

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

**Address** 236 SWAKELEYS ROAD ICKENHAM

**Development:** Change of use from a group home into 5 x 1-bed self-contained flats with associated parking and cycle stores.

**LBH Ref Nos:** 72634/APP/2017/769

**Drawing Nos:** 503/P/07  
503/P/06  
503/P/02  
503/P/04  
503/P/05  
503/P/01 (as amended)  
2017/P/F/SW/01

<b>Date Plans Received:</b>	28/02/2017	<b>Date(s) of Amendment(s):</b>	28/02/2017
<b>Date Application Valid:</b>	14/03/2017		23/06/2017
			13/03/2017
			14/03/2017
			03/07/2017

### 1. SUMMARY

The proposed Change of Use of the building is compatible with surrounding residential development and provides 1 bedroom units that will contribute towards the residential mix within the surrounding area.

Satisfactory living conditions would be provided for future occupants and the amenities of neighbouring residents would not be compromised.

Adequate parking facilities would be provided.

### 2. RECOMMENDATION

**A) That the Council enters into an agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or Section 278 of the Highways Act 1980 (as amended) and/ or other appropriate legislation to secure:**

**Non-monetary contributions:**

**Enter into a S278/S38 for all highways works related to the provision of layby parking on Hetherington Way:**

- a) Adjustment to kerb lines;
- b) Diversion of the existing pavement;
- c) Surfacing and marking out of the layby parking area;

**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 278 Agreements 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) If the Legal Agreement/s have not been finalised within 3 months, or such other date as agreed by the Head of Planning and Enforcement, delegated authority be given to the Head of Planning and Enforcement to refuse planning permission for the following reason:

'The applicant has failed to deliver necessary offsite highway works and to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in respect of delivery of necessary offsite highway and landscaping works). The proposal therefore conflicts with the National planning Policy Framework, Policy 7.4 of the London Plan (March 2015), Policies AM7 and BE 38 of the adopted Local Plan and the Council's Planning Obligations SPG.'

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 imposed subject to any changes negotiated by the Head of Planning and Enforcement prior to issuing the decision:

Delegated authority be given to the Head of Planning and Enforcement to APPROVE subject to the legal agreement.

**1 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.

**2 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:-

503/P/07  
503/P/06  
503/P/02  
503/P/04  
503/P/05  
503/P/01 (as amended)  
2017/P/F/SW/01

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).

### **3 COM21 Sound insulation /mitigation**

The development shall not begin until a scheme for the control of noise transmission between adjoining residential units has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include such combination of sound insulation and other measures as may be approved by the LPA. Thereafter, the scheme shall be implemented and maintained in full compliance with the approved measures.

REASON: To safeguard the amenity of the occupants of surrounding properties in accordance with policy OE 1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

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

The development shall not be occupied until the parking 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).

## 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.

NPPF1	NPPF - Delivering sustainable development
NPPF4	NPPF - Promoting sustainable transport
NPPF7	NPPF - Requiring good design
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
H4	Mix of housing units
H7	Conversion of residential properties into a number of units
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
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
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

### **3            113            Asbestos Removal**

Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS (Tel. 020 7556 2100).

### **4            117            Communal Amenity Space**

Where it is possible to convey communal areas of landscaping to individual householders, the applicant is requested to conclude a clause in the contract of the sale of the properties reminding owners of their responsibilities to maintain landscaped areas in their ownership and drawing to their attention the fact that a condition has been imposed to this effect in this planning permission.

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

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

### **6            145            Discharge of Conditions**

Your attention is drawn to conditions 3 and 4 which must be discharged prior to the commencement of works. You will be in breach of planning control should you commence these works prior to the discharge of these conditions. The Council may consider taking enforcement action to rectify the breach of this condition(s). For further information and

advice contact - Residents Services, Civic Centre, Uxbridge, UB8 1UW (Tel: 01895 250230).

### **7 147 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).

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The site consists of a single unit within a wider two-storey complex which houses flats. The unit is distributed over both floors with the first floor level extending over 234 Swakeleys Road which is a single-storey one bedroom flat. The unit has an integral staircase which is accessed via a footpath that connects with Swakeleys Road and Hetherington Way.

The surrounding area is characterised by the Hetherington Way development of two-storey blocks of flats and terraced dwellings to the south, larger, predominately detached residential dwellings and occasional flatted development on Swakeleys Road to the north and east and large, detached dwellings on Highfield Drive to the west. Buildings are generally set back from the road and there is a strong presence of mature landscaping including trees, grass verges and small greens which combine to produce an open and verdant character and appearance to the surrounding area.

### **3.2 Proposed Scheme**

The proposal involves the change of use of a vacant part of a building, previously used as a group home, to 5 self contained one bedroom flats. The conversion will be achieved through internal alterations and there will be no extensions to the building or external modifications.

Whilst the use as a group home is already classed as C3, a change of use application is required as the development involves the division of the group home into a number of separate units.

All flats within Hetherington Way have access to communal parking. There is no designated parking. Nonetheless the lease to the group home appears to indicate access to 2 designated parking spaces.

Officers are taking the view the development as proposed has access to five parking spaces for future occupants of the flats. Two of these will be accounted for by the existing off street parking serving the group home. A further three spaces will be provided within a

new layby formed to the side of Hetherington Way, close to the junction with Swakeleys Road. This will result in the loss of a portion of the grass area adjacent to 2, 6 and 8 Hetherington Way. The existing tarmac footpath will be diverted around the layby. These works will be secured by way of a legal agreement.

### **3.3 Relevant Planning History**

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

236 Swakeleys Road was constructed as part of a Council flatted development scheme, now known as Hetherington Way, under application 8380/75/589. The original dwelling at 236 Swakeleys Way was demolished as part of the development. The building was initially intended to accommodate flats but it was subsequently converted to group housing residents with learning difficulties and associated live-in support workers.

## **4. Planning Policies and Standards**

### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

Part 2 Policies:

NPPF1	NPPF - Delivering sustainable development
NPPF4	NPPF - Promoting sustainable transport
NPPF7	NPPF - Requiring good design
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.
OE1	Protection of the character and amenities of surrounding properties and the local area
H4	Mix of housing units
H7	Conversion of residential properties into a number of units
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons

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
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

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

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Neighbours were notified on 16/03/2017 and a site notice was displayed on 23/03/2017 close to the application site.

Five letters of objection received and are summarised below:-

Objection to use of green space for parking due to loss of landscaping and highway and pedestrian safety implications.

This would be cramped development and there should be no more than 3 units created.

Includes the renovation of 234 Swakeleys Road which is not included in the description and so is misleading.

Three additional parking spaces are not enough for the development.

No details of where cycle storage will be located.

OFFICER COMMENT: Plans have been amended and the green space on Swakeleys Road will no longer be used for car parking. The number of parking spaces provided complies with the Council's adopted parking standards. Any alterations to No. 234 are internal only, the unit will remain in use as a flat and planning permission would not be required for such alterations.

### **ICKENHAM RESIDENTS ASSOCIATION:**

No objection to the conversion to flats but there appears to be confusion over the amount of spaces that will be provided in each location.

We are totally opposed to the introduction of private parking management companies to the public streets of Ickenham

suggested by the following statement included in the Design and Access Statement, i.e. "The parking spaces will be dedicated to the flats and controlled by a Parking Management Company."

We oppose strongly, as we have in the past, any development on this important local site (D-shaped Green).

### **Internal Consultees**

ACCESS OFFICER:

No comments to make.

## LANDSCAPES OFFICER:

There is no objection to the change of use of the building. However, the provision of parking within site B sets a most undesirable precedent and is not supported. It is totally impracticable - and undesirable for safety reasons - that anyone would use these parking spaces to access site A which involves crossing a very busy road.

Moreover, it would be impossible to secure these areas for private parking without introducing removable bollards or similar street 'clutter' which will exacerbate the visual impact on this attractive open space.

## HIGHWAYS:

This latest application is a revision of an application that I commented on earlier in the year. The site was previously 5x1 bed units and was converted to a group home with 2 allocated car parking spaces provided close to the site in Hetherington Way.

The latest scheme has seen 3 additional spaces are now provided off Hetherington Way which is a congested local access road. Car parking stress in the area is high with residents parking on footpaths and close to junctions.

The proposal is to revert the property back to 5 new 1 bed flats with 2 existing allocated car parking spaces as well as provide the 3 additional spaces created by converting a grass verge on Hetherington Way which is supported.

The proposed development will result in a small number of additional trips to and from the property but this is not likely to be significant. The development has 5 cycle lockers provided nearby which is also supported.

I presume the development will use the existing refuse/recycling facilities.

On the basis of the above comments I do not have significant highway concerns over the latest proposals.

## **7. MAIN PLANNING ISSUES**

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

The site is located within an established residential area and utilises an existing building that was previously in C3 use as a group home.

Para. 14 of the National Planning Policy Framework (NPPF) instructs Planning Authorities to maintain a presumption in favour of sustainable development. Compliance with relevant local, regional and national policies indicates sustainable development and this report will assess the proposed development on this basis.

Para. 17 recognises the conversion and re-use of existing buildings as a core planning principle.

Policy H 7 of the Local Plan states that the conversion of residential properties into more units is acceptable in principle provided this can be achieved without causing demonstrable harm to the residential amenities or character of the area or the amenity of adjoining occupiers. In addition, adequate sound insulation should be provided, car parking should meet standards adopted by the local planning authority, all units should be self contained with exclusive use of sanitary and kitchen facilities and with individual entrances, and



internal staircases are provided to serve units above ground floor level; and adequate amenity space should be provided for the benefit of residents of the proposed development.

The proposed units are all self contained with their own designated entrances and all upper floor units are served by an internal staircase. Other criteria within Policy H 7 will be assessed further within this report.

Policy H 4 of the Local Plan requires a practicable mix of housing units of different sizes and specifically encourages one and two bedroom units.

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

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 (based on the amount of habitable rooms per unit).

In this instance, the site is located in a suburban setting with a low PTAL score of 1b and the proposed units would each provide 2 habitable rooms. As such, the optimum density level for the efficient use of the site falls between 50 and 75 units per hectare, or 150 - 200 habitable rooms per hectare.

The overall area of the site is approximately 182 m<sup>2</sup> and the converted building will provide 5 residential units, thereby equating to a residential density of approximately result in a residential density of approximately 275 dwellings, or 550 habitable rooms, per hectare.

Whilst it is noted that the density figures are well in excess of those set out in the matrix, it is considered acceptable in this instance as, due to the nature of the development, the communal area surrounding the units has not been taken into consideration, as would generally be the case when calculating densities. Furthermore, the size of the proposed flats is comparable with the size of other flats housed within the the building and other surrounding buildings. Para 1.3.52 of the London Plan Housing SPG (2016) states that local or site specific features may be given weight when assessing acceptable density and, in this instance, it is considered the site specific circumstances of the application allow for the density of development proposed.

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 the proposed development.

#### **7.04 Airport safeguarding**

Not applicable to the proposed development.

#### **7.05 Impact on the green belt**

Not applicable to the proposed development.

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

The proposal does not involve any external alterations to the existing building. The use of the unit will remain as residential, with a similar number of occupants as would have been present for the existing use. It is therefore considered that the proposed change of use of the unit would be compatible with its surroundings and not result in any adverse impact upon the character and appearance of the street scene.

The layby parking that will be formed at the entrance to Hetherington Way will not result in the loss of any significant proportion of the landscaped communal area adjacent to 2, 6 and 8 Hetherington Way and will therefore not compromise the established open and verdant character and appearance that is maintained in that location.

It is therefore considered that the proposed development would be in accordance with Local Plan Policies BE 13, BE 19 and OE 1 and London Plan Policies 7.4 and 7.6.

#### **7.08 Impact on neighbours**

The proposed change of use to flats is from an existing residential group home use which includes 8 bedrooms and, as such, it is considered that the conversion to a total of 5 x one bedroom flats would not materially alter or intensify the use of the site nor the subject building.

Conversion works will be internal only and the flats that will be created will utilise existing fenestrations with any currently obscurely glazed windows remaining as such. As a result, it is not considered that there will be any potential for increased and / or intrusive overlooking of neighbouring properties as a result of the proposal.

No extensions or other external works will be carried out and, as such, there are no concerns regarding potential overbearing or overshadowing impact towards adjoining neighbours.

The creation of layby parking at the entrance to Hetherington Way will not compromise the amenities of neighbouring residents as parked cars will be a sufficient distance from habitable room windows and the layby will not result in the loss of a significant proportion of the communal amenity space adjacent to 2, 6 and 8 Hetherington Way.

It is therefore considered that the proposed development would comply with Local Plan Policy BE 24 and London Plan Policy 7.6.

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

The internal space standards enshrined within the London Plan stipulate minimum Gross Internal Area (GIA) for dwellings based on the amount of bedrooms provided, occupancy rate and the amount of storeys over which the space is distributed. These standards are informed by the Department for Communities and Local Government (DCLG) Technical housing standards - nationally described space standard (2015).

The minimum GIA for a 1 bedroom single floor flat is 39 m<sup>2</sup>, assuming occupation by 1 person or 50 m<sup>2</sup> assuming occupation by 2 people. All but one of the proposed flats have a GIA of 50 m<sup>2</sup>. The remaining flat has a GIA of 48 m<sup>2</sup> and, as such, would only be suitable for single occupancy.

All new units will therefore provide adequate GIA for their proposed occupation and are in accordance with Policy 3.5 of the London Plan.

Policy BE 23 of the Local Plan requires that all new development both preserves private amenity space serving existing properties and provides sufficient private amenity space for future occupants. The Council's SPD for Residential Layouts provides standards for the amount of private amenity space that should be provided for the occupants of a residential unit. This takes the form of a sliding scale based on the amount of bedrooms that the unit provides.

Whilst the proposed flats would not benefit from any designated private amenity space it is

considered that this can be considered acceptable for the following reasons. The units provided are all one bedroom properties where it is recognised that the need for private amenity space is not as great. The proposal is for a Change of Use of an existing building where it would not be feasible to provide private amenity space and it should be noted that none of the existing flats within the building, or in other buildings on Hetherington Way, have private balconies or rear gardens. There is good quality landscaped communal amenity space provided immediately adjacent to the building.

All habitable room windows are well served by windows and openings that would allow effective natural light permeation, in accordance with Local Plan Policy BE 20 and paras. 2.3.37 and 2.3.40 and Standard 32 of the London Plan Housing SPG.

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

The proposed flats would be served by a total of 5 car parking spaces, a rate of one space per unit. 2 of these car parking spaces comprise of those allocated to the existing use. A further 3 spaces are intended to be provided in the form of a layby on Hetherington Way.

The ratio of car parking spaces to residential units is in compliance with the Council's car parking standards and, as such, the proposed change of use would not lead to an adverse impact on parking provision within the surrounding area.

The proposed layby will be sited in a position where there is good visibility for motorists entering and leaving the parking spaces and on a residential road where, in any case, traffic would be moving slowly. The car parking spaces would be of acceptable dimensions to accommodate vehicles.

The existing footpath bordering Hetherington Way will be realigned around the layby and, as such, the proposed parking spaces would not be disruptive to pedestrians or cause any unacceptable hazard.

It is therefore considered that the proposed development would comply with local Plan Policies AM 7 and AM 14 and London Plan Policy 6.13.

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

The building is located within an existing residential development which benefits from good levels of surveillance and would not result in any residential units within a secluded area.

The development is therefore in accordance with Local Plan Policy BE 18 and London Plan Policy 7.13.

#### **7.12 Disabled access**

As this is an application for Change of Use of an existing building, the development is not required to fully comply with Part M of the Building Regulations, as confirmed by para. 2.1.13 of the London Plan Housing SPG.

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

The proposed development falls below the threshold for provision of affordable housing, which is attached to developments involving a net gain of 10 or more residential units.

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

The building is sited with the wider Hetherington Way development which already benefits from adequate landscaping. The proposed layby car parking spaces would remove a small portion of lawn area close to the junction with Swakeleys Road but it is not considered that the loss of greenery would be to an extent that would damage the overall quality of the landscaping on the street.

It is therefore considered that the proposed development accords with Local Plan Policy BE 38.

**7.15 Sustainable waste management**

Future occupants would utilise the existing waste collection service provided on Hetherington Way.

**7.16 Renewable energy / Sustainability**

Not applicable to this development.

**7.17 Flooding or Drainage Issues**

Existing drainage measures would remain in place. The site is not located within Flood Zone 2 or 3 and future occupants would not be exposed to unacceptable risk of flooding.

**7.18 Noise or Air Quality Issues**

The development involves residential development within an area surrounded by similar uses and it is therefore not considered that there would be any uncharacteristic level of noise generated. Air quality would not be affected by the proposal.

**7.19 Comments on Public Consultations**

Parking arrangements have been amended as per plan number 2017/P/F/SW/01 and the green space on Swakeleys Road will no longer be used for car parking. The size of the proposed units are comparable to others within the building and the provision of one bedroom units add to the residential mix within the surrounding area. The number of parking spaces provided complies with the Council's adopted parking standards. Any alterations to No. 234 are internal only, the unit will remain in use as a flat and planning permission would not be required for such alterations.

**7.20 Planning obligations**

The proposal involves the creation of 5 new residential units with a combined external floor area of 270 m<sup>2</sup> and therefore represents chargeable development in relation to both the Mayoral and LBH CIL requirements. A liability notice setting out the required CIL payment will be issued should planning permission be granted.

The proposal involves works to the Highway and under the ownership of the Council. Any approval will therefore be granted only when a Section 278 agreement securing these works has been agreed and signed.

**7.21 Expediency of enforcement action**

**7.22 Other Issues**

**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**

The proposed development is considered to be acceptable for the reasons set out in this report and it is therefore recommended that it be approved, subject to conditions and the recommended legal agreement to secure the off-street parking area.

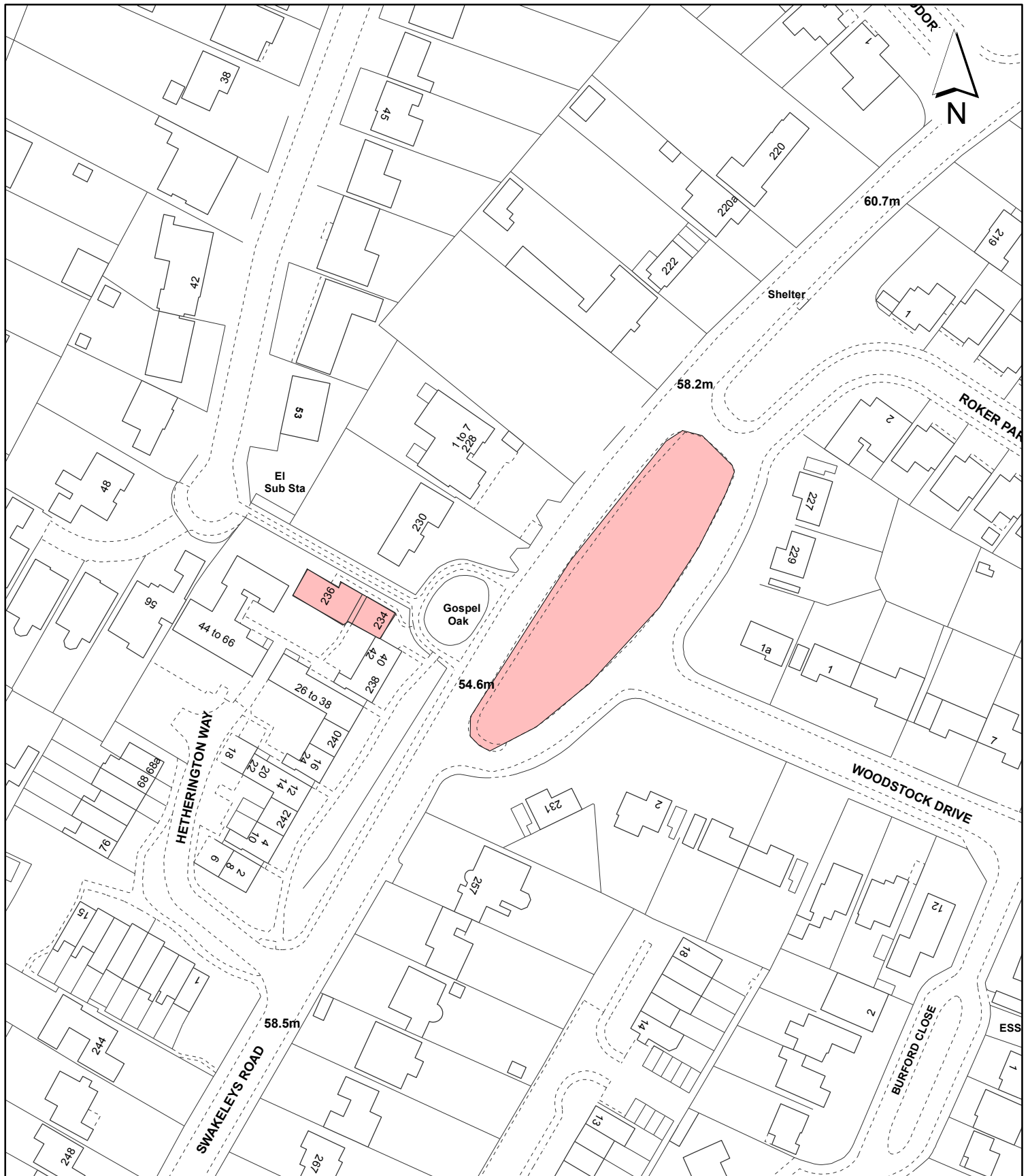
### **11. Reference Documents**

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)

**Contact Officer:** James McLean Smith

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

For identification purposes only.  
 This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).  
 Unless the Act provides a relevant exception to copyright.  
 © Crown copyright and database rights 2016 Ordnance Survey 100019283

Site Address:

**236 Swakeleys Road**

**LONDON BOROUGH OF HILLINGDON**

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

Planning Application Ref:  
**72634/APP/2017/769**

Scale:  
**1:1,250**

Planning Committee:  
**North**

Date:  
**August 2017**



**HILLINGDON**  
 LONDON