was allowed at appeal under reference APP/R5510/A/11/2165252. The application site is similar in most respects to this neighbouring site 33-34 Fairey Avenue. Its setting is also similar, being surrounded by flatted and single family dwellings. Given that the overall size, scale and setting of the application proposal is very similar to that already allowed at appeal and recently constructed at 33-34 Fairey Avenue, the proposal would be in keeping with the character and appearance of the area in general. Indeed the erection of the proposal would introduce a sense of symmetry to Fairey Avenue.

The bin and cycle store is proposed to the front of the proposed block of flats, similar in its location and size to that at 33-34 Fairey Avenue and this is considered to have an acceptable impact on the appearance of the area.

The proposal is considered to be in accordance with Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The applicant has provided details of the materials to be used and these are the same as those used at the site adjoining 33-34 Fairey Avenue and thus a condition requiring details of materials is not considered necessary.

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

Policies BE20, BE21 and BE22 seek to ensure that new developments are not over dominant in relation to neighbouring properties and maintain an adequate level of daylight



and sunlight. The Council's Residential Layouts SPD provides additional guidance on this issue indicating that in terms of dominance two storey buildings should generally maintain a separation of 15m, on a site specific basis, to ensure no over dominance. The proposed building would be at least 15m from the facade of any adjoining properties and would not give rise to a loss of amenity through over dominance or loss of light.

The impact on No. 43 and 44 Fairey Avenue, located to the east of the application site, has been carefully considered. The existing garage block runs along the whole boundary of the rear garden area to these neighbouring properties. The proposal involves a higher two storey building extending approximately 3.5m beyond the rear elevation of the No. 43 and 44 Fairey Avenue to the east. However, the proposed building would be offset by a further 1m from the site boundary than the existing garages, resulting in a 3.5m separation between the flank wall of the application proposal and the flank of the neighbouring property. It is considered that the 45 degree line would therefore be complied with. Overall, the proposals are not considered to result in an unacceptable impact on the amenity of any neighbouring properties and no unacceptable overlooking of any neighbouring occupier would occur.

Policy BE24 seeks to ensure new developments do not result in a loss of privacy to existing properties, the Council's HDAS residential layouts provides further guidance indicating that a distance of 21m should be maintained between habitable windows. The development does not propose any habitable room windows which would be within 21m of habitable room windows on neighbouring properties.

In terms of noise the residential use would be appropriate in the context of the residential surroundings and the proposal would result in a lower number of vehicular movements along the access road than the existing use as lock up garages would have a potential to cause.

Accordingly, the scheme would not give rise to any conditions prejudicial to the amenity of neighbouring occupiers.

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

The proposal would provide external amenity space totalling around 115sq.m, this is in excess of the Council's requirement set out in the HDAS - Residential layouts for 25sq.m per two bedroom unit (total of 100sq.m for the proposed development). The space would be usable and the proposal would therefore comply with Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). The ground floor units have a small protected private area amounting to some 11sq.m each, which would provide a defensible space to the rear of the building and prevent significant overlooking of the ground floor units from the shared amenity space.

The two ground floor 2 bedroom units would have an internal floorspace of 61.5sq.m, with the first floor units achieving 65sq.m each. The Council's HDAS - Residential Layouts requires two bedroom flats to provide a minimum of 63sq.m of floorspace. However, Policy 3.5 and associated table 3.3 of the London Plan (2011) would have greater relevance and would require a minimum of 70sq.m for two bedroom units having a four person occupancy. Two bedroom units with a three person occupancy would require a minimum of 61sq.m each. Similar shortfalls occurred with the proposal at 33-34 Fairey Avenue. Paragraph 10 of the Appeal Inspector's decision for Appeal reference APP/R5510/A/11/2165252 states: 'Nevertheless, the shortfall would be relatively minor, the number of occupants in the flats could not realistically be controlled by the imposition of conditions, and future modifications of the internal layout of the flats would not require

planning permission. The submitted drawings show double beds in all bedrooms but it is by no means obvious that the secondary bedrooms would be used in that way and the internal layout of proposed flats would be satisfactory. In this case, therefore, it would not be necessary to follow slavishly the standards set out in The London Plan and the proposed layout of the flats is acceptable in planning terms'. Hence the small shortfall of floorspace proposed is considered acceptable in this instance.

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

The proposal would provide 6 car parking spaces for the use of future occupiers. This level of provision is in accordance with the Council's parking standards for a development on a site which has a PTAL of 4.

Accordingly, the proposal would provide adequate car parking to meet the needs of future occupiers and prevent overspill parking.

A cycle store with space for 6 cycles would be provided. The Council's standards require cycle storage for 1 space per 2 bedroom flat, therefore, sufficient cycle storage would be provided, in accordance with Policy AM9 of the Hillingdon Local Plan (November 2012).

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

Issues relating to design have been addressed within the 'Impact on the character & appearance of the area' section above. Issues relating to access have been addressed within the 'Disabled Access' section below.

If the scheme were recommended for approval, a condition should be imposed requiring the development to meet Secured by Design standards.

#### **7.12 Disabled access**

Policy 3.8 of the London Plan (2011) and guidance within the HDAS - Accessible Hillingdon requires new residential developments to achieve Lifetime Homes Standards. The scheme would meet Lifetime Homes Standards, which could be secured via an appropriate condition.

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

Not applicable to this application.

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

Subject to standard conditions, the proposal would be considered acceptable with regards to landscaping and no objections are raised by the Council's Trees and Landscaping Officer.

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

The proposal would provide adequate provision for the storage of waste and recycling within the bin/cycle store in the front garden area. The bin store would be conveniently located for collection as it would be within 25 metres of the public highway.

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

In order to accord with Policies 5.1, 5.2 and 5.3 of the London Plan (July 2011) and to ensure a sustainable development within the site, in accordance with the National Planning Policy Framework, a condition requiring the scheme to be designed and built to Code for Sustainable Homes Level 4 is recommended.

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

Subject to a condition requiring the use of sustainable urban drainage on site it is considered that the proposal would not give rise to any concerns relating to flooding or drainage.

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

The application seeks permission for a residential development within a residential area. It is considered that the proposal does not give rise to any concerns regarding noise for either future or neighbouring occupiers of the site.

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

Addressed within various sections above.

#### **7.20 Planning obligations**

All development involving an increase in 6 or more rooms would be assessed against the Planning Obligations Supplementary Planning Document (SPD). The proposal has been assessed against this criteria and a contribution of £14,118 towards school facilities in Hayes would be required, given that there is a considerable shortfall in the number of school places available in the area. The applicants have advised that they would be willing to make such a payment. The proposal is considered to be in accordance with Policy R17 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's Planning Obligations, Supplementary Planning Document (July 2008).

The proposal would also be liable for the Mayor of London's Community Infrastructure Levy.

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

Not applicable to this application.

#### **7.22 Other Issues**

There are no other issues to discuss.

### **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**

Not applicable to this application.

#### **10. CONCLUSION**

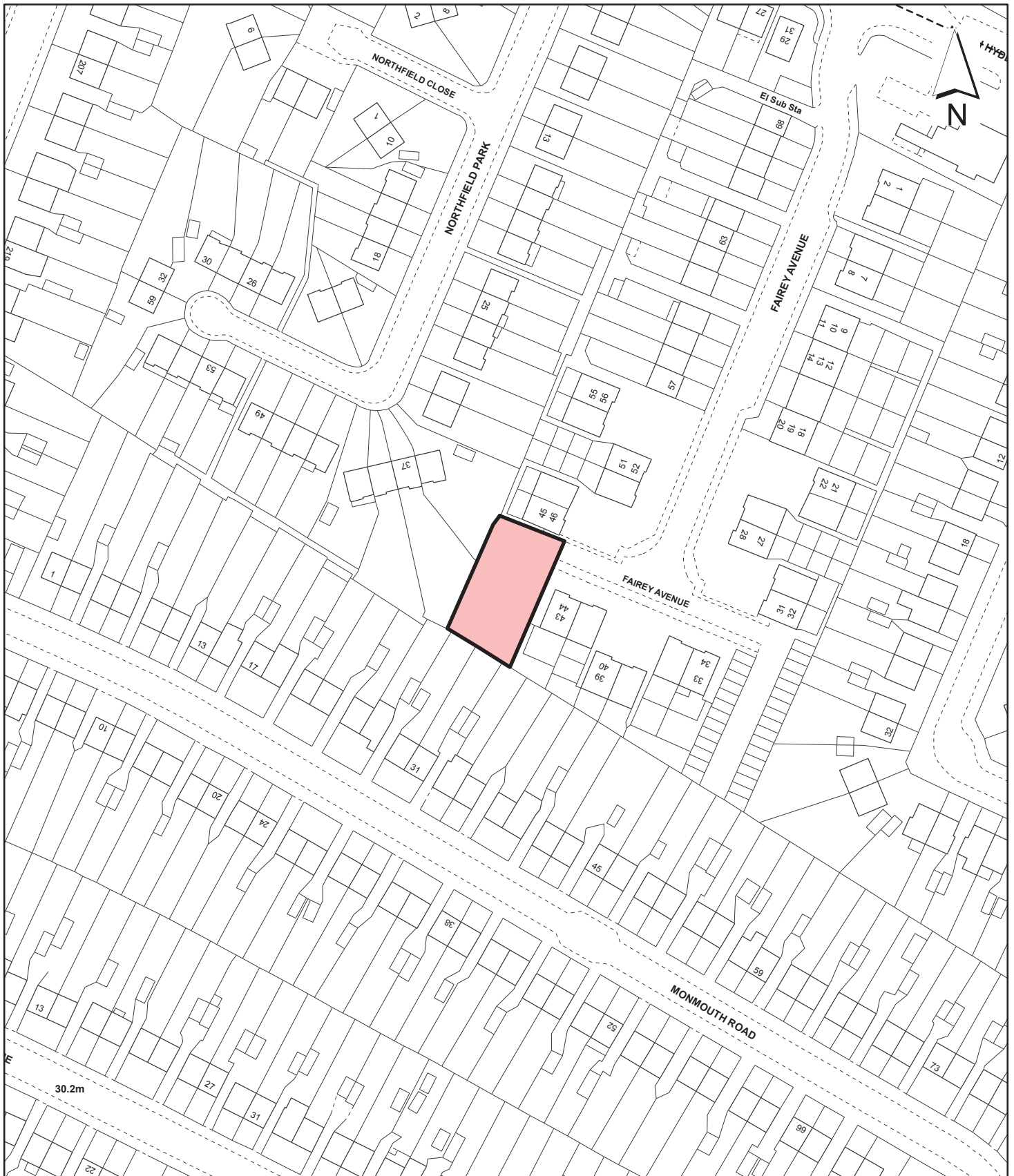
The redevelopment proposal for 4 new flats within a detached block would relate satisfactorily with the character and appearance of the street scene and surrounding area generally. It would not harm the residential amenities of adjoining occupiers and would provide adequate off street parking. It would provide suitable internal floorspace for future occupiers. The applicant has agreed to provide a contribution in the form of legal agreement for the payment of the required sum of £14,118 for capacity enhancements in local schools. Therefore, the application is recommended for approval.

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

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
HDAS: Residential Layouts  
Revised Chapter 4: Education Facilities of the Planning Obligations SPD adopted 23 September 2010  
Planning Obligations SPD adopted July 2008  
Accessible Hillingdon SPD adopted January 2010  
The London Plan (2011)  
NPPF

**Contact Officer:** Jazz Ghandial

**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

**Land Adjoining  
 43-44 Fairey Avenue**

Planning Application Ref:  
**69055/APP/2014/37**

Planning Committee  
**Central and South**

Scale  
**1:1,250**

Date  
**April 2014**

**LONDON BOROUGH  
 OF HILLINGDON  
 Residents Services**

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



**HILLINGDON**  
 LONDON