

## 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 new three storey building containing 26 flats (Class C3) with associated parking, balconies, landscaping and rear communal amenity space

**LBH Ref Nos:** 8396/APP/2016/777

**Drawing Nos:** 214-PL-010 Rev 00  
214-PL-011 Rev 00  
214-PL-012 Rev 00 Demolition Plan  
214-PL-100 Rev 00  
214-PL-200 Rev 03  
214-PL-201 Rev 03  
214-PL-202 Rev 04  
214-PL-203 Rev 03  
214-PL-300 Rev 03  
214-PL-301 Rev 04  
Design and Access Statement Pages 17-21  
Design and Access Statement Pages 1-16  
Tree Protection Plan Rev C  
PL-020 Rev 00  
Planning Noise Assessment BS 33699/PNA/Rev 1  
Planning Statement  
Daylight and Sunlight Assessment Revision  
Energy and Sustainability Statement  
Transport Statement  
Arboricultural and Planning Integration Report reference GHA/DS/19960:1  
SuDS Drainage Statement  
Financial Viability Assessment

**Date Plans Received:** 24/02/2016

**Date(s) of Amendment(s):**

**Date Application Valid:** 24/02/2016

### 1. SUMMARY

This application seeks consent for the redevelopment of the site to provide a new three storey building containing 26 flats (12 x 1 bed and 14 x 2 bed) with associated parking, balconies, landscaping and rear communal amenity space.

The scheme has been considered by Officers, and by reason of its density, scale, massing, bulk, height and form, is considered 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.

In terms of the density and quality of the accommodation proposed, this is considered to comply with the adopted standards and to provide suitable amenity for the proposed occupiers.

Whilst the scheme does not include the provision of on site affordable housing, a contribution of £226,022 has been agreed with the applicant and will be secured along with contributions towards construction training, highway works, travel plan and monitoring.

The proposal is therefore recommended for approval, subject to the conditions and satisfactory completion of a section 106 agreement

## **2. RECOMMENDATION**

**That delegated powers be given to the Head of Planning and Enforcement to grant planning permission, subject to the following:**

**A) That the Council enter into a Section 106 Agreement or other appropriate legislation to secure:**

- i) Affordable Housing: A financial contribution of £226,022 towards affordable housing;**
- ii) Highway Works: S278/S38 for required Highways Works;**
- iii) Construction Training: A financial contribution to the sum of: Training costs: £2500 per £1m build cost plus Coordinator Costs - £9,600 per phase or an in kind scheme to be provided;**
- iv) Travel Plan to include £20,000 Bond;**
- v) Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.**

**B) That the applicant meets the Council's reasonable costs in the preparation of the S106 Agreement and any abortive work as a result of the agreement not being completed.**

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

**D) That if any of the heads of terms set out above have not been agreed and the S106 legal agreement has not been finalised before the 13/10/2016, or any other period deemed appropriate that delegated authority be given to the Head of Planning and Enforcement to refuse the application for the following reason:**

**'The applicant has failed to provide measures to mitigate the impacts of the development through enhancements to services and the environment necessary as a consequence of demands created by the proposed development (in respect of sustainable transport, environment, affordable housing, and construction training). The proposal therefore conflicts with Policies AM7 and R17 of the adopted Local Plan and the Council's Planning Obligations SPD and the London Plan (FALP 2015).**

**E) That subject to the above, the application be deferred for determination by the Head of Planning and Enforcement under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.**

**F) That if the application is approved, the following conditions be attached:**

**1            RES3            Time Limit**

The development hereby permitted shall be begun before the expiration of three years for

the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

**2 RES4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 214-PL-100 Rev 00; 214-PL-200 Rev 03; 214-PL-201 Rev 03; 214-PL-202 Rev 04; 214-PL-203 Rev 03; 214-PL-300 Rev 03; 214-PL-301 Rev 04 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015).

**3 RES5 General compliance with supporting documentation**

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:

Reduction in energy use and renewable technology installation [Energy and Sustainability Statement reference 07-14-40561 ES3]

SUDS [SuDS Drainage Statement February 2016, Draft 1 prepared by EAS]

Noise Mitigation [Planning Noise Assessment reference BS 33699/PNA/Rev B]

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

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2015)

**4 RES6 Levels**

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

REASON

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

**5 RES7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

## REASON

To ensure that the development presents a satisfactory appearance and protects the amenities of existing and adjacent occupiers in accordance with Policies BE23, BE24 and BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

### **6 OM19 Construction Management Plan**

Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (ii) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

## REASON

To safeguard the amenity of surrounding areas, which is close to a number of schools, in accordance with Policy OE1 and AM7 of the Hillingdon Unitary Development Plan (Saved Policies 2012).

### **7 RES8 Tree Protection**

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details. The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

## REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged

during construction work and to ensure that the development conforms with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

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

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

1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
  
2. Details of Hard Landscaping
  - 2.a Cycle and motorcycle storage (26 bicycle spaces and 1 motorcycle bay are required)
  - 2.b Means of enclosure/boundary treatments
  - 2.c Hard Surfacing Materials
  - 2.d External Lighting
  
3. Details of Landscape Maintenance
  - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
  
4. Schedule for Implementation
  
5. Other
  - 5.a Existing and proposed functional services above and below ground
  - 5.b Proposed finishing levels or contours

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

**REASON**

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and 5.17 (refuse storage) of the London Plan (2015).

**9 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of

remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

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

All residential units within the development hereby approved shall be built in accordance with Part M4(2) of the Building Regulations 2010 (2015 Edition). Further at least three of the units hereby approved shall be designed and constructed in accordance with Part M4(3) of the Building Regulations 2010 (2015 Edition).

#### REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (2015) Policies 3.1, 3.8 and 7.2 and the Mayor of London's Housing Standards Policy transition Statement May 2015 (Implementation: October 2015).

#### **11 RES16 Energy (PV details)**

Prior to commencement of development, full details and specifications of the roof mounted PVs as set out in the Energy Strategy (Stroma, February 2016) shall be submitted and approved in writing by the Local Planning Authority. The details shall include the type, specification and location of the PVs including roof plans and elevations. The details shall be accompanied by a sun path analysis to ensure the quantity and type of PVs are optimised to reach the required reduction targets set out in the Energy Strategy. The development must proceed in accordance with the approved plans.

#### Reason

To ensure the development achieves a CO2 reduction of 35% in line with London Plan Policy 5.2.

#### **12 RES17 Sound Insulation**

Development shall not begin until a scheme for protecting the proposed development from (road traffic) (rail traffic) (air traffic) (other) noise has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

#### REASON

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by (road traffic) (rail traffic) (air traffic) (other) noise in accordance with policy OE5

Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2015) Policy 7.15.

**13            OM11            Floodlighting**

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

**REASON**

To safeguard the amenity of surrounding properties in accordance with policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (November 2012) and London Plan (2015) Policy 7.1

**14            RES13            Obscure Glazing**

The windows facing No. 76 Snowden Avenue (southern elevation) shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**15            RES13            Balcony screening**

Notwithstanding the details hereby approved, details of the balcony balustrades and privacy screen between balconies shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter the development shall be carried out and maintained in full accordance with the approved details.

**REASON**

To protect the privacy of the future occupiers of the development, to prevent undue overlooking to adjoining properties, and to ensure that the balconies have an appropriate appearance in accordance with Policies BE13 and BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

**16            COM31            Secured by Design**

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

**REASON**

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (2015) Policies 7.1 and 7.3.

**17 RES23 Visibility Splays - Pedestrian**

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

**REASON**

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

**18 RES20 Traffic Arrangements - submission of details**

Development shall not begin until details of all traffic arrangements (including where appropriate carriageways, footways, turning space, safety strips, sight lines at road junctions, kerb radii, car parking areas and marking out of spaces, loading facilities, closure of existing access and means of surfacing) have been submitted to and approved in writing by the Local Planning Authority. The approved development shall not be occupied until all such works have been constructed in accordance with the approved details. Thereafter, the parking areas, sight lines and loading areas must be permanently retained and used for no other purpose at any time. Disabled parking bays shall be a minimum of 4.8m long by 3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

**REASON**

To ensure pedestrian and vehicular safety and convenience and to ensure adequate off-street parking, and loading facilities in compliance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2015)

**19 RES22 Parking Allocation**

No unit hereby approved shall be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the parking shall remain allocated for the use of the units in accordance with the approved scheme and remain under this allocation for the life of the development.

**REASON**

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2015).

**20 RES17 Sound Insulation**

Development shall not begin until a 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. All works which form part of the scheme shall be fully implemented before the development is occupied and thereafter shall be retained and maintained in good working order for so long as the building remains in use.

**REASON**

To ensure that the amenity of the occupiers of the proposed development is not adversely affected by road traffic and air traffic noise in accordance with policy OE5 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2015) Policy 7.15

**21 NONSC Refuse Storage Management**

Prior to the occupation of the building, details and a scheme for the management of the refuse store shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the store will be managed to ensure that the external door remains shut, except on collection days, and provide details of the storage area, door design and any ventilation.

#### REASON

To ensure the amenity of the occupiers of the adjacent residents is not adversely affected by the development in accordance with policy BE19 and OE5 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **22 RES26 Contaminated Land**

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance on Land Contamination and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use.

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement.

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **INFORMATIVES**

##### **1 111 The Construction (Design and Management) Regulations 1994**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994, which govern health and safety through all stages of a construction project. The regulations require clients (ie. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor

who are competent and adequately resourced to carry out their health and safety responsibilities. Further information is available from the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (telephone 020 7556 2100).

## **2 115 Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

## **3 118 Storage and Collection of Refuse**

The Council's Waste Service should be consulted about refuse storage and collection arrangements. Details of proposals should be included on submitted plans.

For further information and advice, contact - the Waste Service Manager, Central Depot - Block A, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB8 3EU (Tel. 01895 277505 / 506).

## **4 119 Sewerage Connections, Water Pollution etc.**

You should contact Thames Water Utilities and the Council's Building Control Service regarding any proposed connection to a public sewer or any other possible impact that the development could have on local foul or surface water sewers, including building over a public sewer. Contact: - The Waste Water Business Manager, Thames Water Utilities plc, Kew Business Centre, Kew Bridge Road, Brentford, Middlesex, TW8 0EE.

Building Control Service - 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

## **5 124 Works affecting the Public Highway - General**

A licence must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the public highway. This includes the erection of temporary scaffolding, hoarding or other apparatus in connection with the development for which planning permission is hereby granted. For further information and advice contact: - Highways Maintenance Operations, 4W/07, Civic Centre, Uxbridge, UB8 1UW

**6**            I25A            **The Party Wall etc. Act 1996**

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations or planning controls. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

**7**            I3                    **Building Regulations - Demolition and Building Works**

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

**8**            I47                    **Damage to Verge - For Council Roads:**

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

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

**9**            I52                    **Compulsory Informative (1)**

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

**10**      **I53**                      **Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

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

## 11 159 Councils Local Plan : Part 1 - Strategic Policies

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

### 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 three storey building containing 26 flats (Class C3) with associated parking, balconies, landscaping and rear communal amenity space.

This submission has been developed with the refusal reasons in mind and has sought to reduce the massing of the building proposed. The overall layout and design approach of the building is the same as was considered within the previous application, however the following alterations have been made to the approved scheme:

1. The redevelopment of the site proposes a 26 unit residential scheme (12x1 bed and 14x2 bed). This is a reduction of 4 units from the previous scheme which proposed (12x1 bed, 14x2bed and 2x3bed unit);
2. The central fourth floor has been removed from the scheme and the three storey elements adjacent, reduced by approximately 1 metre;

3. Whilst the siting of the building adjacent to No. 76 Snowden Avenue remains the same, the length of the building adjacent to No. 60 Sutton Court Road has been reduced;
4. As a result of the reduction in the footprint of the building, the parking area has been enlarged, allowing for a green buffer to be installed along the eastern boundary;
5. The communal amenity space has also been enlarged.

### 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

8396/APP/2014/4118 Former Tommy Flynn's P.H. Sutton Court Road Hillingdon  
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).

**Decision:** 16-07-2015 Refused

#### 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.

- 8396/APP/2014/4118 - Refusal for the redevelopment of the site to provide a part 3, part 4 storey building containing 30 flats with associated parking, landscaping and rear communal amenity space.

This application was refused for the following reasons:

1. The scheme by reason of its excessive size, scale, bulk, massing, design and layout would constitute an unacceptable over-development of the site, that would be out of character with the design and appearance of the surrounding street scene and detrimental to the amenity of the surrounding occupiers. Overall the scheme would fail to comply with the National Planning Policy Framework, policies BE13, BE19 and OE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), BE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and HDAS 'Residential Layouts.

2. The development has failed to secure obligations relating to affordable housing provision. Accordingly, the proposal is contrary to policies R17 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), the Council's Planning Obligations SPD (July 2014) and Policy H2 of the Hillingdon Local Plan: Part 1-Strategic Policies (Nov 2012) and Policy 3.12 of the London Plan (March 2015) and the NPPF.

A summary of the main differences between this refused application and the current submission is summarised in section 3.2 of the report.

#### 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.
- 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

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

**5.1** Advertisement Expiry Date:- **23rd March 2016**

**5.2** Site Notice Expiry Date:- **23rd March 2016**

## **6. Consultations**

### **External Consultees**

84 residents were notified of the application and 18 responses and one petition was received to the consultation.

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

1. The scheme is too large and a further reduction in the scale, bulk and mass is required. The scheme will ruin the look, feel and community balance;
2. The scheme will result in an increase in traffic;
3. The area cannot cope with the additional cars as already cars double park to use the shops and the number of schools means that there is a lot of school related traffic;
4. The scheme will overlook the surrounding residential properties;
5. It is an overdevelopment of the site;
6. The location of the car parking within the site will result in undue noise and disturbance to surrounding residents;
7. No visitor parking is proposed as part of the scheme. This is required given the parking problems in the area;
8. The roof gardens will overlook the adjacent properties;
9. The existing building should be kept and converted to flats as this is more in keeping with the area

10. There is a concern with parking thresholds proposed as generally households have more than 1 car;
11. The site has a relatively low PTAL of 1b;
12. 26 units proposed at a density of 104 dph is considered to be above the density guidelines, which confirms that the scheme is an overdevelopment;
13. Concern over the loss of a green and landmark feature in the area;
14. The private balconies are not private spaces as they have glass surrounds;
15. There will be a potential increase in student numbers to 1600 using Sutton Court Road as the main access as a result of school extensions/relocation of the entrance onto Sutton Court Road, and with the increased traffic numbers resulting from this development, there is a pedestrian safety risk;
16. Area suffers from anti social behaviour and no CCTV has been incorporated into the design of the scheme;
17. The siting of the building within the site will reduce visibility at the junction of Sutton Court Road and Snowden Avenue;
18. The location of the bins is in breach of disability legislation as they will have to walk further than able bodied residents;
19. Noise disturbance will arise from rubbish being collected and deposited as the large vans will create disturbance;
20. Concern with vermin and overspill from refuse store;
21. Do not understand how this scheme can be acceptable in terms of impact on the character of the area, overlooking, noise and disturbance, when a scheme for a bungalow in the back garden of No. 76 Snowden Avenue was rejected on such grounds;
22. The amenity space is cramped and is more a buffer to the car parking;
23. The reduction in the number of units by only 4 has little effect on the overall size and mass of the building;
24. Sunlight needs to be considered thoroughly through an independent report;

#### PETITIONS

One petition has been received with 159 valid signatures. The main concerns of the petition are as follows:

1. The scheme would be overbearing and an overdevelopment of the site;
2. Insufficient parking allocation for a low PTAL rated area with no allocation for delivery, scooters/motorbikes;
3. Road safety concerns for the whole area;
4. Pedestrian safety concerns from the overbuild and one access way onto Sutton Court Road;
5. Inadequate provision of green space proposed or retained particularly around the TPO tree;
6. Potential loss of sunlight to residents to the north of the site on Sutton Court Road.

#### EXTERNAL CONSULTEES

##### METROPOLITAN POLICE

No objection to the scheme provided it achieves the Secured by Design accreditation. Officer is aware of the conflict the development causes with neighbouring properties and would expect to see a higher level of security afforded to secure the rear parking area. Would also request that the development achieves a high level of security, paying particular attention to the parking area due to a previous burglary problem.

A condition is recommended on any consent to ensure that any scheme meets with the Secured by Design requirements.

##### **Internal Consultees**

##### HIGHWAYS

The previous application for 30 flats was refused (and appealed) and did not have a highway reason

for refusal. The current application is for 26 flats. One parking space is provided for each of the one and two bedroom flats which complies with standards.

Refuse bin location is within the acceptable 10.0 m distance from the highway. Cycle parking provision complies with LBH standards but needs to be covered and secure. A condition is recommended on any consent to secure the suitable provision of both the refuse and cycle stores.

No objections are raised on highway grounds.

#### SUSTAINABILITY (summarised)

The energy strategy is broadly acceptable, and the proposals rely on PVs to reach the London Plan target of 35% reduction of CO2. The elevations and roof plans shown no inclusions of PVs, however the orientation and apparent availability of roof space does allow for PVs and therefore a condition is recommended on any consent to show the PV array and ensure that the development is carried out in accordance with the energy strategy.

#### ENVIRONMENTAL PROTECTION UNIT (summarised)

No objection to the scheme. 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. A condition is also recommended to ensure that details and a scheme for the management of the refuse store are submitted and a noise insulation scheme for the flats to protect users from any road noise.

#### WASTE (summarised)

Waste provision was discussed as part of the previous application on the site and recommendations for suitable provision provided. Comments relating to the number and size of bins required has been provided by the officer and passed to the applicant for reference. The details of the refuse store can be addressed via a planning condition if the scheme is recommended for approval.

#### TREES AND LANDSCAPE (summarised)

The tree report submitted has assessed the condition and value of the remaining trees within the site and there are no 'A' grade trees. T1, an English Oak is rated 'B' and its condition and amenity justify its retention. The remaining trees are mixed fruit trees and a sycamore and the condition, value and useful life expectancy of these trees indicate that these are not a constraint to development. Nevertheless their retention should be considered if feasible.

No objection to the scheme subject to conditions to secure site monitoring and supervision during construction, hard and soft landscaping details and details of trees to be retained on the site.

#### FLOODWATER MANAGEMENT (summarised)

The proposed drainage arrangement set out in the Suds Drainage Statement dated Feb 2016 produced by EAS is considered appropriate and there are no further requirements than the development should be constructed in accordance with the information set out within this document.

It provides a suitable sustainable scheme and calculations to demonstrate the development will reduce run off from the site, and provides a management and maintenance plan.

#### ACCESS

No objection to the scheme provided 10% of the proposed ground floor units meet the standards for M4(3) Category 3 - wheelchair user dwellings, with all remaining units designed to the standards for Category 2 M4(2) - accessible and adaptable dwellings, as set out in ADM 2015. A condition is recommended on any consent to secure details of such.

## **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 5,593 in the period from 2015-2025

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 (2015) 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 264 habitable rooms/ha and 104 units/hectare, which is considerably higher than the London Plan policy target for this area which is 150-250 hr/ha and 50-95 units/hectare.

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 previous concerns 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 proposed to remove the central fourth floor of the proposed building, and the building will now consist of a three storey curved central element, flanked on either side by similar height pitched roof elements, which step down to 2.5 storey pitched roof elements. The two storey element adjacent to No. 76 Snowden Avenue remains as previously proposed.

When considered in the context of the site and surrounding area, it is considered that the reductions to both the height and massing of the building, introduction of more hipped roofs, and reduction in the footprint of the building, respect the character, scale and appearance of the street scene. These alterations are considered to represent a significant reduction over and above the scheme that was considered previously, and overall are considered to overcome the previous reasons for refusal.

The revisions still maintain the curved central focal point for the building, which mimics the design of the existing Public House. Further, the removal of several of the flat roofs/roof gardens within the site and introduction of pitched roofs enables the bulk of the buildings to be reduced and maintains the predominant roof form within the surrounding street scene.

The design and finish of the building is broadly similar to the previous scheme, and presents a simple palette of materials, that respects the mixed design of the surrounding development.

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.

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. This distance is the same as that proposed within the refused application on this site, to which no objection was raised.

No alteration is proposed within this submission to the distance, height or design of the part of the building immediately adjacent to the flank wall of No. 76 Snowden Avenue. Within the previous application, the scheme had been revised to reduce the height and form of the building adjacent to this occupier. It was considered that given the separation distance between the buildings, the modest height, scale and form of the element closest to No. 76 and proposal meeting the 45 degree line, the development would not be unduly overbearing to this occupant nor result in an unacceptable loss of privacy or light. Within this application, the roof garden proposed adjacent to No. 76 has been removed and the overall scale and massing of the building has been reduced from the previous scheme. Given such, it is not considered that this application will have a detrimental impact on the amenities of this occupier.

It is noted that No. 76 has two windows in the ground floor side elevation. These are both obscurely glazed and a secondary window to the living area, and bathroom window. Given the use, obscure glazing 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 76 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 weigh 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. The previous application on this site was located approximately 18 metres from the flank wall of this property. This application has increased the separation distance between the flank walls to approximately 21 metres, and the overall height, scale and massing of this element has also been reduced. 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 around 25 metres are maintained between the proposed development and the nearest surrounding residential properties in Sutton Court Road and Snowden Avenue. A distance of 38 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 Council's separation distances in terms of privacy and overshadowing/overbearing, the Council consider that the scheme is acceptable on these grounds.

Several concerns have been raised by residents in respect to the scheme overshadowing adjacent residential properties. The previous scheme, which was much larger in scale and massing than the proposal forming part of this application, was not considered to have a detrimental impact on terms of loss of light or overshadowing. Notwithstanding such, the

applicant was requested to submit an assessment of such with this application in order to assess in greater detail this aspect.

The applicant submitted a 'Daylight, Sunlight and Overshadowing Assessment' as part of the application. The daylight analysis was carried out on the surrounding properties facing the proposed development at Sutton Court Road and indicates that the impacts on the surrounding properties arising from the proposed development will be within the acceptable limits (40 of the windows achieved the required Vertical Sky Component (VSC) levels of over 27% and the remaining 2 in the flank wall of No. 76 achieved VSCs greater than 25%).

In relation to sunlight, the British Research Establishment guidance seeks to ensure that living rooms in the proposed development will appear reasonably sunlit provided at least one main window walls faces within 90 degrees of due south and the centre of at least one window can receive 25% of annual probably sunlight hours and at least 5% in the winter months. The assessment indicates that all windows facing the proposed development and within 90 degrees due south will pass the 25 degree line and received at least 25% of the total available sunlight throughout the year and at least 5% in the winter period.

The conclusions of this report into the impact of the development on sunlight, daylight and overshadowing, are that the proposal will not have any significant adverse impact to the assessed windows in the neighbouring properties and no objection is raised 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 50m<sup>2</sup>  
2-bed 3-person 61m<sup>2</sup>  
2-bed 4-person 70m<sup>2</sup>

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 and 25sqm for a 2 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 590sq.m of amenity space to meet with the Council's requirements. Overall the scheme provides approximately 908sq.m of amenity space, in the form of terrace, balconies and communal gardens to the rear of the site. Several of the balcony areas have been set back so as to not protrude from the elevations of the building, which reduces the levels of actual and perceived overlooking surrounding residents have raised concern over.

The proposal meets with the Council's requirements in terms of amenity space. A condition is recommended requiring details of the treatment proposed around the balconies and terrace areas.

#### **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.

The application has been accompanied by a Transport Assessment, which includes a detailed analysis of the proposed parking levels.

This scheme provides 1 space for each of the 1 and 2 bed units and 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.

A trip generation assessment shows that the proposed development will generate a marginal increase in trips in the morning peak over and above the existing use of the site, however this is not considered to have an unacceptable impact on the surrounding highway network. The scheme will generate fewer traffic movements during the afternoon peak and throughout the whole day compared to the previous use. This data has been reviewed by the Council's Highways Officer and on balance, the scheme is not considered to give rise to an unacceptable impact on the general highway conditions of the surrounding area.

It should be noted that the Transport Assessment was revised to incorporate the latest traffic data related to Abbotsfield and Swakeleys Schools. Officers are satisfied that this data does not alter the conclusions reached in respect to the impact of the proposed development on the surrounding highways network.

#### **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. This scheme would require 26 cycle spaces to be provided, which the plans illustrate. Details of the design and scale of the proposed cycle storage are to be requested as part of a planning condition.

#### 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 applicants have confirmed that the external doors to the store will remain locked shut until collection day. A condition is recommended on any consent to ensure that the external doors are 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 raises no objection to the siting of the bin stores 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 13 x 1 and 13 x 2 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. A 'Secure by design' condition is recommended to ensure that these suggestions are considered and incorporated on any approved scheme.

### **7.12 Disabled access**

New developments are required to meet with the requirements and standards of policy 3.8 of the London Plan (2015) and Approved Document M to the Building Regulations (ADM 2015).

The scheme has been reviewed by the Council's Access Officer who raises no objection to the scheme. A condition is recommended on any consent to ensure that 10% of the

proposed ground floor units meet the standards for document M4(3) Category 3 - wheelchair user dwellings, with all remaining units designed to meet the standards for Category 2 (M4(2) - accessible and adaptable dwellings. Given such, no objection is raised to the proposed development on these grounds.

### **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.

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 based on their assumptions and comments, the appraisal of the scheme provided a surplus of £226,022, and as such, the scheme could contribute towards Affordable Housing.

It is considered that this surplus is not large enough to allow a 'policy compliant' level of affordable housing to be provided. The appraisal demonstrates that at best, the scheme can provide a 1 bed shared ownership flat, and Registered Providers are unlikely to be willing to take on 1 unit due to inefficiencies. It has therefore been suggested to the applicant that the surplus be used a payment in-lieu of on-site provision of Affordable Housing. The applicant has agreed to pay a contribution of £226,022 and this will be secured by S106. It is considered in this instance that given the size of the scheme and limited surplus, a review mechanism would not be considered appropriate.

### **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.

A Tree Survey, dated 25 January 2016, by GHA has been submitted, which has assessed the condition and value of the remaining trees on site.

T1, an English oak is rated 'B' whose condition and amenity value justify its retention within the new development. The remaining trees are G2, mixed fruit trees and T3, sycamore, which are rated 'C'. The condition, value and useful life expectancy of these trees indicate that these trees are not a constraint on development. Nevertheless, their retention should be considered if feasible.

The report concludes (section 9) that it is practicable to retain all of these trees and safeguard them during the demolition and construction process, subject to adherence to specified methodology. A Tree Protection Plan has been submitted which shows the fencing alignment and areas where 'no dig' construction will be necessary. This has been reviewed by the Council's Tree Officer, who has recommended a condition to ensure site monitoring and supervision by an arboriculturist during the development of the site.

The Proposed Site Plan, ref.PL100 Rev 00 and Proposed Ground Floor Plan, ref. PL200 Rev 03 indicate a landscape layout which includes private gardens and trees along the site frontage, private gardens for ground-floor flats to the rear, shared amenity space and car parking which will be 'broken up' and softened with tree and shrub planting.

Whilst the hard and soft landscape has not been worked up in any detail, the external spatial arrangement has the potential to provide suitable landscape enhancement. The shared amenity area should be designed and detailed to provide an attractive and useable space for the benefit of residents and landscape conditions are recommended on any consent 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 35% reduction in carbon dioxide emissions, which complies with the London Plan and Council's policies. The energy strategy relies heavily on PVs to reach the London Plan target of 35% reduction of CO<sub>2</sub>.

It is noted that the elevations and roof plans show no inclusion of Photovoltaic panels (PVs). The orientation and apparent availability of roof space does allow for PVs and therefore it seems reasonable to assume that the development can include the energy strategy as set out. Given the disconnect though, a condition is recommended to ensure that the development can and will include the proposed energy solution.

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

The proposed drainage arrangement set out in the Suds Drainage Statement dated Feb 2016 produced by EAS is considered appropriate and there are no further requirements than the development should be constructed in accordance with the information set out within this document. The document provides a suitable sustainable scheme and calculations to demonstrate the development will reduce run off from the site, and provides a management and maintenance plan.

#### **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 the east. The parking has been moved away from boundary with No. 5 Silver Way to the south

The applicant has submitted a noise assessment, which looks at the potential noise levels likely from within and between the flats, the 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.

#### **7.20 Planning obligations**

As of 1st August 2014, the Council's CIL became effective which replaced 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 based on their assumptions and comments, the appraisal of the scheme provided a surplus of £226,022, and as such, the scheme could contribute towards Affordable Housing.

It has therefore been suggested to the applicant that the surplus be used a payment in-lieu of on-site provision of Affordable Housing. The applicant has agreed to pay a contribution of £226,022 and this will be secured by S106. It is considered in this instance that given the size of the scheme and limited surplus, a review mechanism would not be considered appropriate.

Further to the contribution towards affordable housing the following planning obligations are also sought:

1. Highway Works: S278/S38 for required Highways Works subject to surrounding network adoption status and Highway Engineers Comments
2. Construction Training: A financial contribution to the sum of: Training costs: £2500 per £1m build cost plus Coordinator Costs - £9,600 per phase or an in kind scheme to be provided.
3. Travel Plan to include £20,000 Bond.
4. Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.

The applicant has agreed to enter into an agreement to secure the above contributions.

#### **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.

The applicants are proposing a contribution of £226,022 in-lieu of on site affordable housing, which is considered acceptable in the context of the submitted viability report and site.

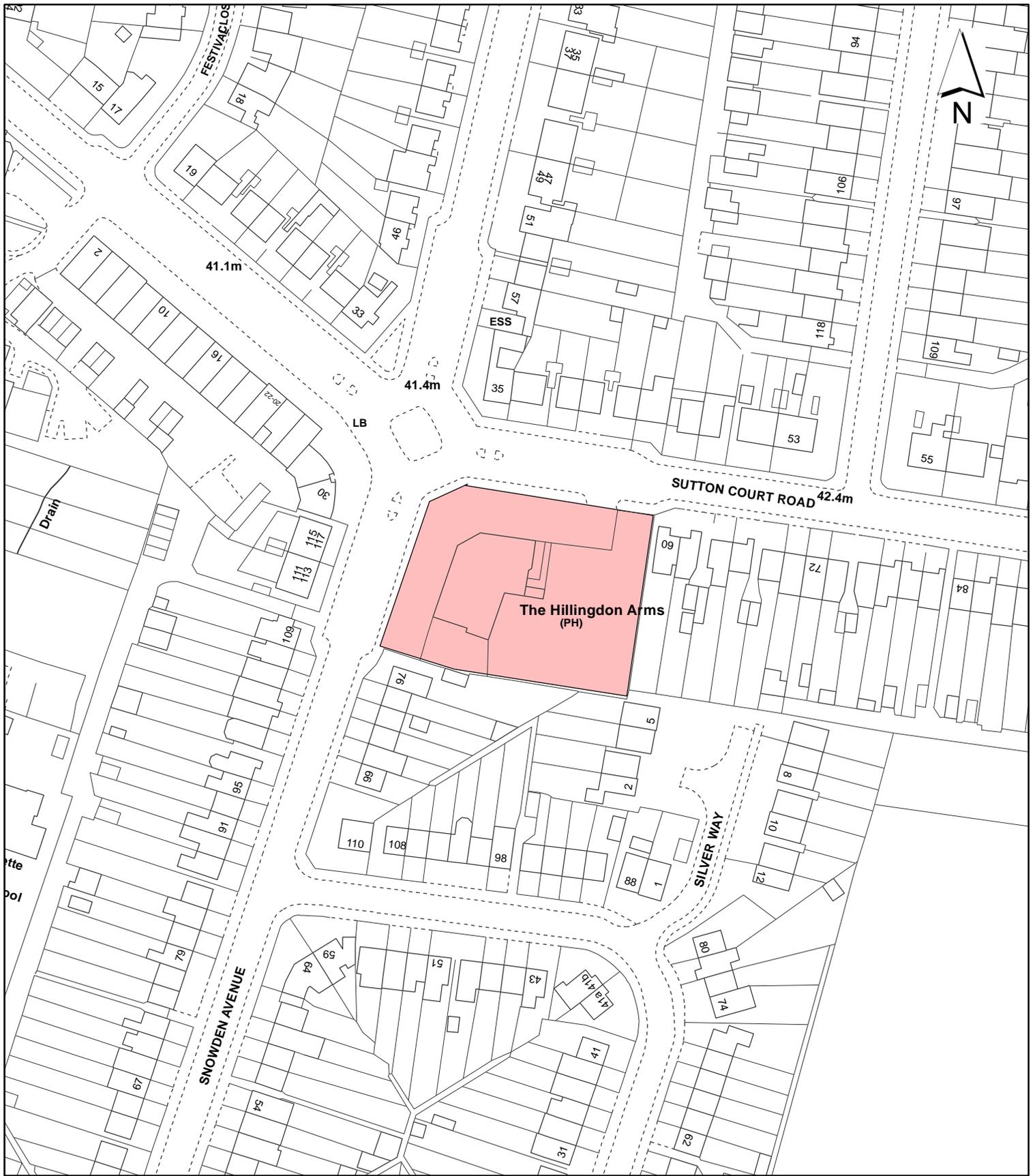
Overall, the proposal is considered to comply with the Councils adopted policies and guidance and approval is recommended.

#### **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

**Contact Officer:** Charlotte Goff

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**Notes:**

 Site boundary

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Site Address:

**Former Tommy Flynn's PH**

**LONDON BOROUGH OF HILLINGDON**  
 Residents Services  
 Planning Section

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

Planning Application Ref:  
**8396/APP/2016/777**

Scale:  
**1:1,250**

Planning Committee:  
**Major**

Date:  
**July 2016**



**HILLINGDON**  
 LONDON