

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

**Address** FORMER GARAGE SITE R/O 6-16 NELSON ROAD HILLINGDON

**Development:** Proposed demolition of the existing garage blocks and erection of 6 houses with rear dormers, parking spaces, all associated external works and changes to the front and rear gardens of 13 Nelson Road to widen the existing access.

**LBH Ref Nos:** 72704/APP/2017/1068

**Drawing Nos:** 2016/D176/P/03 Rev A - Proposed Site Plan  
2016D176P15 - Design and Access Statement  
2016D176P02 - Existing Site Plan  
2016D176P04 - Block A - Ground and First Floor Plans  
2016D176P05 - Block B - Ground and First Floor Plans  
2016D176P06 - Block A - Loft & Roof Plans  
2016D176P07 - Block B - Loft and Roof Plan  
2016D176P08 - Block A - Elevations - 1 of 2  
2016D176P09 - Block A - Elevations - 2 of 2  
2016D176P10 - Block B - Elevations  
2016D176P11 - Proposed Typical Sections  
2016D176P12 - Arboricultural Impact Assessment  
2016D176P13 - Tree Constraints Plan  
2016D176P14 - Proposed Access Road and Gates  
2016D176P01 - Site Location Plan

**Date Plans Received:** 23/03/2017

**Date(s) of Amendment(s):** 23/03/2017

**Date Application Valid:** 24/03/2017

### 1. SUMMARY

The proposed development represents an efficient and suitable use of the currently derelict land. The proposed dwellings benefit from adequate parking provision and satisfactory access arrangements.

The development will relate sympathetically towards the surrounding area and similar nearby developments such as that at Nelson Lane.

The development complies with relevant planning policies and SPD standards in terms of relationship with surrounding residential properties and the living conditions of future occupants of the development.

It is therefore recommended that the application is approved, subject to the conditions set out in this report.

### 2. RECOMMENDATION

**APPROVAL subject to the following:**

#### 1 SP01 Council Application Standard Paragraph

This authority is given by the issuing of this notice under Regulation 3 of the Town and Country Planning General Regulations 1992 and shall enure only for the benefit of the

land.

**2 COM3 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.

**3 COM4 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:-

2016D176P01 - Site Location Plan;  
2016D176P03 Revision A - Proposed Site Plan;  
2016D176P04 - Block A - Ground and First Floor Plans;  
2016D176P05 - Block B - Ground and First Floor Plans;  
2016D176P06 - Block A - Loft & Roof Plans;  
2016D176P07 - Block B - Loft and Roof Plan;  
2016D176P08 - Block A - Elevations - 1 of 2;  
2016D176P09 - Block A - Elevations - 2 of 2;  
2016D176P10 - Block B - Elevations;  
2016D176P11 - Proposed Typical Sections;  
2016D176P13 - Tree Constraints Plan;  
2016D176P14 - Proposed Access Road and Gates;

and shall thereafter be retained/maintained for as long as the development remains in existence.

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

**4 COM5 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:

2016D176P12 - Arboricultural Impact Assessment;  
2016D176P15 - Design and Access Statement;  
2016D176P16 - Tree Impact Survey

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

**REASON**

To ensure that the development complies with the the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

**5 OM20 Grampian Planning Obligations**

Prior to the commencement of the development hereby permitted, a scheme shall be submitted to, and approved in writing by the Local Planning Authority detailing how road marking and access improvements to the site from Nelson Road arising from the needs of the proposed development will be provided. The approved scheme shall then be

implemented prior to the occupation of the development.

#### REASON

To ensure the development provides an appropriate contribution to the improvement of road safety, arising from the proposed development, in accordance with Policy R 17 of the adopted Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

#### **6 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 BE 38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### **7 COM8 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 BE 38 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

#### **8 COM9 Landscaping (car parking & refuse/cycle storage)**

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

- 1. Details of Soft Landscaping
  - 1.a Planting plans (at not less than a scale of 1:100),
  - 1.b Written specification of planting and cultivation works to be undertaken,
  - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
  
- 2. Details of Hard Landscaping
  - 2.a Means of enclosure/boundary treatments
  - 2.b Car Parking Layouts (including provision of one electrical charging point)
  - 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 BE 13, BE 38 and AM 14 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (2015)

#### **9 COM26 Ecology**

No development shall take place until a scheme to protect and enhance the nature conservation interest of the site has been submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

**REASON**

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with policy EC5 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and London Plan (2016) Policy 7.19.

**10 COM6 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)

**11 NONSC Imported Soil**

All soils used for gardens and/or landscaping purposes shall be clean and free of contamination. Site derived soils and imported soils shall be tested for chemical contamination, and the results of this testing shall be submitted for approval to the Local Planning Authority.

**REASON**

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

**12 COM15 Sustainable Water Management**

Prior to commencement, a scheme for the provision of sustainable water management shall be submitted to, and approved in writing by the Local Planning Authority.

The scheme shall clearly demonstrate how it manages water and demonstrate ways of controlling the surface water on site by providing information on:

a) SUDS FEATURES:

i. incorporating sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.15 of the London Plan. Where the proposal does not utilise the most sustainable solution, justification must be provided,

ii. calculations showing storm period and intensity and volume of storage required to control surface water and size of features to control that volume to Greenfield run off rates at a variety of return periods including 1 in 1 year, 1 in 30, 1 in 100, and 1 in 100 plus Climate change,

iii. where identified in an area at risk of surface water flooding, include additional provision within calculations for surface water from off site

iv. where it is intended to have above ground storage, overland flooding should be mapped, both designed and exceedance routes above the 100, plus climate change, including flow paths depths and velocities identified as well as any hazards, (safe access and egress must be demonstrated).

b) CAPACITY OF RECEPTORS:

i. Capacity demonstrated for Thames Water foul and surface water network, and provide confirmation of any upgrade work required having been implemented and receiving watercourse as appropriate.

ii. Where infiltration techniques (soakaway) or a basement are proposed a site investigation must be provided to establish the level of groundwater on the site, and to demonstrate the suitability of infiltration techniques proposed on the site. (This should be undertaken at the appropriate time of year as groundwater levels fluctuate).

iii. Where groundwater is found within the site and a basement is proposed suitable mitigation methods must be provided to ensure the risk to others is not increased.

iv. identify vulnerable receptors, ie WFD status and prevent pollution of the receiving groundwater and/or surface waters through appropriate methods;

c) MINIMISE WATER USE:.

i. incorporate water saving measures and equipment.

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

d) LONG TERM MANAGEMENT AND MAINTENANCE OF THE DRAINAGE SYSTEM:

i. Provide a management and maintenance plan;

ii Include details of Inspection regimes, performance specification, (remediation and timescales for the resolving of issues where a PMC).

iii. Where overland flooding is proposed, the plan should include the appropriate actions to define those areas and actions required to ensure the safety of the users of the site should that be required.

iv. Clear plans showing all of the drainage network above and below ground. The responsibility of different parties such as the landowner, PMC, sewers offered for adoption and that to be adopted by the Council Highways services.

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 that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy 5.12 Flood Risk Management of the London Plan (March 2016) and to be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2016), and

to Conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016) and the National Planning Policy Framework (March 2012).

**13 H8 Surfacing and marking out of access/parking/servicing areas**

The development shall not be occupied until the access roads, parking and servicing areas shown on the approved plans have been drained, surfaced and marked out in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter these areas shall be permanently retained and used for no other purpose.

**REASON**

To ensure that the vehicular access, servicing and parking areas are satisfactorily laid out on site in accordance with Policy AM 14 of the adopted Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (2016).

**14 COM28 Visibility Splays - Pedestrian**

The access to the development from Nelson Road shall be provided with 2.4m x 2.4m pedestrian visibility splays 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 AM 7 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**15 HH-M1 Details / Samples to be Submitted**

No development shall take place until details of all materials, colours and finishes to be used on all external surfaces within the development have been submitted to and approved in writing by the Local Planning Authority.

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE 13 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**16 HO6 Obscure Glazing**

Upper floor windows on the east and west (side) elevations facing of both blocks shall be glazed with permanently obscured glass and non-opening below a height of 1.7 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 BE 24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**17 RES12 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings above ground floor height shall be constructed in the walls or roof slopes of the development hereby approved.

**REASON**

To prevent overlooking to adjoining properties in accordance with policy BE 24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**18 RES14 Outbuildings, extensions and roof alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garages, sheds or other outbuildings, nor extension or roof alteration to any dwellinghouses shall be erected without the grant of further specific permission from the Local Planning Authority.

**REASON**

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies BE13, BE 21, BE 23 and BE 24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

**19 COM31 Secured by Design**

The building(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No 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 (2016) Policies 7.1 and 7.3.

**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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

- |      |  |
|------|--|
| AM13 | AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -<br>(i) Dial-a-ride and mobility bus services<br>(ii) Shopmobility schemes<br>(iii) Convenient parking spaces<br>(iv) Design of road, footway, parking and pedestrian and street furniture schemes |
| R17  | Use of planning obligations to supplement the provision of recreation  |



	leisure and community facilities
AM14	New development and car parking standards.
AM7	Consideration of traffic generated by proposed developments.
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.
BE39	Protection of trees and woodland - tree preservation orders
EC5	Retention of ecological features and creation of new habitats
H12	Tandem development of backland in residential areas
H4	Mix of housing units
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 5.10	(2016) Urban Greening
LPP 5.13	(2016) Sustainable drainage
LPP 5.17	(2016) Waste capacity
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.18	(2016) Protecting open space and addressing deficiency
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture
LPP 8.3	(2016) Community infrastructure levy
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
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
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R4	Proposals that would involve the loss of recreational open space
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

**3**            115            **Control of Environmental Nuisance from Construction Work**  
Nuisance from demolition and construction work is subject to control under the Control of

Pollution Act 1974, the Clean Air Act 1993 and the Environmental Protection Act 1990. You should ensure that the following are complied with:

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

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

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

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

You are advised to consult the Council's Environmental Protection Unit ([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.

#### **4 159 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 (2016). 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.

#### **5 111 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).

#### **6 112 Notification to Building Contractors**

The applicant/developer should ensure that the site constructor receives copies of all drawings approved and conditions/informatives attached to this planning permission. During building construction the name, address and telephone number of the contractor (including an emergency telephone number) should be clearly displayed on a hoarding visible from outside the site.

**7**            I19                    **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).

**8**            I2                            **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 may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

**9**            I24                           **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

**10**          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).

**11**          I34                           **Building Regulations 'Access to and use of buildings'**

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

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

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

These documents (which are for guidance) set minimum standards to allow residents, workers and visitors, regardless of disability, age or gender, to gain access to and within

buildings, and to use their facilities and sanitary conveniences.

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

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

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

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

### **3. CONSIDERATIONS**

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

The site is currently in a state of disuse and has been gated off. The garages occupying the site are located towards the southern end, adjacent to the eastern boundary. All of the garages are vacant and are in a poor state of repair with the hard standing area to the front of them overgrown with weeds. The northern part of the site is currently surfaced with grass and shrubs growing in places. The site boundaries are bordered by the far end of rear gardens belonging to surrounding properties that back onto the site and, for the most part, are marked by approximately 1.8 metre high timber fencing. There are also mature trees and hedging following site boundaries, particularly on the western perimeter.

Although the site once had a play area, this was fenced off over a decade ago and any former play area use is long since abandoned. The site is considered to be classified as derelict land.

The surrounding area is characterised by residential dwellings, the majority of which are accommodated within two-storey terraces, with occasional clusters of semi-detached buildings. There are also a group of semi-detached bungalow dwellings at Nelson Lane to the south of the site.

#### **3.2 Proposed Scheme**

The proposal involves the redevelopment of the former garage block site with a total of 6 new dwellings configured as 2 semi-detached four bedroom dwellings located towards the narrower southern end of the site and a terrace of 4 dwellings comprising 2 x four bedroom dwellings either side of 2 x three bedroom dwellings. All dwellings will be two-storeys in height but incorporating additional floorspace within the roof.

Each individual dwelling will be provided with two off street car parking spaces within its curtilage to the front of the building.

An 82.3 m<sup>2</sup> strip of garden land belonging to No. 13 Nelson Road will be acquired in order to allow for widened access from Nelson Road, ensuring the safe movement of pedestrians and traffic entering and leaving the site. Automatic gates will also be installed, set back from the junction with Nelson Road so as to prevent waiting vehicles from blocking the road.

Revisions to the plans occurred during the determination of the application to add additional landscaped buffer areas to the rear of 11 and 12 Nelson Road and acoustic fencing on the side boundary with 13 Nelson Road.

### **3.3 Relevant Planning History**

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

There is no specific planning history attached to the site.

## **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.CI1 (2012) Community Infrastructure Provision
- PT1.BE1 (2012) Built Environment
- PT1.EM4 (2012) Open Space and Informal Recreation
- PT1.H1 (2012) Housing Growth

Part 2 Policies:

- 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
- R17 Use of planning obligations to supplement the provision of recreation, leisure and community facilities
- AM14 New development and car parking standards.
- AM7 Consideration of traffic generated by proposed developments.
- 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.
BE39	Protection of trees and woodland - tree preservation orders
EC5	Retention of ecological features and creation of new habitats
H12	Tandem development of backland in residential areas
H4	Mix of housing units
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 5.10	(2016) Urban Greening
LPP 5.13	(2016) Sustainable drainage
LPP 5.17	(2016) Waste capacity
LPP 5.3	(2016) Sustainable design and construction
LPP 6.13	(2016) Parking
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.18	(2016) Protecting open space and addressing deficiency
LPP 7.3	(2016) Designing out crime
LPP 7.4	(2016) Local character
LPP 7.6	(2016) Architecture
LPP 8.3	(2016) Community infrastructure levy
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
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
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R4	Proposals that would involve the loss of recreational open space

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

**5.1 Advertisement Expiry Date:- 1st May 2017**

**5.2 Site Notice Expiry Date:- 27th April 2017**

## **6. Consultations**

### **External Consultees**

Site notices were posted on Nelson Road, Nelson Close and Parkfield Avenue. In addition, letters were sent to all adjoining neighbours notifying them of the proposed development and inviting comments.

Petition objecting to the development with 87 signatories submitted:-

The site is used by residents to access their rear gardens and for maintenance. Could space be left for gated access to rear of properties on Nelson Road? Occupants of new 3 bedroom dwellings will not have external access to rear of site. Gardens will be overlooked by dormer windows. The nearest play areas are across a major road or through woodland, part of the site should provide a recreation area. Loss of some parking on Nelson Road and insufficient on site parking for the development. Loss of habitat for wildlife. The drainage system and water pressure is already inadequate.

4 letters of objection received from the public. A summary is provided below:-

My property will be overlooked. Devaluation of property. Noise disturbance by residents. Could attract litter and vermin. Use of part of 13 Nelson Road plot will lead to loss of parking. Grass is cut by Council and the area is used by residents as they have a key to access it. Would spoil views from property. The site has hedgerows and trees and is a wildlife habitat. There are rare black bees on site, visiting red kites and foxes and a variety of nesting birds. The site is embedded and would encourage criminals to congregate without detection. The Council has not consulted the community about potential uses for the site. Use of the site as allotments would be preferable. Insufficient car parking is provided. There are insufficient services available for future occupants.

1 Letter of comment:

Don't want landscape planting to deprive my garden of moisture. What is happening to the old alleyway down the side of number 1 Nelson Close leading to the new properties?

### **Internal Consultees**

#### **WASTE STRATEGY:**

Space is allocated for waste storage which is good practice. Hillingdon is not a wheeled bin borough. Bins or other containment would have to be provided by the developer. The current waste and recycling collection systems are: - Weekly residual (refuse) waste - using sacks / bins purchased by the occupier - Weekly dry recycling collection - using specially marked sacks provided by the Council. - Weekly green garden waste collection - three specially marked reusable bags (each approximately 80 litre capacity) provided by the Council free of charge. Occupiers of larger properties can purchase three additional reusable bags. - Weekly collection of textiles provided - using specially marked purple tinted sacks - Weekly collection of food waste for residents wishing to participate. Those in the scheme are provided with a 7 litre internal 'caddy' and a 23 litre external

storage container. One area of concern the width of the access road. The collection fleet is around 3 axle vehicles. We ask any access road is 3.5 metres wide to allow the vehicle to safely manoeuvre. In addition the roadway would have to be able to withstand 26 tonnes. Please confirm the design allows for this criteria.

OFFICER COMMENT: Measurements show that the narrowest point of the access road is 4 metres in width.

#### LANDSCAPES:

A tree report has surveyed 10 oak trees along the south and west boundaries. There are no 'A' grade trees, but all are 'B' grade - whose condition and value justify retention as part of any new development. According to the report summary (1.3) there will be a moderate impact on tree 5, an ash and a high impact on tree 6, an oak. Please note that the plans makes no reference to any ash trees and no trees are numbered on plan - limiting the usefulness of the survey. However, according to plan ref. 2016/D176/P/03, one tree will be removed to facilitate the development of plot 4. It appears that the retention of the oaks to the east of unit 1, to the north-west of unit 4 and possibly the north-west of unit 6 may not be feasible. - Even if these trees can be safeguarded during construction there may be pressure to remove them due to their proximity to the proposed buildings. If this application is to be approved it is possible that more trees could be saved if the layout is amended slightly - without the loss of units / accommodation.

OFFICER COMMENT: The trees in question do not possess significant amenity value and any loss can be mitigated by additional planting. Trees shown as retained will be subject to protection by a suitably worded planning condition. It is not feasible to revise the site layout as this would lead to conflict with other planning policies.

#### FLOOD & DRAINAGE:

The site is at risk of surface water flooding according to the Environment Agency flood maps. Particularly in the southern part of the site. The development therefore needs to manage surface water on site. An appropriately worded condition is recommended requiring sustainable water management.

#### HIGHWAYS:

Parking provision complies with the Council's maximum parking standard, 2 per dwelling. Cycle Parking : Properties with 2+ bedrooms should provide 2 spaces per unit. Auto tracks are required for refuse lorries entering and leaving the site bearing in mind that Nelson Road is a one way street North to South. The developer will have to meet costs related to a traffic order and implementation of waiting restrictions at the junction to facilitate movements in and out of the site for refuse vehicles.

OFFICER COMMENT: Necessary traffic order measures at the access to the site from Nelson Road can be secured through the use of a grampian condition. Therefore a refuse vehicle could access the site.

## **7. MAIN PLANNING ISSUES**

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

The site is owned by the Council. Para. 1.2.22 of the London Plan Housing SPG (2016) states that accelerating the disposal of surplus public sector land for housing is a national priority and a key objective of the Mayor's Housing Strategy.

The site is located within an established built-up area and is bordered on all sides by



residential properties. Para. 17 of The National Planning Policy Framework (NPPF) advocates the effective use of previously developed land as one of a raft of core planning principles. The southern portion of the site, on which garage buildings are sited, is considered to represent previously developed land.

Inspection of historical Ordnance Survey maps show that part of the site was originally designated as a play area. Annex 2 of the NPPF precludes play areas within wider urban areas from being regarded as previously developed land. It is considered that because this use ceased over 15 years ago and there has been no intention since this date to re-instate the use that, in planning terms, it is 'abandoned.' The former play area is therefore classified as vacant land.

It is also considered that, in this instance, no parts of the site would be suitable as a play area due to the secluded nature of the site, entirely to the rear of buildings. It is also noted from Council records that the site has been subject to anti-social behaviour in the past which is why it is now secured by a locked gate. Furthermore, the site is located in the Hillingdon East ward which is not identified as an area subject to open space deficiency within the Council's Open Space Strategy 2011 - 2026.

In addition, Council communications indicate that play equipment was removed from the site around 2002 and ownership was assigned to the Council's housing department. Aerial photographs dating from 2008 show that there is no play equipment present at the site and it is in a general condition of disuse. It is therefore considered that the proposal would not result in the loss of a current open space area or an area which possesses the necessary attributes to be used as a play area. It is considered that it does not meet the standards for open space set out in para 2.2.11 of the London Plan Housing SPG which states that open space, whether for public or private communal use should be designed to be safe, accessible, inviting and well used, without the fear of crime. It should encourage an appropriate sense of ownership and should be managed to ensure that it remains useful and welcoming to all users.

The site is therefore considered to represent a suitable example of a windfall site as defined within para. 48 of the NPPF, the development of which would represent a more efficient use of land as encouraged with Policy 3.4 of the London Plan (2016) and para. 1.2.25 of the London Plan Housing SPG (2016) which recognises the crucial role small sites play in securing housing delivery within London.

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

The overall area of the site is 2631.7 m<sup>2</sup> and the proposed construction of 6 No. dwellings would therefore result in a residential density of approximately 23 dwellings per hectare. Table 3.2 of the London Plan (2016) provides a matrix that indicates the optimum residential density level, expressed in units per hectare, for development based on the character of its surroundings (central, urban or suburban), public transport accessibility level (PTAL) on a sliding scale of 0 (poor) to 6 (excellent) and the type of units being offered (best on the amount of habitable rooms per unit).

In this instance, the site is located in a suburban setting with a modest PTAL score of 2 and the proposed dwellings will provide 3.8 - 4.6 habitable rooms each. As such, the optimum density level for the efficient use of the site falls within the 35 - 65 units per hectare

. Whilst the proposed development falls below this level, it is considered to represent an efficient development of the site as other constraints, particularly the shape of the site and proximity to neighbouring residential development, would mean a higher density

development would conflict with other relevant planning policies. Para. 1.3.55 of the London Housing SPG identifies particular local circumstances as an acceptable reason for allowing an exception to optimal density development targets.

It is therefore considered that the proposed development is compliant with Policy 3.4 of the London Plan (2016).

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

Not applicable to this site.

**7.04 Airport safeguarding**

Not applicable to this site.

**7.05 Impact on the green belt**

Not applicable to this site.

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

The new dwellings will have limited street scene presence as they will be positioned to the rear of existing residential development and largely screened from view within the street scenes of Nelson Road, Nelson Close, Nelson Lane and Parkfield Avenue. Where the dwellings will be visible between gaps in buildings it is considered that they will contextualise with the general appearance of the surrounding area which is characterised by residential buildings of a comparable design and scale to those of the proposed development. It is therefore considered that they will integrate into the surrounding environment in a similar way to the properties on Nelson Close and Nelson Lane which also occupy the space between Nelson Road and Parkfield Avenue, as will the proposed buildings.

Although the site is positioned on an envelope of land that is set behind other residential dwellings, it is not considered that it represents 'tandem' backland development, as the development will benefit from a designated access road that would prevent disturbance to occupants of properties fronting Nelson Road. Furthermore, it is considered that the proposed development is of sufficient size to possess its own street scene and that there are an adequate number of dwellings within the development to prevent them from appearing isolated or divorced from their surroundings.

The layout of the development itself is considered to be sympathetic with sufficient space maintained to the sides of the end of terrace and semi-detached dwellings to ensure that they do not appear cramped within the plot. Although car parking spaces will be provided to the front of each dwelling it is considered that an adequate proportion of the front amenity area will be landscaped and, as such, the site frontages will not appear overwhelmed by parked cars and a good quality setting will be maintained.

The proposed widened access would remove a narrow strip of garden to the side of 13 Nelson Road but it is not considered that this would compromise the street scene as the visual gap between No. 13 Nelson Road and No. 12 Nelson Road would be maintained and the new access point would not be excessive in width or overly dominant within the overall street scene.

It is therefore considered that the proposed development would be in accordance with Policies BE 13, BE 19 and H 12 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 7.4 and 7.6 of the London Plan.

**7.08 Impact on neighbours**

The site is surrounded by residential properties and this represents a constraint to the

development of the site that has been taken into account when accepting the relatively low density of the proposed scheme. The layout of the proposed dwellings has been designed so as to prevent any unacceptable overlooking, overbearing or overshadowing impact being imposed upon neighbouring properties.

The proposed dwellings are two-storey structures, with a ridge height of approximately 8.45 metres. Side walls will be stepped in from site boundaries in excess of the minimum 1 metre buffer stipulated in Local Plan Policy BE 22 so as to reduce their visual impact towards existing neighbouring properties. A separation distance of a minimum of at least 15 metres will be maintained between the proposed dwellings and the principle building on all existing neighbouring residential properties in accordance with standards set out in the Residential Layouts SPD (para. 4.9). The roof slopes of the proposed buildings will also pitch away from boundaries shared with existing neighbouring properties. As a result, the proposed dwellings will not appear overbearing towards existing neighbouring properties nor would they be overshadowed or subject to any unacceptable overbearing impact from those properties.

The front and rear elevations of the proposed terrace and semi-detached dwellings will be linear and, as such, the windows and amenity spaces of the new dwellings will not be subject to any undue overshadowing or overbearing impact caused by other properties within the development.

No habitable rooms serving the proposed dwellings would be within 21 metres of any windows serving habitable rooms at neighbouring properties taking into account a visibility splay measured 45° either side of the centre point of each relevant window, in accordance with Residential Layouts SPD (para. 4.11). It is therefore considered that no intrusive views into neighbouring buildings would be afforded from any new windows. Any views towards garden areas from new ground floor windows will be interrupted by site boundary treatment whilst those from first floor windows will be partially screened by site landscaping and boundary treatment with any uninterrupted views being of areas a sufficient distance away to prevent an unacceptable loss in privacy.

The loss of a narrow strip of garden at No. 13 Nelson Road, totalling 82.3 m<sup>2</sup> in area would not adversely impact the amenities of the occupants of that property as the area removed is partially to the side of the dwelling and of no significant amenity value and an ample amount of garden space of approximately 72.5 m<sup>2</sup> would be retained for the private use of the occupants of No. 13 Nelson Road, in accordance with the outdoor amenity space standards set out in the Residential Layouts SPD.

It is therefore considered that the proposed development is compliant with the standards of the Residential Layouts SPD, Policies BE 20, BE 21, BE 22, BE 23 and BE 24 of the Local Plan and Policy 7.6 of the London Plan.

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

The linear arrangement of the dwellings within the development will ensure that no dwelling or associated amenity space is directly overshadowed by a neighbouring property within the development as no elevation walls will project beyond the front or rear elevations of any neighbouring building. This will also ensure that no neighbouring properties appear overbearing towards other properties. As discussed in section 7.08 of this report, an adequate distance is maintained between the proposed dwellings and existing neighbouring buildings to prevent any existing development from appearing overbearing or causing undue levels of overshadowing towards the proposed dwellings.

An adequate distance will be maintained between windows serving habitable rooms within the proposed dwellings and those at existing neighbouring properties to prevent intrusive levels of overlooking. Any views from habitable windows serving proposed dwellings towards habitable windows serving other properties within the development will, in the case of frontage to frontage views between the terraced and semi-detached blocks, be at a sufficient distance to prevent unacceptable loss of privacy or, in the case of views from rear windows, be directed towards the far end of garden areas only and partially obstructed by site boundary treatment.

Each four bedroom dwelling will incorporate a gross internal area (GIA) of 142.8 m<sup>2</sup> distributed over three floors with the uppermost being located within the roof space. This floor space is in excess of the minimum standards set out in the Technical housing standards - nationally described space standard and Policy 3.5 of the London Plan. Each three bedroom dwelling will incorporate a GIA of 108.3 m<sup>2</sup> and this also satisfies the minimum standards set out in the above mentioned documents. All habitable rooms are served by sufficiently large clear glazed windows that offer an unobstructed outlook and will allow for sufficient permeation of sunlight to provide acceptable living conditions for future occupants.

The residential layouts SPD identifies minimum outdoor amenity space area standards of 60 m<sup>2</sup> for two and three bedroom dwellings and 100 m<sup>2</sup> for four bedroom dwellings. The smallest private garden within the development is 156.5 m<sup>2</sup> and serves a three bedroom dwelling and, as such, the minimum space requirements have been satisfied. All gardens are fully enclosed and of a suitable shape to provide usable, private amenity space.

It is therefore considered that the proposed development would be in accordance with Local Plan Policy BE 23 and London Plan Policy 3.5.

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

The development will be accessed from Nelson Road which is a crescent shaped one way residential street. An existing access which served the vacant garages will be utilised and a narrow strip of garden land serving No. 13 Nelson Road will be annexed to allow for the access to be widened to provide safe access / egress with appropriate unobstructed visibility splays for road traffic, including emergency vehicles. The widened access will also allow for a pavement to be provided allowing safe access for pedestrians. An automatic gate will be provided for security purposes and this will be set back a sufficient distance from the junction to prevent waiting vehicles from obstructing Nelson Road. A central unobstructed turning area will be provided within the development in order to allow for circulation of vehicles and enable them to enter and leave the site in forward gear.

Each dwelling will be served by two off street parking spaces positioned to the front of the building. Adequate amenity space will be maintained to site frontages to prevent over domination by parking and the parking spaces will not obstruct access to the dwellings. Each property will be provided with a lockable bike store located within the rear garden.

It is therefore considered that the proposed development satisfies Local Plan Policies AM 7 and AM 14 and London Plan Policy 6.12 and 6.13.

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

Matters relating to design and access are discussed in sections 7.07 and 7.12 respectively.

The proposed development will make use of a secluded site which has been the subject of anti-social behaviour in the past. The layout and arrangement of dwellings will ensure that

all public areas of the site benefit from a good degree of overlooking and will prevent the creation of any hidden recesses that may encourage anti-social behaviour. A condition will be attached to any approval requiring the development to incorporate and implement Secure by Design standards as set out in Section 5.0 of the submitted Design & Access Statement.

The proposed development would therefore be in accordance with Local Plan Policy BE 18 and London Plan Policy 7.3.

#### **7.12 Disabled access**

All entrances / exits to each new dwelling will have level thresholds and the main entrance doors will be wide enough to allow for wheelchair access. The development will be required to be built in accordance with Part B and Part M of the Building Regulations.

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

The proposed development involves the provision of 6 new dwellings and is therefore below the threshold of 10 dwellings which is applied when making demands for affordable and / or special needs housing.

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

The site is not located within a Conservation Area and there are no trees on site subject of, or considered to be worthy of, Tree Preservation Order (TPO) status.

The proposed development will minimise the loss of existing significant trees within the site and generally utilise them as part of the comprehensive landscaping scheme for the development. Existing trees will be augmented with new tree, hedge and shrub planting as well as grass planting for the bulk of front and rear amenity space and throughout communal areas in order to maintain a verdant character and appearance.

Amenity space to the front of dwellings will incorporate hard surfacing and car parking spaces but will contain an adequate proportion of soft landscaping which will be further bolstered by planting in communal areas.

No protected species are known or considered likely to exist on this site that would require specific protection. Nesting birds would benefit from protection under the Wildlife & Countryside Act. Objectors have mentioned foxes, which are not a protected species, and migratory birds and bees which do not have a permanent presence on site.

It is therefore considered that the proposed development accords with Local Plan Policies BE 38 and BE 39.

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

The development will be included within the Borough's public waste collection service, which includes recycling collection. The access road is suitable for use by collection vehicles and operatives.

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

No additional comments.

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

The site is not located within either Flood Zone 2 or 3 and, therefore, would not be subject to any significant risk of tidal or fluvial flooding. As such, it is not considered that any specific flood mitigation measures are required.

A portion of the southern end of the site is identified on Environment Agency maps as being at risk from surface water flooding. It is therefore critical that surface water and drainage is

managed in such a way that will not exacerbate surface water drainage concerns and will remove surface and waste water from the site in a sustainable manner.

A condition requiring the submission of a suitable drainage scheme will be attached to any approval given.

Subject to the adoption, implementation and maintenance of a suitable drainage scheme, the proposed development would be compliant with Policy OE 8.

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

It is not considered that the proposed residential use of the site would generate a level of noise or other emissions that would be uncharacteristic of the surrounding residential area. A condition will be attached requiring details of adequate soundproofing to be provided in order to prevent occupants being disturbed by noise from adjoining properties.

The proposed development is therefore in accordance with Local Plan Policy OE 1 and London Plan Policy 7.15.

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

RESPONSE TO PETITION:

There are no rights of access to the site from the rear of neighbouring properties. Parking is compliant with the Council's standards. All properties benefit from generous outdoor amenity space provision and there are a number of public recreation grounds nearby including Knight Gardens which can be accessed without crossing any major roads. The connection of the development to the utility network will be assessed by the utility provider. A condition will be attached to any approval requiring details of ecological management and mitigation measures to be followed during and post construction in order to prevent disturbance to wildlife including nesting birds.

RESPONSE TO LETTERS OF OBJECTION:

Matters relating to amenity impact are discussed in the main body of this report. The Council has, in the past, undertaken consultations relating to future use of the site. Rights to a view and property value impacts are not covered by planning legislation and, as such, are not considerations in determining this application.

#### **7.20 Planning obligations**

The development falls below the threshold for the requirement for incorporation of affordable housing. It does, however, represent chargeable development for Mayoral and London Borough of Hillingdon Community Infrastructure Levy (CIL) payment and, as such, a liability notice setting out the charges will be issued if approval is granted.

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

Not relevant 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**

## **10. CONCLUSION**

It has been demonstrated that the proposed development satisfies relevant local, regional and national planning policies and legislation and should therefore be recommended for approval.

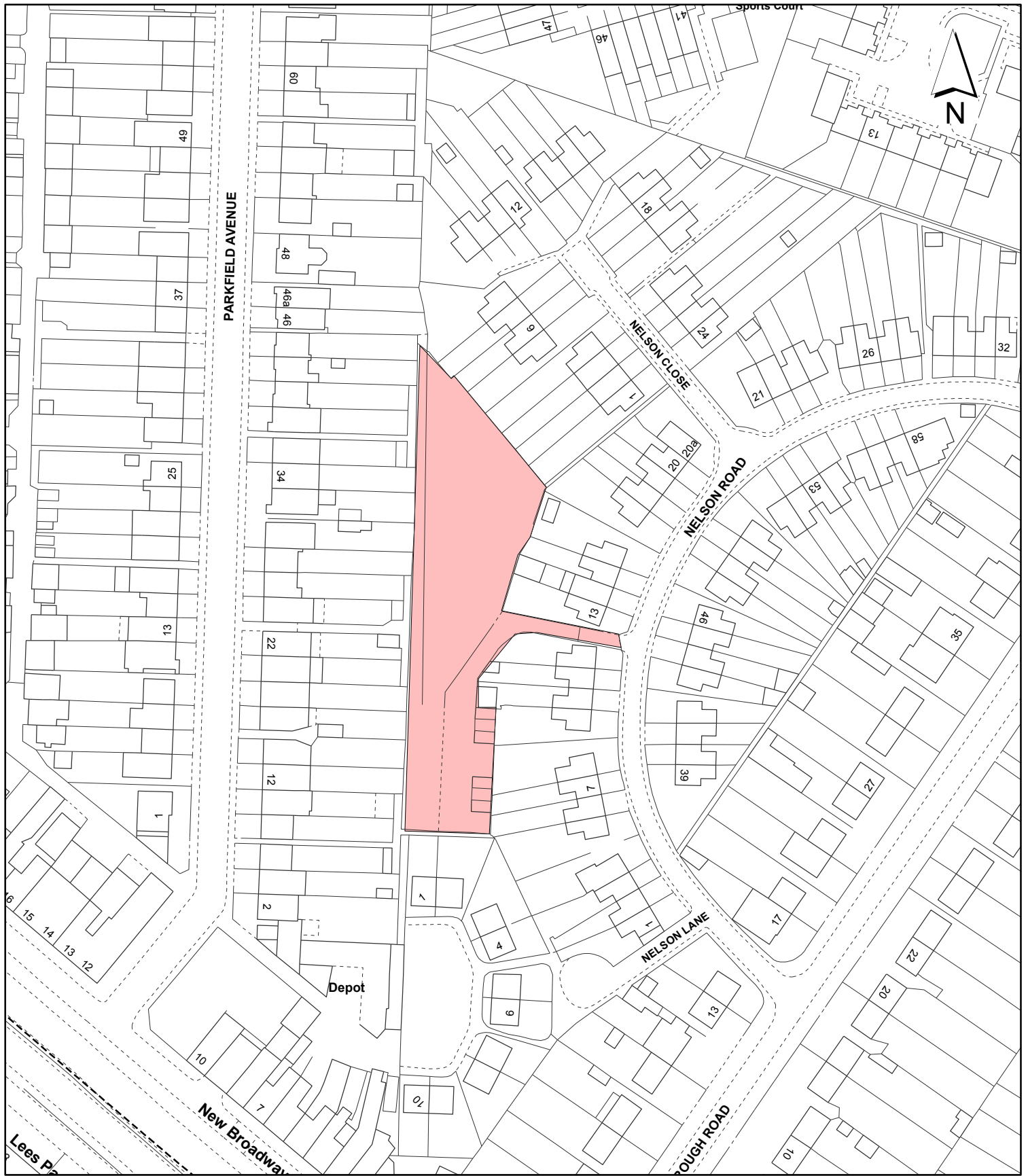
#### **11. Reference Documents**

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)  
The London Plan (2016)  
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)  
Hillingdon Design and Accessibility Statement: Residential Layouts  
Hillingdon Planning Obligations SPD  
National Planning Policy Framework (NPPF)  
DCLG Technical housing standards - nationally described space standard (2015)  
Hillingdon Open Space Strategy 2011 - 2026

**Contact Officer:** James McLean Smith

**Telephone No:** 01895 250230





**Notes:**

 Site boundary

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Site Address:

**Former Garage Site,  
 To the Rear of  
 6-16 Nelson Road**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**72704/APP/2017/1068**

Scale:  
**1:1,250**

Planning Committee:  
**Major**

Date:  
**July 2017**



**HILLINGDON**  
 LONDON