

Report of the Head of Planning, Sport and Green Spaces

Address FORMER TOMMY FLYNNS P.H. SUTTON COURT ROAD HILLINGDON

Development: Redevelopment of the site to provide a part 3, part 4 storey building containing 30 flats (Class C3) with associated parking, landscaping and rear communal amenity space (involving the demolition of the existing public house).

LBH Ref Nos: 8396/APP/2014/4118

Drawing Nos: DESIGN AND ACCESS STATEMENT PART 1
030 Rev 01
012 Rev 01
040 Rev 01
011 Rev 01
010 Rev 01
TREE CONSTRAINTS PLAN
200 Rev 00
201 Rev 01
202 Rev 01
Stroma Code for Sustainable Homes Pre-assessment report
Stroma Energy Statement
Planning Statement
Planning Statement Appendix
Transport Statement
BNP Paribas Real Estate Financial Viability Assessment
GHA Trees Arboricultural Impact Assessment GHA/DS/19960:1
Sitecheck Assessment reference SAS_63389385_1_
Air quality Assessment
203 01
204 01
300 01
301 02
Design and Access Statement revised
100 01
Financial Viability Assessment Bordersley Limited

Date Plans Received:	20/11/2014	Date(s) of Amendment(s):	20/11/2014
Date Application Valid:	06/01/2015		22/11/2014
			23/01/2015
			06/01/2015
			22/01/2015

1. SUMMARY

This application seeks consent for the redevelopment of the site to provide a part 2, 3 and 4 storey building containing 30 residential flats (12x1 bed, 16x2 bed and 2x3 bed), with 33 car parking spaces and associated landscaping.

The scheme has been considered by Officers, and the design and scale of the building revised in an attempt to overcome concerns with the scheme. The revised proposal, by reason of its density, scale, massing, bulk, height and form, is considered to be acceptable in the context of the site and surrounding street scene. The scheme would be of a scale and

character that is acceptable in terms of its impact on the amenities of the surrounding occupants. The proposed parking provision and layout is considered acceptable and to not give rise to unacceptable overspill or congestion in the surrounding roads.

Notwithstanding such, the scheme fails to provide 35% of the proposed units as affordable homes. A Financial Viability Assessment has been submitted by the applicants, however, when reviewed by the Council's appointed consultants, it has been noted that there are significant discrepancies in the development costs. Given the conclusions of the Council's consultant that the scheme is viable and in the absence of an on site provision of affordable units on the site, the scheme would fail to comply with policies 3.10, 3,12 and 3.13 of the London Plan, Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), SPD 'Planning Obligations' July 2014 and National Planning Policy Framework.

The proposal is therefore recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The scheme, in the absence of the on-site provision of 35% of the proposed units as affordable homes and absence of a Legal Agreement to secure such, would fail to comply with policies 3.10, 3,12 and 3.13 of the London Plan, Policy H2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), SPD 'Planning Obligations' July 2014 and National Planning Policy Framework.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE 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.

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.

BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
H4	Mix of housing units
H5	Dwellings suitable for large families
H6	Considerations influencing appropriate density in residential development.
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 3.7	(2011) Large residential developments
LPP 3.8	(2011) Housing Choice
LPP 3.11	(2011) Affordable housing targets
LPP 3.12	(2011) Negotiating affordable housing (in) on individual private residential and mixed-use schemes
LPP 3.13	(2011) Affordable housing thresholds
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.5	(2011) Decentralised energy networks
LPP 5.6	(2011) Decentralised Energy in Development Proposals
LPP 5.7	(2011) Renewable energy
LPP 6.13	(2011) Parking
LPP 7.4	(2011) Local character
LPP 7.5	(2011) Public realm
LPP 7.6	(2011) Architecture
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF4	NPPF - Promoting sustainable transport
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R16	Accessibility for elderly people, people with disabilities, women and children
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

3 I59 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a two storey former public house located on the corner of Sutton Court Road and Snowden Avenue. The surrounding area is mixed use in nature with residential semi-detached dwellings to the south and east of the site and retail units with residential flats on the upper floors to the west. Also within the surrounding area are a number of community facilities.

Whilst the site is not located within any flood zones, it is located within a Critical Drainage Area.

3.2 Proposed Scheme

This application seeks consent for the redevelopment of the site to provide a new building containing 30 residential flats, with associated parking, balconies, landscaping and amenity space.

The scheme was amended on the 4th March 2015, and again on the 21st May 2015, to try and address the concerns of Officers in relation to the overall size, scale, bulk and massing of the building proposed. It is the latest revisions from the 21st May 2015 that are the subject of this application.

30 residential units are still proposed as part of the application however the unit mix has altered to increase the number of two bed units being proposed and decrease the number of three bed units. The unit mix now proposed is 12 x 1 bed flats, 16 x 2 bed flats and 2 x 3 bed flats.

The building proposed has been located to appreciate the corner location of the site. It has been brought forward from the existing position of the public house, to align with the building lines along Sutton Court Road and Snowden Avenue. The proposed building varies in its height, rising from a two storey structure adjacent to No. 76 Snowden Avenue to four storey structure within the corner part of the site. Along the Sutton Court Road frontage, the building steps down to three storeys adjacent to No. 60 Sutton Court Road.

Car parking is proposed to the rear of the site and proposes 31 car parking spaces.

The main changes between the initial submission to the Council and the amendments received on the 21st May 2015 are as follow:

1. Removal of blank facing elevation of the previously proposed stair core adjacent to No. 76 Snowden Avenue and reduction in the height, width and overall bulk of the building. The building now proposes to match the height and eaves line of No. 76 Snowden Avenue.
2. The height and bulk of the building has been reduced further adjacent to No. 76 with the portion matching the height of No. 76, extending 6.4 metres in width into the site (6 metres

from the flank wall of No. 76), before increasing to a height of 8.3 metres eaves/10.3 metres to the ridge. Previously, it was proposed that the building would be at a height of 10.5 metres only 5.3 metres from the flank wall of No. 76 Snowden Avenue;

3. Removal of pitched roofs from centre portion of roof and decrease in the height of these parts of the proposed building from 13.8 metres to 11.8 metres in height;

4. Alterations to the proposed materials in the development to ensure a more consistent appearance to the building;

5. Change in the overall unit mix from 12x1, 12x2 and 6x3 bed units to 12x1, 16x2 and 2x3 bed units;

6. Alterations to the car parking layout to include additional landscaping and reduction in the number of car parking spaces from 33 to 31 to reflect the greater proportion of smaller units

3.3 Relevant Planning History

8396/APP/2013/1057 Tommy Flynn's Public House Sutton Court Road Hillingdon

Demolition of two storey public house and associated cellar and car park (Application for Prior Notification of Demolition)

Decision: 23-05-2013 PRN

Comment on Relevant Planning History

The planning history for the site is listed above. The only application of relevance to this scheme is:

- 8396/APP/2013/1057 - Demolition of two storey public house and associated cellar and car park (Application for Prior Notification of Demolition. This determined that prior approval was not required and the demolition could therefore go ahead.

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.H2 (2012) Affordable Housing

Part 2 Policies:

AM14 New development and car parking standards.

AM15 Provision of reserved parking spaces for disabled persons

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

BE19 New development must improve or complement the character of the area.

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5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- **22nd December 2014**
- 5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

64 residents were notified of the application and 21 responses and three petitions were received to the initial consultation on the 27th November 2014.

The main concerns raised by residents to the initial consultation were as follows:

1. Scheme will block sunlight to garden in Snowden Avenue;
2. Overlooking from residents to surrounding garden areas;
3. Concerns with regards to noise coming from flats;
4. concern that parking provision is insufficient and residents cars will overspill onto Sutton Court Road;
5. Blocked drains in the area are caused by the old drainage system, and adding more flats will worsen this problem;
6. Building would dominate the area and not blend in harmoniously with the surrounding area;
7. Building would result in overlooking and overshadowing to neighbouring properties;
8. Proposal exceeds density requirements;
9. Scheme is an overdevelopment of the site;
10. Concern with crime as views from high vantage points would allow criminals to view all of the surrounding properties;
11. Removal of nearly all the trees in the rear garden is unacceptable and destroys the character of the area;
12. Location of the car parking would result in disturbance to properties to rear by virtue of headlights and noise;
13. TV signal will be affected;
14. Whole development should be scaled down to two storeys for the whole development;
15. Building will be too close to the road, leaving potential residents on the ground floor suffering from noise disturbance from road and public;
16. Concern over what will happen to the air raid shelter in the rear;
17. No visitor parking is proposed, so visitors would park on the roads causing congestion;
18. Increase in traffic to area raises highway safety concerns as already a busy area;
19. Noise, disruption and dust during construction;
20. No real landscaping is proposed;
21. There will be problems with groundwater and surface water;
22. Scheme should incorporate affordable housing;
23. An additional 30 households will put an unnecessary burden on schools and doctors;
24. The Travel Plan is inaccurate as the estimate of 80 cars for the existing pub does not reflect the actual number of cars that would be parked. It was always lower as most would walk;
25. Concern with waste and the proposed bin store being located adjacent to No. 76 Snowden Avenue;
26. Bin store is not accessible to all residents as positioned at the far end. It will attract vermin and smell.
27. Unacceptable loss of community asset/facility;
28. Loss of outlook;

CONSULTATION RESPONSES FROM 5th MARCH 2015 CONSULTATION

9 comments were received in respect of this consultation which raised the following concerns:

29. Do not consider that 30 flats in this location is a good idea;
30. Loss of light to main living area;
31. Parking concerns;
32. Scheme should be affordable housing;
33. Insignificant changes to the design;
34. Building not proportionate to the surrounding buildings and public realm;
35. Building will overlook surrounding properties;
36. Insufficient car parking included in the development which will impact negatively on the local area;
37. Safety of road users and pedestrians as concern;
38. Roof garden and terraces will significantly impact on the privacy of neighbouring properties and increase anti social behaviour and crime;
39. Relocation of bin store will still impact greatly on residential amenity and be next to the main living room windows and windows used for ventilation 76 Snowden Avenue;
40. Concern with smells coming from refuse store to the adjacent property;
41. The refuse from one public house is no comparison to the amount that will be generated from 30 residential units. There are concerns that this will overflow and be insufficient;
42. Disabled parking is on the opposite side of the development to the waste store, which is not compatible with disability law requirements;
43. Development is not the same height or roof style as the existing buildings;
44. Oak Farm Estate already suffers from considerable traffic and parking problems with the many schools and existing residents, this will increase and road safety will be a real problem;
45. No assessments or safety reports have been submitted regarding the safety of the roof terrace;
46. 33 car parking standards fall short of the Council's standards. 1:1 allocation is insufficient;
47. This is a prominent corner site which must be treated with care in terms of the design and scale of any proposal;
48. The scheme exceeds the density margins and is an overdevelopment;
49. Overlooking, noise and light from the balconies and roof gardens will have a detrimental impact on the amenities of the surrounding occupiers;
50. Vehicles will be parking beneath the bedroom windows of the properties in Silver Way, which will be unacceptably noisy and cause disturbance with the headlights;
51. The open communal space will attract anti social behaviour;
52. The site would be better suited to a community use.

CONSULTATION RESPONSES FROM 26th MAY 2015 CONSULTATION

16 responses were received in respect of this consultation which raised the following concerns:

53. Modification to the roof has done nothing to improve the scheme and it will still dominate the area;
54. Increase in the central part will result in increased overlooking to the surrounding area;
55. The scheme is an overdevelopment of the site and any development here should be modest in size;
56. The loss of the garden to car parking will have a detrimental impact on residential amenity;
57. The lack of parking would lead to intolerable parking problems ;
58. The building is tall and overbearing in scale and would be out of keeping in the surrounding area
59. The open access to the car park is unacceptable as it would be a security risk to the adjoining properties;
60. Sutton Court Road is already chaos as it is a major route to and from Swakeleys, Abbotsfield, St Bernadettes and Oak Farm schools;
61. The three storey building will intrude on privacy as overlooking;
62. Concerns with regards to water pressure, sewage and drainage coping with more residential properties;
63. Landscaping proposed is inadequate;

- 64. Noise from the road will be disturbing to the ground floor residents of the development;
- 65. Light pollution from flats

PETITIONS

Three petitions have been received, one with 101 signatures, a second with 57 signatures and third with 94 signatures. The concerns raised within the petitions have been summarised above.

METROPOLITAN POLICE

1. Car Park

1.1 If, due to Planning/Overlooking Constraints, windows from habitable rooms in the eastern side wall are not acceptable, CCTV will have to be installed to monitor any area of the car park which cannot be overseen from habitable rooms within the building. (Post Meeting Note: This has been discussed with the Planning Officer and windows from habitable rooms in this facade would not be acceptable due to overlooking.)

1.2 Tree canopies within the car park need to be sufficiently high to allow visibility across the car park.

2. Boundaries

2.1 Refer to the Ground Floor Plan Mark-Up for agreed boundary heights.

2.2 Rear Boundaries: 2.1m high brick walls or close boarded fencing. If fencing, the upper 300mm can be open trellis, preferably diamond trellis.

2.3 Garden Fences to private gardens within the site: 1.8m high close boarded fencing. The upper 300mm can be open trellis, preferably diamond trellis.

2.4 Front Boundary (5 - on Mark-Up): 1.1m low level brick wall with brick posts and open metal infill. Metal infill to be positioned so it stops anyone from sitting on the brick plinth.

2.5 Separation between front gardens (4 - On Mark-Up): 1.1m low level brick wall

2.6 Side Pedestrian Gate between escape stair and 76 Snowden Avenue (1 - on MarkUp): 2.1m open metal pedestrian gate - code operated

2.7 Open Metal Fencing and Gate to Car Park (2 and 3 - on Mark-Up): 1.8m high. Sliding Vehicle Gate fob operated. Separate Pedestrian Gate code operated.

OFFICER COMMENTS: Officers have discussed the provision of a gate across the vehicular entrance to the site with the Councils Highways Officers and it is not considered appropriate in this instance to install such. A gate of the size required, would require space for cars to wait whilst the gate opened, so as to avoid obstructing the highway. In order to provide this space within the site boundary, it would require the loss of car parking spaces, which the Council would be unwilling to accept. This has been discussed with the Crime Prevention Officer, who accepts the constraints in providing such, and considers that the change of use of the site, lighting, and CCTV will be sufficient to address his concerns.

3. Lighting

3.1 Car Park Lighting to BS5489; no bollard lighting; lighting wall mounted or column lighting

3.2 Even lighting required. Min. 40% uniformity not falling below 25% uniformity.

3.3 Reading of 60 on colour rendering index.

4. Entrance

4.1 Entrance door and wall recess max. 600mm

4.2 Airlock to be created with space for mailboxes

4.3 AV Access Control; no Trade button; if Trade button on panel, this needs to be disabled

4.4 No letterbox slots to individual units

5. Doors and Windows

- 5.1 Communal Entrance door, Airlock door, Bin Store door and door into Escape Stair to LPS 1175 SR2 Standard
- 5.2 Bin Store door ideally 1 large and 1 small leaf, with the smaller being a slave leaf, with slam shut lock with thumbturn on the inside
- 5.3 All easily accessible doors and windows need to comply with BS: PAS 24
- 5.4 Balconies on 1st Floor need to be designed with minimum gaps between balustrade and posts and floor - if not, windows and doors onto 1st Floor Balconies have to comply with BS: PAS24
- 5.5 In addition to 5.3 and 5.4 glazing in easily accessible areas needs to be to P1A standard
- 5.6 All floors to be compartmentalised by secondary access doors (PAS 24 or LPS 1175) as marked on attached sketches for added access control/security. Remote doorbell to units at secondary access doors.

6. Additional Comments

- 6.1 Each unit to be fitted with 13 amp non-switchfuse spur for potential future fitting of an alarm
- 6.2 Ensure escape doors don't automatically open but just release in event of fire
- 6.3 If fobs are used for access to units they need to be encrypted
- 6.4 No voids under staircases on Ground Floor
- 6.5 Party walls to be in accordance with Secure by Design Standards.

Internal Consultees

HIGHWAYS

a. The traffic generation for the proposed residential development is considered to be underestimated. The transport assessment should demonstrate the suitability of the TRICs sites used for this assessment by demonstrating that the corresponding details of car-parking provision, on-street parking/restrictions, public transport accessibility and car ownership for these individual sites are comparable to the development site.

b. Given the pre-application advice regarding car parking, the proposed provision of 33 spaces is acceptable.

Further information was sought from the applicants in relation to part a) of the Highways Officers comments.

Further comments received from the highways officer relating to the additional information received:

It appears that the additional information has simply confirmed my concern that the comparator sites used for the assessment were not comparable to the development site in Hillingdon. Furthermore, no information has been provided regarding the provision of car parking within these sites and availability on-street parking.

I suspected the forecast traffic generation to be low because generally sites with high PTAL would have lower provision for car park and would also be subject to more restriction / controls for on-street parking.

In brief, the additional information provided actually reinforces my concern.

ENVIRONMENTAL PROTECTION UNIT

Regarding the above application, as a major app within the AQMA and air quality assessment needs to be submitted with the application. If they have at least desk top information on contamination, could they provide this as well. This is less of an issue as we can use a condition.

OFFICER COMMENT: An Air Quality Management Assessment and Desktop Contaminated land

report was submitted and reviewed by the officer who raised no objection and recommended that should planning permission be granted, any permission should include a standard contaminated land condition and an imports/landscaping condition to ensure the development is made suitable for use. It may be also advisable to include a details of energy provision condition to ensure NOx emissions are kept to a minimum.

N2 Sound insulation scheme (~ old N2)

Development shall not begin until a sound insulation and ventilation scheme for protecting the proposed development from [road traffic] and [air traffic] noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall [meet an acceptable internal noise design criteria] . Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by (road traffic) (air traffic) noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

INF 20 Control of environmental nuisance from construction work (~ Informative 20)

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.

You are advised to consult the Council's Environmental Protection Unit to seek prior approval under Section 61 of the Control of Pollution Act 1974 if you anticipate any difficulty in carrying out the works other than within the normal working hours set out above, and by means that would minimise disturbance to adjoining premises. For further information and advice, contact the Environmental Protection Unit, 3S/02 Civic Centre, High Street, Uxbridge, Middlesex UB8 1UW (tel. 01895 250155). I would suggest a condition requiring that doors are well fitting and sealed and that they are kept closed at all times other than for collections.

I suggest you also ask them whether they are planning any ventilation for this room because if they are it would be worth looking at the details.

WASTE

1) Flats

a) I would estimate the waste arising from the development to be 5100 litres. The number of bulk bins required = 5 (of 1,100 capacity)

The above is a minimum figure. The number of flats using the bins would have to be checked against the above. Initially all bulk bins on site would be for residual waste; then some of these could be

exchanged for recycling at a latter date, or an additional recycling bins added.

b) The bin enclosures must be built to ensure there is at least 150 mm clearance in between the bulk bins and the walls of storage area. The size and shape of the bin enclosures must also allow good access to bins by residents, and if multiple bins are installed for the bins to be rotated in between collections. The dimensions of an 1,100 litre bulk bin are shown in the table below: -

1,100 litre Eurobin: - 1,370 mm (H), 990 mm (D), 1,260 mm (W).

c) Arrangements should be made for the cleansing of the bin stores with water and disinfectant. A hose union tap should be installed for the water supply. Drainage should be by means of trapped gully connected to the foul sewer. The floor of the bin store area should have a suitable fall (no greater than 1:20 towards the drainage points).

d) The material used for the floor should be 100 mm thick to withstand the weight of the bulk bins. Ideally the walls of the bin storage areas should be made of a material that has a fire resistance of one hour when tested in accordance with BS 472-61.

e) The gate/door of the bin stores need to be made of metal, hardwood, or metal clad softwood and ideally have fire resistance of 30 minutes when tested to BS 476-22. The door frame should be rebated into the opening. Again the doorway should allow clearance of 150 mm either side of the bin when it is being moved for collection. The door(s) should have a latch or other mechanism to hold them open when the bins are being moved in and out of the chamber.

f) Internal bin chambers should have appropriate passive ventilators to allow air flow and stop the build up of unpleasant odours. The ventilation needs to be fly proofed.

g) If the chambers are inside the building they should have a light. The lighting should be a sealed bulked fitting (housings rated to IP65 in BS EN 60529:1992).

h) The collectors should not have to cart a 1,100 litre bulk bin more than 10 metres from the point of storage to the collection vehicle (BS 5906 standard).

i) The gradient of any path that the bulk bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the storage area is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to level of the collection vehicle.

The client for the building work should ensure that the contractor complies with the Duty of Care requirements, created by Section 33 and 34 of the Environmental Protection Act.

OFFICER COMMENTS:

The plans were revised following the reconsultation on the 5th March 2015 and the Officer confirmed that the design had factored in the points in the earlier memo, and is therefore satisfactory from a waste management prospective.

A reminder was added to the comments to ensure that the developer installs a dropped kerb for transfer of bins from the pavement to the collection vehicle and suggests that this is marked with a thick white line (on the carriageway) to discourage parking.

TREES AND LANDSCAPE REVISED COMMENTS

AMENDED OBSERVATIONS

(Following the submission of drawing No. 100 Rev 00, Proposed site plan, on 04/03/2015)

- The current layout indicates the loss of private/defensible space for the ground floor flats (to the rear). This should be re-instated.
- Some breaks have been made in the rows of parking spaces. However, the 'gaps' are too narrow to sustain structure planting / hedges and will be trampled by feet, or destroyed by car doors. Further sacrifice of parking spaces is required to provide suitable space for soft landscape.
- No further evidence / details as to how the existing trees can be retained with so much hard surfacing /parking adjacent to mature trees.

LANDSCAPE CHARACTER / CONTEXT:

Site description:

- The site is occupied by a former pub at the junction of Sutton Court Road and Snowden Avenue, at the interface between a shopping parade and a residential area.
- The 'L'-shaped site fronts onto both roads with parking along the site frontage accessible from both roads.
- There is large pub garden to the rear of the site and there were substantial trees along the south and east boundaries which contributed to the character and appearance of the area - and provided screening for the adjacent houses. Most of these trees are thought to have been removed shortly before the application was lodged.

Landscape Planning designations:

- There are no Tree Preservation Orders and no Conservation Area designations affecting the site.

Landscape constraints / opportunities:

- A new Tree Preservation Order has been served on an oak, one of the few remaining trees.
- Any new development should provide suitable landscape enhancement / replacement tree planting, to mitigate the loss of the mature tree cover.

PROPOSAL:

The proposal is to demolish the public house and redevelop the site to provide a part 3, part 4 storey building containing 30 flats (Class C3) with associated parking, landscaping and rear communal amenity space..

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.

- Mature trees with high amenity value have been removed from the site in order to facilitate the development (prior to the submission of the application).
- An Arboricultural and Planning Integration Report, by GHA Trees, dated 14th November (after the removal of much tree cover). The report assesses the condition and value of two remaining individual trees and one group.
- GHA's Tree Protection Plan indicates the protection and retention of all of the remaining trees within the proposed site layout. However, it is not clear how feasible it is to retain these trees, which are currently in a soft landscaped /garden situation, within the proposed areas of hard surfacing and car parks.
- Further information is required to show how the proposed no-dig construction, around the protected oak tree, will be incorporated into the surrounding landscaping scheme (the area of no-dig construction will be several inches higher than the surrounding area).
- The Design and Access Statement notes that the site frontage will be improved by the removal of hard standing (currently car parking) and replacement with 'high quality' landscaping intended to

provide privacy for residents and a landscape buffer between the site and the public realm.

·To the rear of the site the D&AS describes 'an important retreat and amenity space for the residents'. On plan this appears to be a minimal area, dominated by hard-standing required for cycle storage and car parking.

·This section also states that trees will be planted among the parking spaces. On plan the trees are indicated within the parking spaces with insufficient dedicated space to establish trees.

·The uninterrupted lines of parking spaces are visually unacceptable and contrary to Hillingdon's design guidance. There is no objection in principle to the proposed development subject to the loss of selected car parking spaces so that sustainable tree replacement can be secured along the east boundary.

·A third distinctive landscape feature is the provision of an intensive green roof / roof garden, providing external amenity / recreational space for residents. This feature will need to be designed as an integral part of the building. It should be capable of supporting structure planting (for example, trees, large specimen shrubs, tall bamboos) which will create attractive spaces for residents to enjoy - and be visible from ground level. Further information is required.

·If the application is recommended for approval, landscape conditions should be imposed to ensure that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

RECOMMENDATIONS:

There is no objection in principle to the proposed development subject to the loss of selected car parking spaces so that sustainable tree replacement can be secured along the east boundary.

If this cannot be secured, the development will be harmful to the character and appearance of the area.

OFFICER COMMENTS: This will be discussed in more detail within the relevant section of the report

FLOODWATER MANAGEMENT

The site lies in a Critical Drainage Area and therefore any proposals must control surface water on site to greenfield run off rates and a plan showing that an appropriate sustainable drainage arrangement is feasible.

ACCESS

The site is occupied by a two storey former public house set in 0.25 hectares on a corner parcel of land. The proposal is to demolish the existing building and erect a part 3 and 4 storey building to contain 30 apartments. The proposed unit mix is 12, one bedroom units, 12, two bedroom units, and 6, three bedroom units.

In assessing this application, reference has been made to London Plan July 2011, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted May 2013.

All 30 apartments are said to have been designed to meet the Lifetime Home Standards, three of which have been upgraded to be accessible to wheelchair using occupiers. 33 car parking spaces are to be provided, which includes 4 accessible spaces.

The following access observations are provided:

1.It is unclear from the submitted plans whether a passenger lift has been incorporated into the design. Although the wheelchair home standards units would be located on the ground floor, a minimum of one passenger lift should nonetheless be provided.

2.To allow minimum of one bathroom within every flat to be used as a wet room in future, plans should indicate floor gulley drainage.

OFFICER COMMENTS - One passenger lift has been shown on the submitted plans. The applicant was advised of the floor gulley drainage requirement and had the scheme been acceptable, an informative requesting such would have been added.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The Council has approved the demolition of the building within application reference 8396/APP/2013/1057. Given this consent, and that the building is not considered to be of any particular architectural merit, no objection is raised to the demolition of the existing building and its replacement with a building of an appropriate design and scale.

The London Plan (March 2015) aims to provide more homes within a range of tenures across the capital meeting a range of needs, of high design quality and supported by essential social infrastructure. In terms of new housing supply, the Borough of Hillingdon has been allocated a minimum target of 4,250 in the period from 2011-2021.

The National Planning Policy Framework (NPPF) and Hillingdon's Local Plan support the provision of residential accommodation in appropriate locations. The surrounding area is predominantly residential and therefore there is no objection to the redevelopment of the site for residential purposes, provided this is an appropriate design and scale, and meets the requirements of all the relevant criteria and policies of the Council's planning policies.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (July 2011) advises that Boroughs should ensure that development proposals maximise housing output having regard to local context, design principles, density guidance in Table 3.2 and public transport accessibility. Table 3.2 establishes a density matrix to establish a strategic framework for appropriate densities at different locations.

The scheme proposes a density of 320 hr/ha and 120 units/hectare, which is considerably higher than the London Plan policy target for this area which is 150-250 hr/ha.

Whilst it is acknowledged that the scheme exceeds the density targets for such an area, given the sites corner position and architectural approach, mixed pattern of surrounding development, which contains family housing as well as flats and maisonettes, the scheme is considered to be of a wholly appropriate density for the site, which is in close proximity to services, shops and bus routes.

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

The proposal is not sited within or close to a conservation area or an area of special local character. The scheme would also not affect any listed or locally listed building, nor is it sited within an area that is of archaeological interest.

7.04 Airport safeguarding

Not applicable to the consideration of this application.

7.05 Impact on the green belt

Not applicable to the consideration of this application as the site is not located within the Green Belt.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

requires all new development to maintain the quality of the built environment including providing high quality urban design. Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fails to harmonise with the existing street scene, whilst Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.

Policy 3.5 of the London Plan states that the design of all new housing developments should enhance the quality of local places, taking into account physical context and local character and Policy 7.4 states that buildings, should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area is informed by the surrounding historic environment.

The site is located on a prominent corner. At present the existing building is set back from the building lines on both Snowden Avenue and Sutton Court Road, and maintains a significant separation distance to the east and south boundaries. Whilst the existing building is notably higher than those adjacent, its set back and hipped roofs, ensure that this building does not dominate its setting. Car parking for the existing Public House is sited along the street fronting elevations.

In terms of the character of the surrounding development, the existing and surrounding buildings are modest in scale and largely two storey, some with accommodation in the roof. The development to the west of the site is three storeys, however given the design and flat roof form of these buildings, they remain relatively modest in appearance.

This scheme proposes to locate the building to follow the established building lines of both the Sutton Court Road and Snowden Avenue dwellings. No objection is raised to the proposed siting of the building which is considered appropriate for its corner setting.

The scheme has been revised in an attempt to address the concerns of Officers in respect of the bulk, scale, design and massing of the building. The main changes have occurred to the elevation adjacent to No. 76 Snowden Avenue and the corner element of the building. The elevation adjacent to No. 76 Snowden Avenue, has been reduced in height and scale so as to create more a stepped elevation and reduce the impact on this dwelling. The building will be set 6 metres from the flank wall of No. 76 and match the height of the eaves/ridge of No. 76. This height will be maintained for a width of 6.4 metres and will then increase to 10.5 metres (8.3 metres to the eaves) and then increase to the maximum height of 11.8 metres, some 21 metres from the flank wall of No. 76.

It is considered that the reduction in the height of this portion of the proposed building and alterations to the overall design of this, to remove the incongruous flat roof element that was previously proposed, have reduced the massing and appearance of this element to an acceptable degree. The design has been further altered to remove the pitched roof features that were present on the central core of the building, and replace these with a flat roof.

Overall, whilst it is acknowledged that the central portion of the building is higher than those existing dwellings within the street scene, this is considered acceptable. This is because of the sites corner setting, which allows for and can accommodate the additional height proposed in this central portion of the building. The additional height proposed creates a

focal point for the building, which replicates on a larger scale, the design and appearance of the existing Public House. The design of the building, stepping up in height on each side from the existing residential dwellings is considered to respect the character, scale and appearance of the street scene. The overall scale of the building is considered acceptable in the context of the site and the surroundings.

The design approach of the building has been revised from the original submissions to propose a simplified palette of materials, design and form of the elevations. It is considered that the overall design and form of the buildings are acceptable and respect the general mixed design approach of buildings within the surrounding area.

Overall, the scheme is considered to comply with Policies BE1, BE13 and BE19 of the Hillingdon Local Plan (March 2015).

7.08 Impact on neighbours

The Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to safeguard the amenities of neighbouring residents in a number of ways. The effect of the siting, bulk and proximity of a new building on the outlook and residential amenity of these adjoining occupiers are considered under Policy BE20, whilst potential impacts on daylight/sunlight (Policy BE21) and privacy (Policy BE24) are also assessed.

Paragraph 4.9 of the SPD, the Hillingdon Design & Accessibility Statement: Residential Layouts (July 2006) further advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. Generally, 15m will be the minimum acceptable distance between buildings. Furthermore a minimum of 21m overlooking distance should be maintained.

Paragraph 4.11 of HDAS Residential Layouts states that the 45° principle will be applied to new development to ensure the amenity of adjoining occupiers and future occupiers are protected. Paragraph 4.9 states that a minimum acceptable distance to minimise the negative impact of overbearing and overshadowing is 15m. Paragraph 4.12 requires a minimum of 21m distance between facing habitable room windows to prevent overlooking and loss of privacy. Policy BE21 states that planning permission will not be granted for new buildings which by reason of their siting, bulk and proximity would result in significant loss of residential amenity.

The proposed development would decrease the separation distances between the existing and adjoining properties. The proposed building would be located approximately 6.2 metres away from the flank wall of No. 76 Snowden Avenue (approximately 8 metres closer) and 18 metres from the flank wall of No. 60 Sutton Court Road (approximately 10 metres closer).

In terms of the impact on No. 76 Snowden Avenue to the south of the application site, the proposed development would be 8 metres closer to the flank wall of this property than exists at present. A separation distance of approximately 6.2 metres is proposed between the flank wall of the No. 76 and the proposed development. The development has been reduced in height, and the form of this element of the building altered to incorporate a hipped roof. This part of the building extends approximately 7 metres beyond the rear elevation of No. 76. Notwithstanding such, in this instance, given the 6 metre separation distance between the two buildings, the lowered height, scale and form of the element closest to No. 76, and the proposal meeting the 45 degree line, on balance, the proposal is not considered to appear

unduly overbearing to this occupant, nor to result in an unacceptable loss of light or privacy

It is noted that No. 76 has two windows in the ground floor side elevation. These are both obscurely glazed and a secondary and bathroom window. Given the use and secondary nature of the windows, limited weight is given to the impact on these windows and it is considered that refusal could not be justified on such grounds.

It is also noted that consent has recently been granted for a two storey side and rear extension to this property (17008/APP/2015/1158) which was submitted to the Local Planning Authority in April 2015 and determined on the 26th May 2015. It is worth noting that this is a re-submission of a previous application (17008/APP/2006/1225) which was granted permission in July 2006. Neither the previous consent or the recent permission have been implemented on site. It is considered that regard has to be had to this in consideration of the application, but given the extension has not been and may not be commenced limited weight should be attached to the impact on this extension.

Notwithstanding this, were both applications to be implemented, the impact would be that part of this proposed building would slightly impinge on a 45 degree line taken from the centre of new windows in the extension of 75 Snowden Avenue. The HDAS Residential Layouts indicates in what situations such an arrangement may, although not always, have unacceptable impacts on the amenity of the neighbouring property. This being where a 45 degree horizontal angle measured from the middle of a principle window to a habitable room on the adjoining dwelling is breached. In this case the first floor window impacted in the extension would serve a bathroom and not a habitable room, whereas the ground floor room impacted would be an open plan kitchen/dining space served by three windows in total. As such, this scenario would not be contrary to the Council's adopted guidance and the extended property at no. 76 Snowden Avenue would benefit from appropriate living conditions in this scenario.

Accordingly, the extant permission at no. 76 Snowden Avenue is not considered to weight against the grant of permission in this case.

In terms of the impact of the proposal on No. 60 Sutton Court Road, this property has a window in the side elevation which serves a staircase. Given the separation distance between the proposed development and this property, the scheme is not considered to have a detrimental impact on the amenities of this occupier.

Distances of between 24-29 metres are maintained between the proposed development and the nearest surrounding residential properties in Sutton Court Road and Snowden Avenue. A distance of over 40 metres would be maintained between the proposed development and the rear elevations of the properties in Silver Way. These distances are considered sufficient to ensure that the proposed building and amenity spaces would not give rise to unacceptable levels of overlooking to the surrounding occupiers. In any case, there is a certain degree of common overlooking which occurs to each resident in the area as a result of the common pattern and layout of the existing streets. Given that the scheme complies with the Councils separation distances in terms of privacy and overshadowing/overbearing, the Council consider that the scheme is acceptable on these grounds.

Concerns have been raised in relation to the noise impact from the proposed development which will be addressed within section 7.18 of the report.

7.09 Living conditions for future occupiers

INTERNAL FLOOR SPACE

The London Plan (March 2015) in Policy 3.5 sets out the minimum floor areas required for proposed residential units in order to ensure that they provide an adequate standard of living for future occupants. This scheme provides a mix of 1, 2 and 3 bed units, of varying sizes. The London Plan standards for the accommodation proposed is as follows:

1-bed 2-person 50m²
2-bed 3-person 61m²
2-bed 4-person 70m²
3-bed 4-person 74m²
3-bed 5-person 86m²

The gross internal floorspace for the proposed flats would be in excess of these requirements. In terms of the internal layout of the proposed units, these are generally considered acceptable and therefore the level of residential amenity provided for future occupiers would be considered to be in accordance with Policy 3.5 of the London Plan (November 2012).

EXTERNAL AMENITY SPACE

The Hillingdon Local Plan: Part Two Policy BE23 states that new residential buildings should provide or maintain external amenity space which is sufficient to protect the amenity of existing and future occupants which is useable in terms of its shape and siting. Developments should incorporate usable, attractively laid out and conveniently located garden space in relation to the flats they serve. It should be of an appropriate size, having regard to the size of the flats and character of the area.

In terms of the garden space requirements, if the spaces are to be shared, the Council would expect there to be 20sqm for 1 bed flat, 25sqm for a 2 bed flat and 30sqm for a 3 bed flat. Balconies should be provided where possible for upper floor flats, along with private patio or garden areas for ground floor units.

The scheme would be expected to provide a minimum of 700sqm of amenity space. Overall the scheme provides approximately 843.5sqm of amenity space, in the form of 134sqm, ground floor shared space, 273.8 sqm rooftop space and 435.9sqm of balconies/patio/garden areas for the flats.

The proposal meets with the Council's requirements in terms of amenity space. Had the scheme been found acceptable in all other regards, a condition would have been recommended requiring details of the treatment proposed around the balconies and terrace areas. Of most concern is the rooftop terrace and the relationship between this and the flats on this level. The majority of the windows to these flats face onto the Sutton Court Road and Snowden Avenue. However, the main living window/door would also be visible from part of the communal terrace area. However, adequate screening around the private terrace for this flat could adequately overcome any overlooking into the flats, and could be secured by condition. Similarly the treatment proposed around the terrace and to the balconies would be important to ensure that this is acceptable in visual terms.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

London Plan policy 6.1 seeks to ensure that the need for car use is reduced and Table 6.2 sets out the parking requirements for developments.

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)

considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

It is important to note that at the time of pre-application discussions and the initial submission of this application, that the parking requirements for the site were based on the London Plan (June 2011) requirements set out in Table 6.2. Further amendments have been made to the parking requirements for sites within the London Plan following a review by the Mayor of car parking standards. Parking provision for residential developments now sets out the parking provision required for developments, dependant on the density and PTAL of the development. The London Plan states therefore that such a scheme should provide up to 1.5 spaces per unit, with the maximum residential parking standards for 1-2 bed units being less than 1 space and 3 bed units, up to 1.5 per unit.

This scheme provides 1 space for each of the 1 and 2 bed units and 1.5 spaces for each of the three bed units, which includes 4 disabled parking bays. Whilst concerns have been raised in relation to the number of spaces proposed and the impact of overspill parking in the surrounding streets, the scheme has been reviewed by the Council's Highways Officers, who consider that this provision is acceptable. The general parking arrangement and provision is considered acceptable for this site and no objection is raised.

Concerns were raised by the Highways Officer in respect of the data received in relation to traffic generation from the proposed development. It is considered by Officers that whilst the number of trips to and from the site during the day will be higher than that generated by the existing public house, this is not predicted to be of such a number that the existing highway network could not accommodate such. On balance, the scheme is not considered to give rise to an unacceptable impact on the general highway conditions of the surrounding area.

CYCLE PARKING

Secure, covered cycle parking is required as part of any scheme and this is located adjacent to the southern boundary of the site. A minimum of one space is required for 1-2 bed units and 2 spaces for 3+ units. This scheme would require 32 cycle spaces to be provided, which the plans illustrate. Had the scheme been found acceptable, details of the design and scale of the proposed cycle storage would have been requested.

REFUSE

A bin store is located at ground floor level on the southern part of the building. This is an integral feature of the building and the doors to this space open out onto Snowden Avenue. The store is accessed by residents from inside the building, and the intention is that the external doors will be solely for the collection of the bins. The scheme has been reviewed by the Council's Waste Officer who raises no objection to the location of the refuse store, its size and arrangements for collection.

Concern has been raised by residents in relation to the location of the bin store, its smell and the potential for this to attract vermin to this part of the site. The doors of the bin store have been relocated from the southern elevation to the western elevation of the building, and the applicants have confirmed that the external doors to the store will remain locked shut until collection day. Had the scheme been found acceptable, a condition could have been added to ensure that the external doors were only used during rubbish collection days.

This would ensure that no smells or rubbish would overspill onto the site and reduce the risk of vermin being attracted to the site. With regards to the location of the store and how accessible this would be for flats in the eastern parts of the building and any disabled occupants for example, the scheme has been reviewed by the Council's Waste and Access Officer, who consider that the siting of the bin stores is acceptable for this development.

7.11 Urban design, access and security

URBAN DESIGN

See section 7.07

UNIT MIX

Saved Policies H4 and H5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), seek to ensure a practicable mix of housing units are provided within residential schemes. One and two bedroom developments are encouraged within town centres, while larger family units are promoted elsewhere.

The scheme proposes predominantly 1 and 2 bed units, with the majority of the two bed units, in excess of the adopted floor space standards. Overall, the mix proposed is considered acceptable for the location of the building and no objection is raised.

SECURITY

The scheme has been reviewed by the Metropolitan Police Liaison Officer, who raises no objection to the scheme but raises a number of suggestions to improve the security of the site. Where possible, the applicants have discussed the comments of the Officer with the Council and sought to incorporate the most suitable suggestions within the amended plans, to which no objection is raised. Had the scheme been found acceptable in all other respects, a 'Secure by design' condition would have been added to ensure that these suggestions were considered and incorporated on any approved scheme.

7.12 Disabled access

The scheme has been reviewed by the Council's Access Officer who raises no objection to the scheme. The applicants confirm that the scheme would be constructed in accordance with Lifetime Homes Standards and would be compliant with London Plan Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document "Accessible Hillingdon" adopted May 2013. Given such, no objection is raised to the application in this respect.

7.13 Provision of affordable & special needs housing

The London Plan sets the policy framework for affordable housing delivery in London. Policies 3.10-3.13 requires that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets.

The application exceeds the threshold of 10 units and above, and therefore on site provision of affordable housing would be expected on such a scheme. The applicants have not provided any on site affordable housing and a Financial Viability Report has been submitted with the application.

In order to establish the level of planning contributions and affordable housing that can be supported by the proposed development the Council will take into account the economic viability of a scheme and the most effective use of public subsidy, as well as any particular costs associated with the development of the site. In such cases, the Council will request that the developer provides a financial appraisal of the scheme so that a fair contribution

can be agreed.

In this case, it is stated by the applicant that the provision of 35% affordable housing and Hillingdon and Mayoral CIL compared with the construction costs, would render the development 'unviable'. The Council's independent consultant has reviewed the viability appraisal submitted and disagrees with the applicants assessors costs and conclusions. There are a number of costs included for the development such as those for utilities, landscaping, fencing etc, which are in dispute. The Council's consultant therefore considers that the actual costs of developing this site are such that the scheme could support the required affordable housing, contributions and remain viable.

Based on the assumptions and comments of the Councils Consultant, the scheme is considered to provide a positive policy compliant Residual Land Value, which when set against the adopted Site Value, provides a surplus and is therefore considered viable. In light of the conclusions that the scheme is viable, the failure to provide 35% of the proposed units as affordable housing, would be contrary to the Councils adopted policies and guidance.

7.14 Trees, landscaping and Ecology

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.

Mature trees with high amenity value have been removed from the site in order to facilitate the development. An Arboricultural and Planning Integration Report has been produced by GHA Trees, dated 14th November (after the removal of much tree cover). The report assesses the condition and value of two remaining individual trees and one group.

GHA's Tree Protection Plan indicates the protection and retention of all of the remaining trees within the proposed site layout. However, it is not clear how feasible it is to retain these trees, which are currently in a soft landscaped /garden situation, within the proposed areas of hard surfacing and car parks. The tree report states at section 6.15 of the report that the 'design for this proposed access route must be drawn up by a structural engineer, in close co-ordination with the retained Arboriculturist'.

Had the scheme been found acceptable, further information would be required to show how the proposed no-dig construction, around the protected Oak tree, would be incorporated into the surrounding landscaping scheme.

The Design and Access Statement notes that the site frontage will be improved by the removal of hardstanding (currently car parking) and replacement with 'high quality' landscaping intended to provide privacy for residents and a landscape buffer between the site and the public realm. To the rear of the site the D&AS describes 'an important retreat and amenity space for the residents'.

The size and scale of this landscaping is very minimal in this area and the majority is dominated by the hardstanding required for cycle storage and car parking. The revised plans have resulted in a reduction in the number of car parking spaces required, which has allowed for more landscaping to the rear. Whilst the comments of the Council's Landscape Officer are noted in respect of the amount of soft landscaping for the site, it is considered that with careful consideration, a meaningful and appropriate landscaping scheme could be

implemented on the site. There are several areas where planting/green walls could be used so as to soften the appearance of the building and if the application was recommended for approval, landscape conditions would have been imposed to ensure that the proposals preserve and enhance the character and local distinctiveness of the surrounding natural and built environment.

7.15 Sustainable waste management

Not applicable to the consideration of this application.

7.16 Renewable energy / Sustainability

A Code Pre-Assessment and Energy Statement have been provided with the application, which confirms that the scheme would achieve a 34% reduction in carbon dioxide emissions against the 2013 Building Regulations and also achieve Code Level 4. This complies with the London Plan and Council's policies.

7.17 Flooding or Drainage Issues

The site lies in a Critical Drainage Area and therefore any proposals must control surface water on site to greenfield run off rates and a plan showing that an appropriate sustainable drainage arrangement is feasible. Had the scheme been found acceptable, this would have been requested via a planning condition

7.18 Noise or Air Quality Issues

Concerns have been raised in relation to the juxtaposition of car parking spaces and existing residential houses. The car parking spaces are shown abutting the boundaries with the residential properties to either the east or south.

The applicant has submitted a noise assessment, which looked at the potential noise levels likely from within and between the flats, the roof terraces, garden and balconies and car park. The conclusions are that subject to adequate design measures, which for the car park, would include the installation of a suitable fence along the south/east boundaries, the scheme would not give rise to unacceptable levels of noise disturbance to the surrounding residents. The levels of noise predicted within the survey, comply with the Council SPG 'Noise' and therefore no objection is raised to the scheme on noise grounds.

7.19 Comments on Public Consultations

The comments arising from the public consultation have been dealt with throughout the body of the report.

In relation to comments concerning noise and dust from construction and the scheme decreasing house prices, these are not material planning considerations and therefore cannot be considered in the assessment of the application.

7.20 Planning obligations

As of 1st August 2014, the Council's CIL would become effective which replaces a number of S106 requirements. Planning Obligations are still relevant for securing the provision of Affordable Housing, Air Quality Improvements, Employment training provision and open space and recreation.

Given the size of the development proposed, the scheme would be expected to provide 35% of the housing proposed as affordable housing. This provision is sought on site, except in exceptional circumstances.

The applicants advise that as a result of the development costs and land value associated with this scheme, that affect the viability, no affordable housing can be provided. The application was referred to an independent third party, appropriately qualified, financial

advisor who concluded that there were several discrepancies in the development costs, and overall, the scheme would be viable if the level of affordable housing sought by the Council's policies was provided. In its current form, the scheme fails to comply with the Councils adopted policies and guidance.

CIL

In this instance the new floorspace is CIL liable, which would require a payment calculated as £199,315.61. The new floorspace would also be liable for the Mayoral CIL at a payment calculated as Mayoral CIL = £78,042.15.

7.21 Expediency of enforcement action

Not applicable to the consideration of this application.

7.22 Other Issues

There are no other issues for consideration with 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

Not applicable to the consideration of this application.

10. CONCLUSION

In terms of the overall size, scale, siting and design of the proposal, this is considered to be appropriate to the surrounding street scene and is not considered to have a detrimental impact on the amenities of nearby occupants. The proposed parking provision and layout is considered acceptable and to not give rise to unacceptable overspill or congestion in the surrounding roads.

Notwithstanding such, the scheme fails to provide 35% of the proposed units as affordable homes. A Financial Viability Assessment has been submitted by the applicants, however, when reviewed by the Councils appointed consultants, there are significant discrepancies in the development costs and the Councils conclusions are that the scheme is viable and could provide the required affordable units.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
HDAS: Residential Layouts
The London Plan 2015
The Mayor's London Housing Supplementary Planning Document
HDAS: Accessible Hillingdon
National Planning Policy Framework
SPD 'Planning Obligations' July 2014

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