

Report of the Head of Planning, Sport and Green Spaces

Address LAND FORMING PART OF 92 PIELD HEATH ROAD HILLINGDON

Development: Erection of a three storey building to create 3 x 1-bed self contained flats and 3 x studio flats with associated cycle parking

LBH Ref Nos: 12504/APP/2016/4179

Drawing Nos: PL/001 Rev. A
PL/002 Rev. B
PL/003 Rev. B
PL/004 Rev. A
PL/005 Rev. A
PL/006 Rev. A
Design and Access Statement

Date Plans Received: 15/11/2016 **Date(s) of Amendment(s):**

Date Application Valid: 15/11/2016

1. **SUMMARY**

This application has been submitted in response to refusal of application reference number 12504/APP/2015/3703, a decision which was upheld on appeal.

The proposal seeks planning permission for a three-storey block of flats to provide 3 x studio units and 3 x 1 bed units. This is the same proposal as considered on appeal in terms of submitted drawings and supporting material.

The proposal has been assessed against current policies and guidance for new housing development in terms of the potential effects of the design, scale and site layout on the character of the surrounding area, the potential impact on the residential amenities of adjoining and nearby occupiers, and on highways related matters including access, traffic/pedestrian safety and parking in the vicinity.

Whilst upholding the Council's refusal, the Inspector did not agree with the Council in respect of reasons for refusal numbers 1, 2 and 3 but upheld the Council's position in respect of reason for refusal number 4. These are material considerations in determination of the current application. The Inspector found the draft unilateral agreement submitted with the appeal to be flawed. However, it is also material that the Inspector was satisfied that if an appropriate legal agreement could be secured which prevents occupiers from holding a permit, (as opposed to applying for one) the development would be acceptable in this regard.

In summary, given the position adopted by the Inspector, which is an important material consideration, the proposal is considered to relate satisfactorily to the character and appearance of the locality and would comply with policies BE13, BE15, BE19, BE20 and BE21 of the of the Hillingdon Local Plan: Part Two - Saved UDP Policies, Policies 3.5 and 5.3 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

It is recommended that planning permission be granted subject to conditions and on

completion of an agreement under Section 106 to prevent occupants of the development and No. 92a Field Heath Road from holding a car parking permit within the Parking Management Scheme.

2. RECOMMENDATION

That delegated powers be given to the Director of Planning and Community Services to grant planning permission, subject to the following:

1. 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 ensure:

i) that restricts the use of the land by prohibiting occupation of any of the flats within the property and No.92a by anyone holding a permit.

B) That in respect of the application for planning permission, the applicant meets the Council's reasonable costs in preparation of the Section 106 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 within 6 months, 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 proposed development fails to provide sufficient off street parking provision which meets the council's approved parking standards to service the proposed dwellings. The development would therefore lead to additional on street parking to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.'

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 from 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 PL/001 Rev. A, PL/002 Rev. B, PL/003 Rev. B, PL/004 Rev. A, PL/005 Rev. A, PL/006 Rev. A 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 (2016).

3 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 Refuse Storage
- 2.b Cycle Storage
- 2.c Means of enclosure/boundary treatments
- 2.d Hard Surfacing Materials
- 2.e 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 surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

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

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13 and BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (2016).

4 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 in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

5 RES15 Sustainable Water Management (changed from SUDS)

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

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

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

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy OE8 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2016) Policy 5.12.

6 NONSC Non Standard Condition

The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

REASON:

To ensure an appropriate standard of housing stock in accordance with London Plan policy 3.8, is achieved and maintained.

INFORMATIVES

1 I52 Compulsory Informative (1)

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

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September

2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.3	(2015) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2015) Quality and design of housing developments
LPP 3.8	(2015) Housing Choice
LPP 7.2	(2015) An inclusive environment
LPP 7.4	(2015) Local character
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2015). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 147 Damage to Verge - 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).

5

The applicant is advised that the site has moderate public transport accessibility (PTAL=3). It is located within the Hillingdon Hospital Parking Management Zone. The proposal does not include provision for any car parking and the development is only be acceptable subject to a restriction on all resident's eligibility to apply for parking permits within the parking zone. The applicant is requested to draw any potential occupiers attention to the fact that they will not be able to secure a parking permit

6

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillington.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

7 12 **Encroachment**

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

8 15 **Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing

the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

9 16 Property Rights/Rights of Light

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

10 115 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 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. CONSIDERATIONS

3.1 Site and Locality

The site is irregular in shape and comprises a vacant/unused parcel of land located to the west of 92 Pield Heath Road, a betting office on the ground floor with residential above, known as 92A Pield Heath Road. There is a roundabout to the west with Colham Road and a residential block comprising key worker accommodation associated with Hillingdon Hospital beyond, and to the north lies 51 Colham Road, a detached two storey house. This part of Colham Road and Pield Heath Road comprises a mix of commercial and residential uses and the application site lies within the developed area as identified in the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

The site has a Public Transport Accessibility (PTAL) Level of 3 (on a scale where 6 represents the highest level of accessibility).

3.2 Proposed Scheme

The proposal involves the erection of a three storey building to provide 3 x 1-bed self contained flats and 3 x studio flats with associated cycle parking.

The proposal would be of a modern design and measure 8.6m high with a flat roof, 10m deep at its deepest x 18m at its widest. It would have an internal footprint of 104 sqm. The accommodation provided would be as follows:

Ground floor:

Flat 1 - 1 bedroom = 53 sq m
Flat 2 - studio apartment = 38 sq m

First floor:

Flat 3 - 1 bedroom = 53 sq m
Flat 4 - studio apartment = 38 sq m

Second floor:

Flat 5 - 1 bedroom = 53 sq m
Flat 6 - studio apartment = 38 sq m

The total area of usable amenity space, including balconies at first and second floor levels will be approximately 72sq m. The two ground floor properties will each have designated amenity space fronting onto Colham Road, enclosed with picket fencing. Individual balconies for the upper floor flats would each measure 3sqm

Six cycle storage units will be provided to the rear of the proposed development. There is no parking proposed for the development. The planning permission granted under Ref: 12504/APP/2010/263 provided a formal arrangement for car parking space for 92a Pield Heath Road. This will be lost as a result of the proposal (See highways comments below).

3.3 Relevant Planning History

12504/APP/2015/3703 Land Forming Part Of 92 Pield Heath Road Hillingdon

Erection of a three storey building to create 3 x 1-bed self contained flats and 3 x studio flats with associated cycle parking

Decision: 16-02-2016 Refused

Appeal: 07-11-2016 Dismissed

Comment on Relevant Planning History

Planning permission was sought under reference number 12504/APP/2015/3703 for erection of a three storey building to create 3 x 1-bed self contained flats and 3 x studio flats with associated cycle parking. This application was refused for the following reasons:

1. The development by virtue of its design, that includes a flat roof, height, bulk, proposed materials and appearance, would be fail to accord with the character of the area and would appear visually incongruous when viewed in the context of the immediately adjacent buildings. The proposal is thus contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), Policies 3.5 and 7.4 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The development proposed fails to provide a sufficient level of the private amenity space. This is considered to demonstrate that the proposal would represent an overdevelopment of the the site. Notwithstanding public open space that might exist within the area, the lack of suitable on-site provision of private amenity space would fail to provide a suitable living environment for future residents and is therefore contrary to Policy BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3. The limited separation distance of 7 metres to the development to the eastern boundary shared with 92 Pield Heath Road, and the close proximity to the single storey element of 92 Pield Heath Road to the south, in combination with the layout of the ground floor Flat 1 (as detailed on drawing number PL/002 Rev. B) would result in a restricted outlook to Bedroom 1 and the kitchen failing to provide for an appropriate level of residential amenity for future residents. This lack of a suitable outlook to these windows is considered to demonstrate that the proposal would represent an overdevelopment of the the site and is contrary to Policies BE19 and BE21 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

4. The proposed development fails to provide sufficient off street parking provision which meets the Council's approved parking standards to service the proposed dwellings, resulting in additional pressure for on street parking in an area where there is already very high demand for on street parking and the development would therefore lead to additional on street parking to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

The proposal was subject of a subsequent appeal which was dismissed and the issues considered by the Inspector are covered in the relevant sections of the report below.

Planning permission was granted under Ref: 12504/APP/2010/26 for installation of 1.8m high close boarded fence with vehicular gate and hardstanding for use as parking on the Colham Road frontage and fence and a gate on the Pield Heath Road frontage. The car parking space within the site was for 92a Pield Heath Road. This will be lost as a result of the development and if approved, it is considered that the Section 106 needs to include a requirement that the occupiers of the residential unit cannot hold a car parking permit for the PMS.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE18	Design considerations - pedestrian security and safety
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.
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LPP 7.2	(2015) An inclusive environment
LPP 7.4	(2015) Local character
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

6 adjoining occupiers were consulted by letter dated 20/10/2015 a site notice was displayed on 29/10/2015. No comments were received.

Internal Consultees

Highways Officer:

- a. The site has moderate public transport accessibility (PTAL=3).
- b. The site is located within the Hillingdon Hospital Parking Management Zone.
- c. The proposal does not include provision for any car parking. This would only be acceptable subject to a restriction on all resident's eligibility to apply for parking permits within the parking zone.

Subject to the above, there are no highway objections.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is within the developed area. It is open, vacant land which currently has very limited beneficial use, specifically the formal parking of a single vehicle. The site is not considered to be garden land, for which there are policies which may prevent its development. The site is within a sustainable location. The construction of a flatted scheme on this site would increase housing supply of the Borough and make use of what is otherwise vacant brownfield site. The proposal is not considered to be an inappropriate form of development in this locality and thus accords with the objectives of the NPPF and London Plan Policy 3.5. As such, the principle of residential development in this location is considered acceptable.

7.02 Density of the proposed development

Paragraph 4.1 of the HDAS states that site densities are of only limited value when considering the suitability of smaller housing schemes, although they can provide a useful initial tool. Specific density standards are set out in the UDP/LDF and the London Plan, although the ranges set out in the London Plan are more appropriate to larger sites and will not be used in the assessment of schemes of less than 10 units. This proposal is for six units and therefore the provisions of paragraph 4.1 does not apply.

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

The site is not within an area of archaeological interest, within a Conservation Area or an Area of Special Character. There are no listed buildings on the site or in the vicinity.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place. Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the layout and appearance of new development should "harmonise with the existing street scene or other features of the area." The NPPF (2011) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

Paragraph 4.27 of the adopted Supplementary Planning Document (SPD) HDAS: Residential Layouts states that building lines within a scheme should relate to the street pattern, although in some instances varied building lines can achieve diversity and interest.

In this case, as a corner site, the development has to successfully address two frontages. The proposed building is set back between 2.5m and 4m from the back edge of the footpath on the Colham Road frontage and just under 2 metres on the Pield Heath Road frontage. This allows an opportunity for landscaping to soften the development at pedestrian level. On Colham Road the development is generally on the same building line as the adjoining properties. On Pield Heath Road the development is set back further than the buildings to the north, which front directly onto the back edge of the footpath. Given this, the siting of the development is considered to be acceptable.

This area is not characterised by any single design approach and contains a wide variety of buildings, in terms of their design and scale, including two storey 1920's-1930's style development adjoining the site to the east, and further along bungalows and more recent 1990's development opposite the site to the west, with 1970's flat roofed three storey flats further along. In this context the modern approach taken to the design of the building is considered acceptable, particularly given that its overall scale and height is comparable to other properties in the immediate locality. The previous application (Ref: 12504/APP/2015/3703) was refused on the grounds that the proposal, by reason of its design, flat roof, height, bulk, proposed materials and appearance, would be fail to accord with the character of the area and would appear visually incongruous when viewed in the context of the immediately adjacent buildings. In consideration of this the Inspector commented as follows:

"13. The appeal site is an irregularly shaped parcel of land, approximately 290 m² in area, located adjacent to 92 Pield Road and at the south end of Colham Road. The area is mixed in character, being predominantly residential but with a small terrace of commercial properties immediately adjoining the appeal site and the large campus of Hillingdon Hospital to the south west, on the opposite side of Pield Heath Road. The area around the appeal site is very diverse in architectural style and built form, with the buildings covering a wide age range.

14. The proposed development is a three storey, flat roofed, building of a contemporary design. Whilst this would be different in appearance from the two storey, traditionally built, commercial terrace that adjoins the appeal site to the east, it would be of a similar overall height, and the use of white render on the lower two storeys and grey metal cladding on the third storey would provide some commonality with the adjacent terrace. It would also be of a similar overall height to the red brick, modern, detached house that adjoins the appeal site to the north.

15. Immediately to the west of the appeal site on Colham Road are a number of long, modern, three storey blocks with pitched roofs and finished in brickwork and coloured render, and which differ significantly in appearance from the commercial terrace. Beyond Colham Road there are further blocks of three and four storey buildings. The building on the appeal site, having some shared characteristics with both groups of buildings, would act as a transition between the two.

16. The south side of Pield Heath Road in the vicinity of the appeal site has a markedly different character, with an older two storey building, formerly a public house, adjacent to two mid-twentieth century red brick houses and a new build block of flats in buff brickwork, standing to the east of Colham Green Road. West of Colham Green Road, the Hillingdon Hospital site contains a parking area with trees on the boundary and a number of very large blocks of buildings.

17. Whilst the proposed building would not have features such as traditional pitched roofs, bay window frontages, large window openings and exposed brickwork/render finishes, that feature on some of the nearby buildings, within the overall context of both the immediately adjacent buildings and the wider area, it would add to the existing architectural diversity of the locality and, of itself, the design of the building would be well proportioned and cohesive. The proposed development would, in addition, remove an area of currently unused and slightly unsightly land which would represent a qualitative improvement to the area.

18. The National Planning Policy Framework (the Framework) states that local planning authorities should not attempt to impose architectural styles or tastes and should not stifle innovation. Whilst the Framework does seek to promote and reinforce local distinctiveness, the surrounding area does not have a strong prevailing architectural character.

19. I therefore find that the proposed development would not cause harm to the character and appearance of the area. It would comply with the relevant requirements of Policies 3.5 and 7.6 of the London Plan; Saved Policies BE13 and BE19 of the UDP; and the guidance in the HDAS to achieve a high quality of design in new development that has regard to its context and maintains or enhances the existing local character and street scene. It would also be consistent with the requirement of the Framework, which seeks a high standard of design in all new developments."

Given the Inspectors conclusion on this issue it would now be difficult to sustain a reason for refusal on design grounds. The proposal is, therefore, considered to relate satisfactorily to the character and appearance of the locality, the development would be in scale with the surrounding buildings and the proposal would thus comply with policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies, Policies 3.5 and 5.3 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

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 dominance (Policy BE21) and privacy (Policy BE24) are also assessed.

Paragraph 4.9 of the SPD HDAS: Residential Layouts advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to mitigate the negative impacts of overbearing and overshadowing. Furthermore, it explains that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15m will be the minimum acceptable distance between buildings. Furthermore a minimum of 21m overlooking distance should be maintained.

The proposal follows a similar building line to the adjoining property 51 Colham Road and would be set 1.5 metres from the common boundary. There are no flank windows proposed and there is only a single secondary window at first floor level in that property.

In relation to 92A Field Heath Road, there are no habitable rooms from this property facing the proposed building and the proposal would not be within a 45 degree angle of sight from habitable rooms on the rear elevation of this property.

It is considered that the development will not result in a material loss of amenity for

occupiers of the adjoining flats and is appropriate under Policies BE20, BE21 and BE24.

7.09 Living conditions for future occupiers

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London intends to adopt the new national technical standards through a minor alteration to The London Plan. This alteration is in the form of the Housing Standards Policy Transition Statement and it sets out how the existing policies relating to Housing Standards in The London Plan should be applied from October 2015. Appendix 1 of the Transition Statement sets out how the standards stemming from the policy specified in the 2012 Housing SPG should be interpreted in relation to the national standards.

The Housing Standards Transition Statement requires a 1 person unit to be a minimum of 37 sqm if the flat has a shower room (39 sqm with a bathroom) and for 1 bed 2 person units the standard is 50 sqm. The proposal involves provision of 3 x studio flats of 38sqm and 3 x 1 bed flats of 53sqm. The proposed development accords with the standards and as such would provide the future occupants with an acceptable standard of residential amenity in accordance with Policy 3.5 of the London Plan 2015.

Whilst the proposal is compliant with the overall space standards and the standard of accommodation, in terms of outlook, levels of light etc is generally acceptable, the outlook for the ground floor one bedroom flat, and in particular from the bedroom and kitchen could be considered to be limited as the only bedroom window would be a distance of 7m from the boundary and the only kitchen window has an outlook through a 1.1m gap between the proposed development wall and the existing wall of 92A Pield Heath Road. This element formed a reason for refusal on the previous application. On this issue the Inspector concluded:

"24. The Council's concerns in terms of outlook are restricted to Flat 1. The window in the bedroom of this flat would look towards the shared boundary with the neighbouring property on Pield Heath Road. This has a single storey outbuilding at the rear, resulting in a wall approximately 2 m high on the boundary. The window of the bedroom in Flat 1 would be located approximately 6.5 m from the boundary wall and, as the rear of the adjoining commercial buildings is predominantly open above ground floor level, the outlook from this window would not be excessively constrained.

25. The glossary of terms relating to the Saved Policies in the UDP excludes kitchens with a floor area under 13 m² from the definition of habitable rooms. The Council accept that the kitchen area of Flat 1 is less than 13 m². The window of the kitchen area would look out into a long, narrow, space formed by the wall of the proposed new building and an existing, single storey, extension to the side of 92 Pield Heath Road. Whilst this will result in a restricted outlook from this window, it does not serve a principal habitable room. I have had regard to the Council's point that the floor area of Flat 1 would only be slightly above the minimum floor area required by the Nationally Described Space Standard, however, there would be adequate outlook from the other habitable rooms of the flat. Taken as a whole, the proposed flat would not have an unduly poor outlook."

Given the Inspectors conclusion on this issue it would now be difficult to sustain a reason for refusal on this issue and it is concluded that the application is acceptable in this regard.

In relation to amenity space, the Council's Supplementary Planning Document HDAS:

Residential Layouts, at Paragraph 4.17, sets out a requirement of 20sq.m for each studio and one bed flat. The proposal would thus require the provision of a minimum of 120m² for the development. Amenity space is provided to the rear of the site, which is considered usable. Individual balconies of approximately 3sqm for each of the 4 upper floor units are also provided. The applicants also state that the two ground floor properties will each have private amenity space fronting onto Colham Road, enclosed with picket fencing. However, given the lack of privacy, its location fronting a highway and its limited size, it is not considered that this is 'usable' amenity space. The total area of amenity space for this development, including balconies at first and second floor levels will thus be some 72sq m, which is some distance short of the required 120sqm and this also formed a reason for refusal of the previous application. On this issue the Inspector concluded:

"21. Saved UDP Policy BE23 requires that new development provide sufficient external amenity space and this is elaborated on in the HDAS which provides guidelines for the amount of amenity space required for particular types of residential development. In the case of studio and 1 bedroom flats this is 20m² per unit. The appellant calculates that there is 160 m² of outdoor amenity space. The Council contend that, including the balconies on the upper floor flats, the amenity areas amount to approximately 72 m², as the garden areas for Flats 1 and 2 are adjacent to Colham Road and not private. This would be well below the 120 m² guideline. However, even if the Council's figure is the correct one, the HDAS but does allow for exceptions where the development is for small non-family housing, in town centres, that is predominantly made up of one bedroom units.

22. Although the appeal site is not located within a town centre, the proposal would consist of one bedroom and studio flats, which would be described as non-family housing. The appeal site is also within a short distance of a substantial public open space at Colham Green Recreation Ground. The Council recognise that this would provide some mitigation for a reduced level of on-site provision. Whilst I note the Council's point that the open space at Colham Green Recreation Ground is to the south of Pield Heath Road and would not be suitable for young children, given that the proposed flats are studio and 1 bedroom units, I consider that it is highly unlikely that they would be occupied by families with children.

23. The proposal would provide some useable and private outdoor amenity space and, given the non-family nature of the proposed units and the proximity to a large area of public open space, I am satisfied that this amounts to sufficiently special circumstances to warrant a level of amenity space that is below the HDAS guideline figure and that the development would provide sufficient amenity space to meet the day to day requirements of the future occupiers."

Given the Inspectors conclusion on this issue it would now be difficult to sustain a reason for refusal on this issue and it is concluded that the application is acceptable in this regard.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal does not include any provision for on-site parking and on the previous application, the applicant offered a Unilateral Agreement which restricted the use of land by prohibiting occupation of the property by anyone holding a parking permit. Members considered this to be unacceptable and the application was also refused on the basis of the lack of parking. On this issue the Inspector concluded:

"4. The proposed development does not include any provision for parking for the future residents. The appeal site is located within a controlled parking zone where parking permits are required. Pield Heath Road, Colham Green Road and the turning head at the end of Colham Road adjacent to the appeal site are subject to parking restrictions in the form of

double yellow lines. At the time of my visit the available parking spaces in the surrounding streets were well used as was the short term parking area to the front of the shops adjacent to the appeal site.

5. The public transport accessibility level (PTAL) is an accepted measure of accessibility in London. According to the officer's report, the site is located in an area that has moderate accessibility with a PTAL rating of level 3. Whilst the Council suggest that a PTAL rating of 3 does not lend itself to a car free development, the policies referred to in the reasons for refusal are silent in this regard and no other evidence has been submitted to indicate why this is not acceptable.

6. There are bus stops on Pield Road and Colham Green Road within a very short distance of the appeal site with frequent services, and whilst there are not a wide range of services within walking distance, in the group of commercial buildings immediately adjoining the appeal site there is a general dealers shop and the Council's Statement of Case notes that a larger retail unit to be occupied by Tesco has planning permission. Work on this was in progress when I visited the site.

7. On this basis, the future residents would not necessarily be solely dependent on the private car for their day to day requirements. I note that the Highway Authority had no objections to the development on highway grounds, subject to future residents not holding parking permits. However, the Council comment that use of a planning obligation to prevent future residents from acquiring parking permits has been found unlawful. I am mindful of the decision in *Westminster City Council v SSCLG & Mrs Marilyn Acons* [2013] EWHC 690 (Admin). However, whilst the obligation in that case sought to prevent the owner from applying for a parking permit and therefore did not comply with the strict terms of s106(1), nonetheless, it is possible to restrict the use of land by prohibiting occupation of the property by anyone holding a permit.

8. The appellant has submitted with the appeal a signed and dated unilateral obligation framed in these terms, which also undertakes to make any occupiers aware of the car free obligation and the need to be compliant with it. However, the obligation contains errors that would affect the ability to enforce it. In Section 1 'Definitions' the application is defined as an application for the prior approval of the Council in respect of (a) the transport and highways impacts of the proposed development; (b) contamination risks on the site; and (c) flooding risks on the site pursuant to Part J.2 of Class J of the Order. The planning application was a full planning application and not a prior approval application relating to the exercise of permitted development rights. The definitions section also incorrectly defines the proposed development as the change of use of the land to residential, when it comprises operational development. Additionally, the obligation refers to land edged red on a plan that is not attached to the obligation.

9. Whilst these are technical errors in the drafting of the obligation, nevertheless they are fatal flaws which result in the obligation not correctly relating to the proposed development and, as a consequence, not capable of being enforced should the terms be breached. I therefore cannot give any weight to the submitted unilateral obligation.

10. The area surrounding the appeal site is subject to parking stress as evidenced by the fact that it is a controlled parking zone. If car ownership and use was not restricted, the proposed development would introduce additional cars into this area, which would add severely to the existing parking stress and result in conditions that were prejudicial to road

safety. In the absence of a mechanism to prevent the future occupiers of the development from using cars, the appeal must fail on this ground."

The Inspector, in his conclusions clearly accepts that a legal obligation which restricts the use of land by prohibiting occupation of the property by anyone holding a permit would be acceptable in principle and only dismissed the appeal on the basis of the fatal flaws in the submitted obligation which resulted in the obligation not correctly relating to the proposed development and, as a consequence, not capable of being enforced. Thus a suitably worded legal agreement would be acceptable and on this basis a refusal on parking grounds could not be justified.

7.11 Urban design, access and security

See Section 7.07.

7.12 Disabled access

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London intends to adopt the new national technical standards through a minor alteration to The London Plan. This alteration is in the form of the Housing Standards Policy Transition Statement and it sets out how the existing policies relating to Housing Standards in The London Plan should be applied from October 2015. Appendix 1 of the Transition Statement sets out how the standards stemming from the policy specified in the 2012 Housing SPG should be interpreted in relation to the national standards. The issues relating to disabled access are to be addressed under the Building Regulations.

The building regulations now contains optional elements. The Government has issued guidance that for those areas where authorities have existing policies on access (like London) that planning permissions can be granted subject to conditions requiring compliance with the optional elements of the Building Regulations.

London Plan (March 2015), Policy 3.8(c), requires all new homes to be built to lifetime homes standards. From October 2015 the Mayor's Housing Standards: Transition Policy Statement confirms that this should be interpreted as homes should meet building regulation M4 (2) 'accessible and adaptable dwellings' and this is secured by condition.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

No trees will be lost as a result of the development. The site contains no significant landscape value. The proposal indicates landscaping to the edges of the site. This matter can be dealt with by condition.

7.15 Sustainable waste management

The location of the proposed waste storage is indicated and is acceptable. However, full details can be the subject of a condition.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

No comments received.

7.20 Planning Obligations

It is recommended that planning permission be granted subject to conditions and on completion of an agreement under Section 106 to restrict the use of land by prohibiting occupation of the property by anyone holding a permit. (See details above).

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £35 per sq metre.

The proposal would attract a CIL Liability of:

CIL £31,015.70

Mayoral CIL £12,144.22

Total CIL £43,159.92.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The

obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposal seeks planning permission for a three-storey block of flats to provide 3 x studio units and 3 x 1 bed units. This is the same proposal as considered on appeal in terms of submitted drawings and supporting material.

The proposal has been assessed against current policies and guidance for new housing development in terms of the potential effects of the design, scale and site layout on the character of the surrounding area, the potential impact on the residential amenities of adjoining and nearby occupiers, and on highways related matters including access, traffic/pedestrian safety and parking in the vicinity.

Whilst upholding the Council's refusal, the Inspector did not agree with the Council in respect of reasons for refusal numbers 1, 2 and 3 but upheld the Council's position in respect of reason for refusal number 4. These are material considerations in determination of the current application. The Inspector found the draft unilateral agreement submitted with the appeal to be flawed. However, it is also material that the Inspector was satisfied that if an appropriate legal agreement could be secured which prevents occupiers from holding a permit, (as opposed to applying for one) the development would be acceptable in this regard.

In summary, given the position adopted by the Inspector, which is an important material consideration, the proposal is considered to relate satisfactorily to the character and appearance of the locality and would comply with policies BE13, BE15, BE19, BE20 and

BE21 of the of the Hillingdon Local Plan: Part Two - Saved UDP Policies, Policies 3.5 and 5.3 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

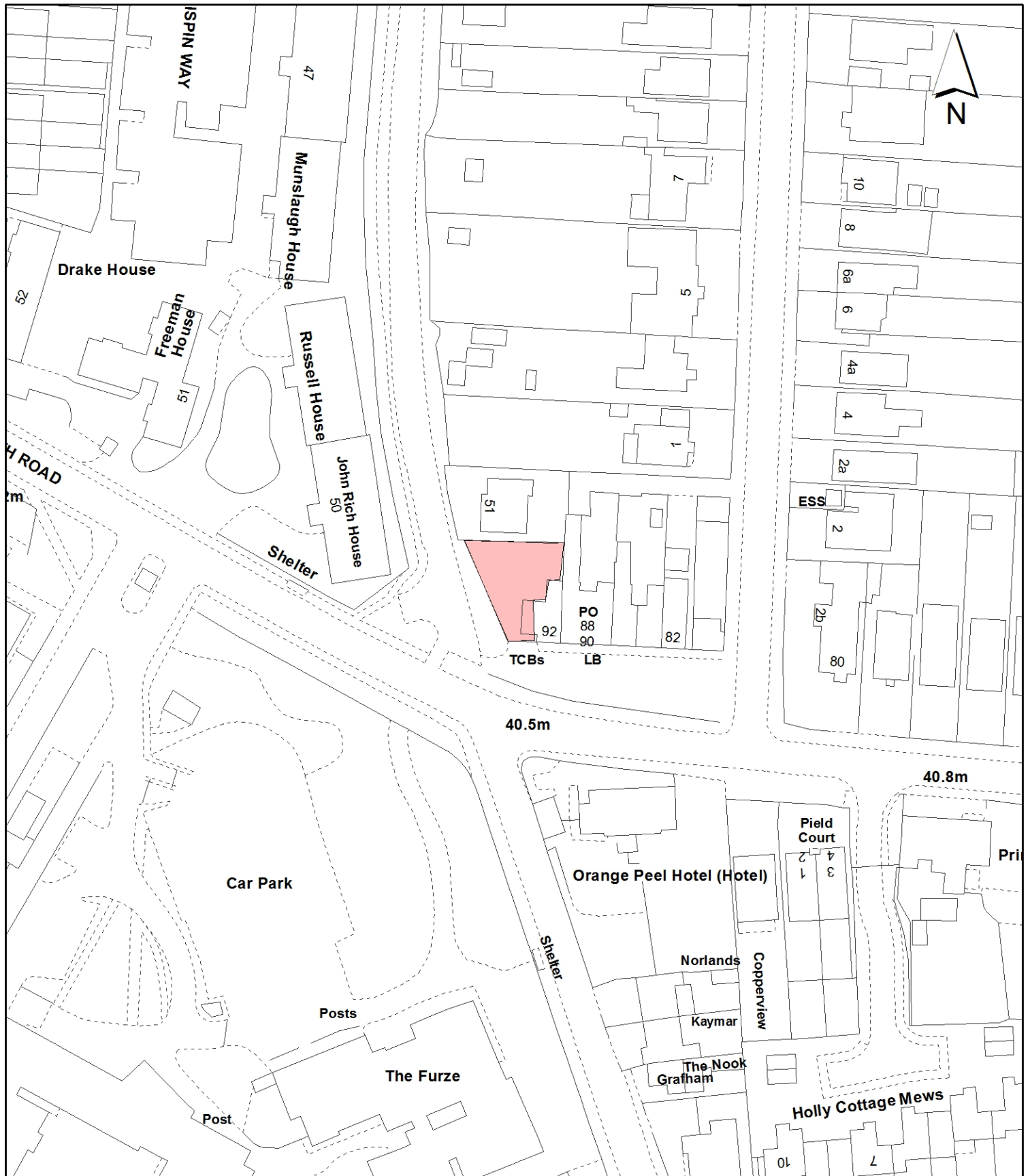
It is recommended that planning permission be granted subject to conditions and on completion of an agreement under Section 106 to prevent occupants of the development and No. 92a Pield Heath Road from holding a car parking permit within the Controlled Parking Zone.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Technical Housing Standards - Nationally Described Space Standard
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Cris Lancaster

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Notes:

 Site boundary

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Site Address:

**Land forming part of
 92 Field Heath Road**

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

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

Planning Application Ref:
12504/APP/2016/4179

Scale:
1:1,000

Planning Committee:
Central & South

Date:
February 2017



HILLINGDON
 LONDON