

Item No. **Report of the Head of Planning, Building Control, Sport & Green Spaces**

Address: HANOVER COURT, TORRINGTON ROAD, RUISLIP

Development: Deed Of Variation to S106 Agreement.

LBH Ref Nos: 6626F/73/624

Drawing Nos:

Date applications approved at Committee Permission Granted on 22nd May 1973. S106 Agreement Dated 22nd May 1974.

1.0 CONSULTATIONS

1.1 Internal Consultees

Planning Obligations Officer	The applicant has requested that 'Operative Clause 2' restricting the letting of any of the proposed flats to people other than elderly persons be removed so that the flats can be rented without restriction. Approval is recommended.
Highways Officer	The site currently contains 8 car parking spaces. When permission was granted in 1974, the requirement was for 12 parking spaces. The restriction for this development to only be occupied by the elderly was imposed as a result of insufficient parking. Having reviewed the current proposal the Highways officer has raised no objection. Given the site's location and layout at 6 x 1 bed flats and 2 x bedsit flats, the 1:1 parking provision is acceptable.

2.0 RECOMMENDATION

1. That the Council enter into a deed of variation with the applicants under Section 106 of the Town and Country Planning Act 1990 (as amended) or other appropriate legislation to secure:

Delete Operative Clause 2: The Association agrees for itself and its successors in title that it will not without the written consent of the Council let or permit to be let any of the proposed flats to any person other than elderly persons.

2. **That the applicant meets the council's reasonable costs in the preparation of the deed of variation and any abortive work as a result of the deed not being completed.**

3.0 KEY PLANNING ISSUES

- 3.1 Planning Permission was granted on 22nd May 1974 for the erection of a two storey block of eight old peoples' flats.
- 3.2 Operative Clause 2 of the S106 Agreement dated 22nd May 1974 Committee states 'The Association agrees for itself and its successors in title that it will not without the written consent of the Council let or permit to be let any of the proposed flats to any person other than elderly persons.'
- 3.3 The current proposal is to remove this restriction (Operative Clause 2).
- 3.4 The development consists of 6 x 1bed units and 2 x bedsits with a total of 8 car parking space which is a car parking ratio of 1:1.
- 3.5 The sole reason for the restriction was because at the time of the application in 1973 parking standards required 12 car parking spaces and only 8 were being proposed.
- 3.6 The Council's Highways Officer has reviewed the proposal and raises no objection to the removal of the restriction given that a ratio of 1:1 parking for 1 bedroom flats is acceptable.
- 3.7. Approval is Recommended.

OBSERVATIONS OF BOROUGH SOLICITOR

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

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

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached. Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected

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

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

OBSERVATIONS OF THE DIRECTOR OF FINANCE

The report indicates that the costs of the development will be fully met by the developer, and the developer will make a Section 106 contribution to the Council towards associated public facilities. The developer will also meet the reasonable costs of the Council in the preparation of the Section 106 agreement and any abortive work as a result of the agreement not being completed. Consequently, there are no financial implications for this Planning Committee or the Council.

Reference Documents

None.

Contact Officer: MATT KOLASZEWSKI

Telephone No: 01895 250 230

APPENDIX A - S106 Agreement

APPENDIX B - Decision Notice

London Borough of Hillingdon
TOWN AND COUNTRY PLANNING ACT 1971

TO

Manover Housing Association,
C/O. David Everett A.R.I.B.,
215 Larches Road,
BURNHILL, WIMBORNE BH8 3JL.

LOCAL PLANNING AUTHORITY REF

6628/73/024

The Council of the London Borough of Hillingdon as the local planning authority within the meaning of the above mentioned Act and Orders made thereunder hereby GRANT permission for the following development.

Erection of a two storey block of eight old people's flats adj. St. Paul's Church, junction Charlstone Road/Torrington Road, Uxbridge, Middlesex.

In accordance with the application dated 9th March, 1973
and illustrated by plans Drawing No. 22/3.

Permission however is given subject to the conditions listed on the attached schedule

Dated this 22nd day of May 1974.

Signature *J. S. Wapley*
DEPUTY DIRECTOR OF PLANNING

London Borough of Hillingdon
Belmont House
38 Market Square
Uxbridge, Middx. UB8 1TP

NOTES (i) If you wish to appeal against any of the conditions please read the back of this sheet which explains the procedure.
(ii) This decision does not purport to convey any approval or consent which may be required under any bye laws, building regulations, or under any enactment other than the Town & Country Planning Act 1971.

CONDITION 1.

This permission shall cease to have effect unless the development hereby authorised has begun before the expiration of five years from the date of this permission.

REASON

To comply with Section 41 of the Town & Country Planning Act 1971.

CONDITION 2.

The premises shall not be used for any industrial (trade or business) use.

REASON

(1) To ensure that the proposed development does not prejudice:-

- (a) The enjoyment by neighbouring occupiers of their properties.
- (b) The appearance of the locality.

CONDITION 3.

The garage(s) shall be used only for the accommodation of private motor vehicles.

REASON

To ensure that the proposed development does not prejudice the amenities of the locality by the introduction of commercial vehicles which could be a source of nuisance or annoyance to neighbouring occupiers by reason of noise and unsightly appearance.

CONDITION 4.

Details and/or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and approved by the Local Planning Authority before any works herein approved are commenced and no other materials shall be used without the express written consent of the Local Planning Authority, or in default, of the Secretary of State for the Environment.

REASON

To safeguard the visual amenities of the area.

CONDITION 5.

The parking and turning facilities shown on the deposited plan(s) herein approved shall be constructed to the satisfaction of the Local Planning Authority within 3 months of the commencement of any other part of the approved development or such longer period as may be approved by the Local Planning Authority and thereafter such facilities shall be retained unless the express written consent of the Local Planning Authority or, in default, of the Secretary of State for the Environment, is obtained for a change of use of those facilities.

REASON

To ensure that adequate off-street car parking is provided within the curtilage of the proposed development and thereby to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

CONDITION 6.

The width of the entrance giving access to the garage shall be 13 ft minimum. The width of the garage forecourt shall be 20 ft. minimum and there shall be a 2 ft. minimum safety strip between the forecourt and the boundary of the adjoining property.

OBJECT

To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

ARTICLE 7.

Details of the levels of all thresholds, fences, driveways and gutters shall be submitted to and approved by the Local Planning Authority or, in default, by the Secretary of State for the Environment, before any work is commenced, and no variation therefrom shall be constructed without the express written consent of the Local Planning Authority.

OBJECT

To ensure that the work is carried out at suitable levels in relation to the highway, having regard to the drainage, gradient of access and future highway improvement.

ARTICLE 8.

The access road and parking area shall be constructed in concrete, tarmac or other dustless material and be so maintained to the satisfaction of the Local Planning Authority.

OBJECT

To ensure that the proposed development does not prejudice the enjoyment by neighbouring owners of their property by reason of emission of dust and to prevent the deposit of sand on adjoining highways.

ARTICLE 9.

Adequate visibility shall be provided and maintained to the satisfaction of the Local Planning Authority above a height of 3'6" from footway level for a minimum distance of 10 ft. (3m) on both sides of the point of vehicular access within a 20 ft. x 200 ft. sight line along the Torrington Road frontage to the site from Marlstone Road.

OBJECT

To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.

ARTICLE 10.

(a) Before any part of the approved development is commenced, a scheme of planting of trees and/or shrubs on the site shall be submitted to and approved by the Local Planning Authority or, in default, by the Secretary of State for the Environment.

(b) Such scheme shall be completely implemented within 12 months of the first date on which any part of the approved development is commenced, unless the period is extended with the written consent of the Local Planning Authority.

(c) For a period of 12 months after the completion of the planting scheme the trees and/or shrubs shall be maintained to the satisfaction of the Local Planning Authority and any which die or are removed to clear a nuisance or remove a danger shall be replaced by trees and/or shrubs of types and in locations to be approved in writing by the Local Planning Authority.

OBJECT

To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the visual amenities of the locality.

CONDITION 10.

The boundaries of the site which do not abut on a highway shall be provided with a fence to a height of 6'0" in accordance with details to be submitted to and approved by the Local Planning Authority or, in default, by the Secretary of State for the Environment, before any work is commenced and the approved fencing shall be erected before any part of the development is occupied.

REASON

To safeguard the amenities of the locality and the privacy of adjoining occupiers.

CONDITION 11.

(a) Detailed drawings showing which trees are to be retained on the site shall be submitted to and approved by the Local Planning Authority, or in default, by the Secretary of State for the Environment, before any work is commenced, and none of the trees so shown shall be felled or logged without the prior written consent of the Local Planning Authority or, in default, of the Secretary of State for the Environment.

(b) During the period of construction of the development the trees to be retained on the site shall be protected by a chestnut paling fence 5'0" high placed at a minimum radius of 6 feet from the trunk of the tree; the fencing to be removed only when the development has been completed.

(c) The existing soil levels around the holes of the trees so retained shall not be altered.

REASON

(a) The existing trees represent an important visual amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition.

(b) & (c) To ensure that the trees are not damaged during the period of construction.

CONDITION 12.

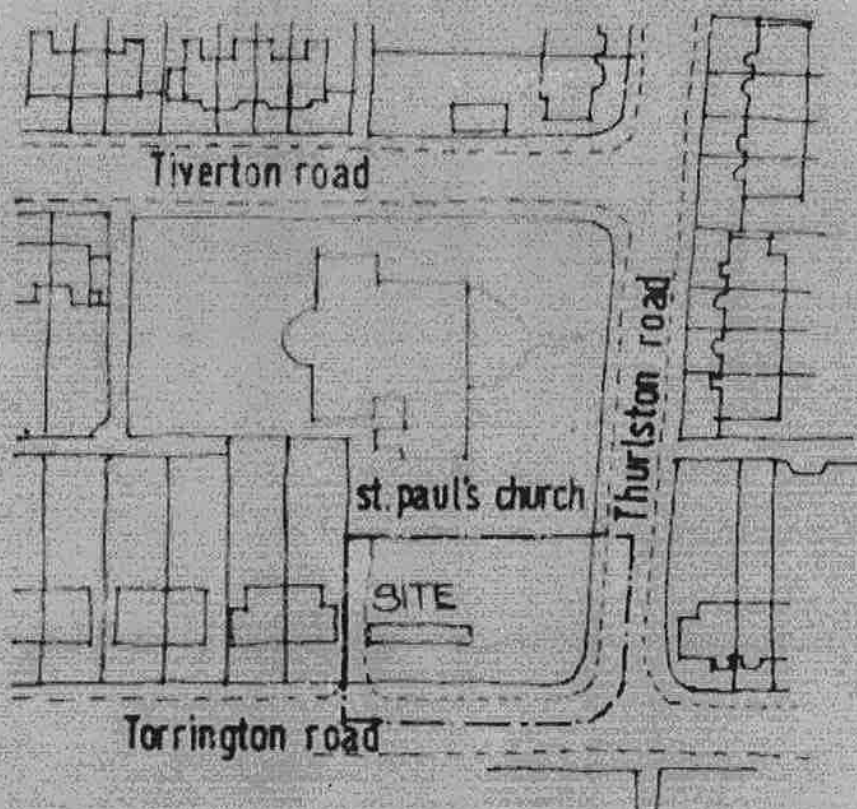
No trees shall be felled or logged without the prior consent in writing of the Local Planning Authority, or in default, of the Secretary of State for the Environment.

REASON

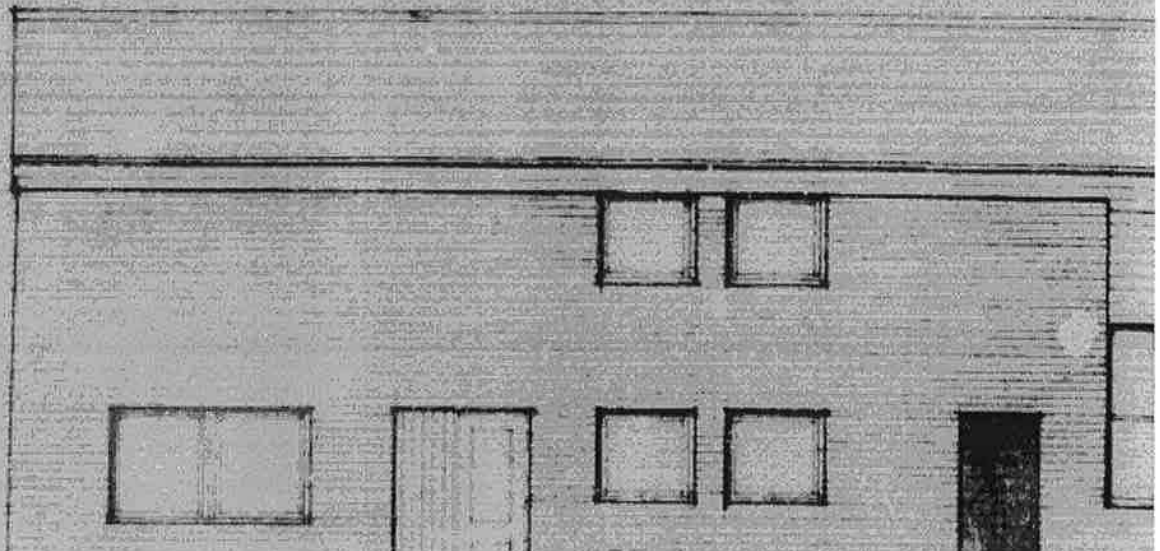
The existing trees represent an important visual amenity which the Local Planning Authority consider should be substantially maintained.

INFORMATIVE:

1. The applicants are advised that the present parking on the church site is not in accordance with the Council's current standards and that any development that may be contemplated on other parts of the site will not be permitted if it prejudices the provision of adequate parking.
2. You are advised of the necessity of providing suitable refuse collection arrangements for the occupiers of the flats within 75' of the adopted highway.
3. If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Hillingdon Borough Council as Highway Authority at the applicant's expense.



site location plan 1:1250



AGREEMENT

DATE *22nd May* 1974

PARTIES

- (1) HANOVER HOUSING ASSOCIATION
Hanover House, 168D High Street,
EGHAM, Surrey TW20 9HX
("the Association")
- (2) THE MAYOR ALDERMEN AND BURGESSES
OF THE LONDON BOROUGH OF HILLINGDON
of Town Hall, Hayes
Middlesex UB3 2SA
("the Council")

PROPERTY

Land adjoining Saint Paul's Church and abutting on to Torrington Road and Thurlston Road, Ruislip Manor, Middlesex which for the purpose of identification only is shown coloured red on the annexed plan. ("the Property")

RECITALS

1. The Council is the Local Planning Authority for the administrative area of the London Borough of Hillingdon.
2. The Association is the registered proprietor at H.M. Land Registry with Title Number of the Property.
3. The Association has made an application for planning permission (Reference Number 6628E/73/624) to erect a two-storey block of eight flats for occupation by elderly people.
4. The Council would normally require the provision of twelve vehicle parking spaces in connection with the proposed development but in view of the objectives of the Association and the likely vehicular parking needs of the occupiers of the proposed flats, is prepared to waive that requirement in the particular circumstances of this development.

OPERATIVE CLAUSES

1. This Agreement is made pursuant to Section 52 of the Town and Country Planning Act 1971 and the covenant on the part of the Association is conditional upon the grant of permission pursuant to the Town and Country Planning Act 1971 on the said application.
2. The Association agrees for itself and its successors in title that it will not without the written consent of the Council let or permit to be let any of the proposed flats to any person or persons other than elderly persons.

THE ATTACHED PLAN SHOULD ALSO BE SEALED AND SIGNED BY THE CHAIRMAN AND SECRETARY

SEALED BY THE ASSOCIATION in the presence of: }

x *C. Baker*

x CHAIRMAN

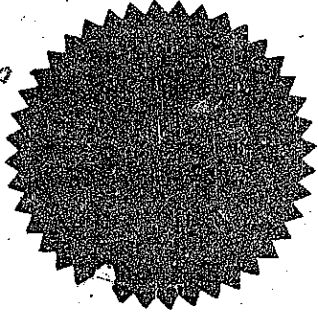
[Signature]
[Signature]

SECRETARY

SEALED BY THE COUNCIL in the presence of: }

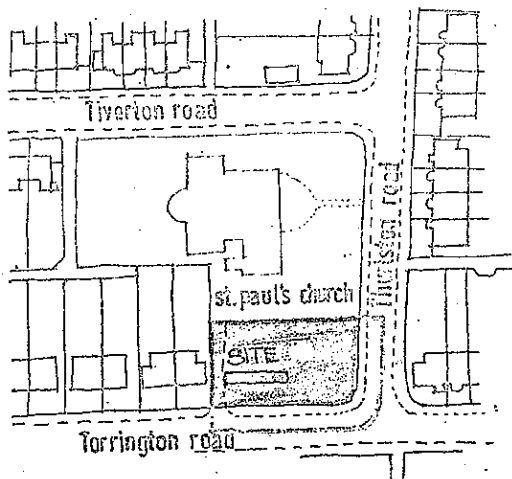
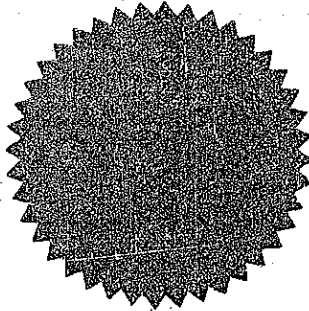
Mayor

Town Clerk and Chief Executive



W. A. Baker

C. V. Baker



site location plan 1:1250

C. V. Baker

DATED

22 May

1974

HANOVER HOUSING ASSOCIATION

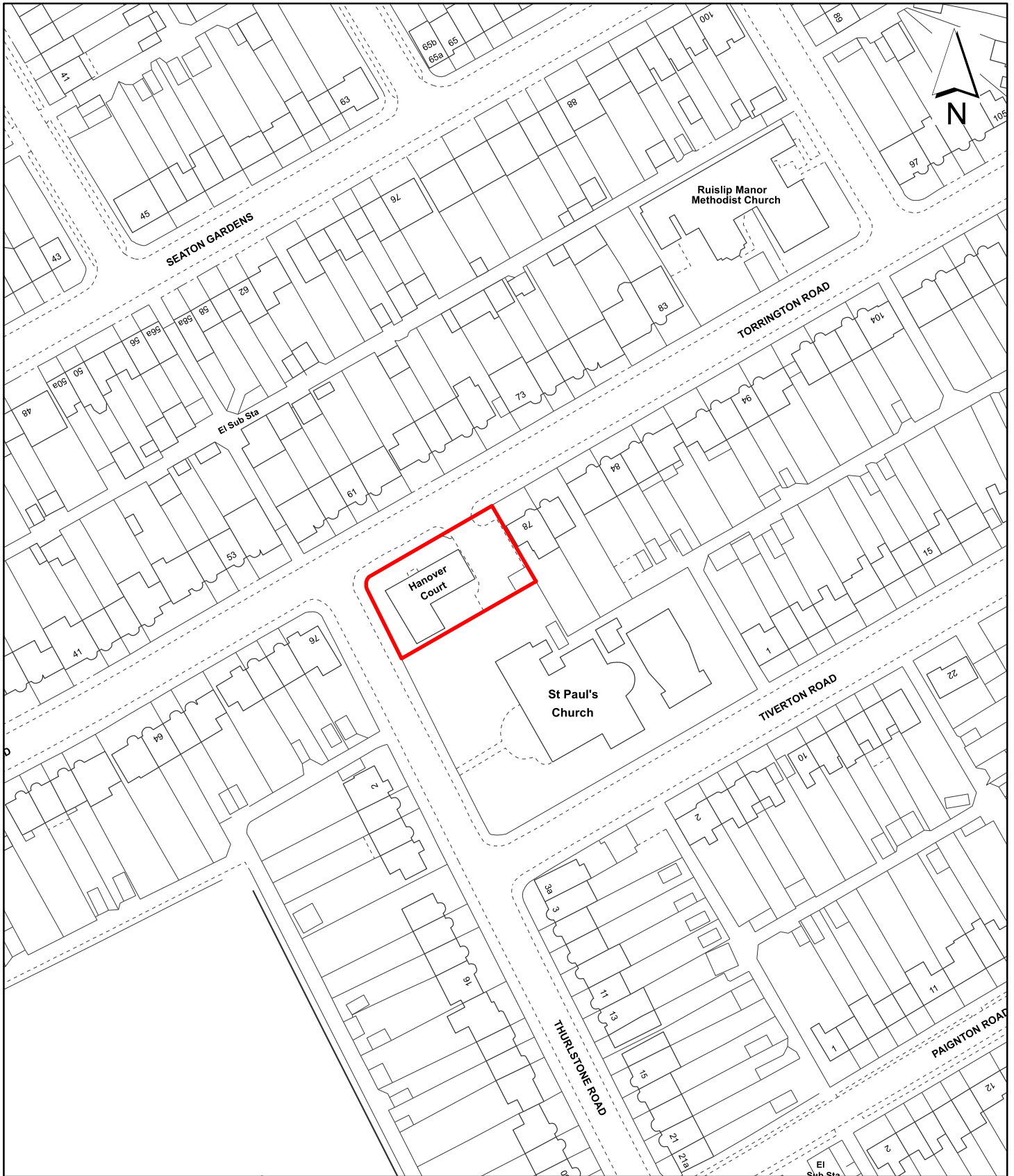
and

HILLINGDON LONDON BOROUGH COUNCIL

AGREEMENT

pursuant to Section 52 of the Town and Country
Planning Act 1971 relating to land adjoining
Saint Paul's Church and abutting on to Torrington
Road and Thurlston Road, Ruislip Manor, Middlesex

J A Kosky. LLB.,
Borough Solicitor
Town Hall
Hayes
Middlesex



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2014 Ordnance Survey 100019283</p>	<p>Site Address</p> <p>Hanover Court Torrington Court Ruislip</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services Planning Section</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Committee</p> <p>North</p>	<p>Scale</p> <p>1:1,250</p>	
		<p>Date</p> <p>July 2014</p>	 <p>HILLINGDON LONDON</p>