

Report of the Head of Planning, Sport and Green Spaces

Address 31 FRITHWOOD AVENUE NORTHWOOD

Development: Part two storey, part single storey side/rear extension, enlargement of roofspace involving alterations to elevations and change of use from Class C1 (Hotels) to Class C2 (Residential Institutions)

LBH Ref Nos: 8032/APP/2017/1671

Drawing Nos: 0071-01
0071-0b
0071-02
0071-03
0071-04
0071-05
0071-06
0071-07
Design and Access Statement
Schedule of Employment
Parking & Transport Assessment

Date Plans Received: 09/05/2017 **Date(s) of Amendment(s):** 09/05/2017
Date Application Valid: 18/05/2017 23/08/2017

1. SUMMARY

The application is for the change of use of a former Bed and Breakfast facility into a residential care home. It includes extensions to the rear and alterations to parking and amenity space.

It is important to note that although the site has a small section of road frontage on Frithwood Avenue it mostly sits within Canterbury Close which is a quiet residential cul-de sac.

Whilst the principle of the use of the building as a residential care home is considered acceptable (in part because of the former use of the site for bed and breakfast accomodation) and the extension to the property that is proposed does not in itself breach HDAS guidelines, there are nonetheless concerns that the number of rooms proposed (16) and scale of the development will be an overdevelopment of the site. The harm caused by trying to put too intensive a development on the site will be advsere impacts on neighbours as a result of noise impacts (the cramped layout has resulted in an ambulance/mini bus drop off space adajcent to a neighbours rear garden) and pressure on existing on street parking. There are concerns that the level of traffic generation has not been adequately addressed and that insufficient parking spaces would be provided for staff and visitors at a location with a very low PTAL (PTAL 0).

The extra parking spaces will also result in additional hardstanding which, when considered with existing front and rear hardstandings, is considered detrimental to visual amenity.

The application is recommended for refusal.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 R4 Car Parking Refusal

The proposal provides insufficient information on traffic generation and therefore does not make adequate provision for car parking in accordance with the Council's adopted standards. This is likely to result in on-street parking to the detriment of highway and pedestrian safety. The proposal is therefore contrary to the Council's adopted policies in particular policies AM7, AM13, AM 14 and AM15 of the Hillingdon Local Plan (saved policies) (November 2012).

2 R8 Over Intensive Devt Refusal

The proposed development would give rise to an over-intensive use of the site which would result in an adverse impact on both visual and residential amenity currently enjoyed by the occupiers of neighbouring property. It is considered that the number of rooms proposed is excessive for a site which mostly sits within a quiet residential cul-de sac. The siting of the ambulance/mini-bus drop off adjacent to a residential property boundary will cause noise disturbance. This combined with front and rear parking areas and side facing bedroom windows will result in unacceptable noise disturbance and loss of residential amenity to the occupiers of No.33 Frithwood Avenue.

The over-intensive use of the site and number of residents and staff will lead to an unneighbourly form of development that results in noise disturbance to occupiers of neighbouring property. It is not considered that landscaping or acoustic fencing could overcome these concerns. The proposal is therefore contrary to policies BE19 and OE1 of the Hillingdon Local Plan (saved policies) (November 2012).

3 R8 Over Intensive Devt Refusal

The proposed additional hard surfacing of the front garden, when combined with existing hard surfacing to both the front and rear of the property would result in a site which will be dominated by car parking and which will have an adverse impact on the character and appearance of the surrounding residential area which is characterised by family housing with mostly soft landscaped garden areas. The proposal is therefore contrary to policies BE13, BE19 and BE38 of the Hillingdon Local Plan (saved policies) (November 2012).

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (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.

2 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8

(right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

3 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.17	(2016) Health and social care facilities
NPPF7	NPPF - Requiring good design
NPPF8	NPPF - Promoting healthy communities

3. CONSIDERATIONS

3.1 Site and Locality

31 Frithwood Avenue is a substantial detached building that sits on a sloping site on a prominent corner bounded by Canterbury Close to the west and Frithwood Avenue to the South. The existing house is set away from the front boundary by approximately 20m. The site benefits from access to the rear, off Canterbury Close for car parking and bin storage. To the front is an area of lawn with 2 parking spaces and to the rear an area of patio and a car park with 3 parking spaces.

The existing house is used as a 12no room guest house (Use Class C1). The surrounding

area is characterised by 2.5- storey residential dwellings set within generous grounds. The site is located adjacent to the Northwood - Frithwood Conservation Area. The site is subject to a Tree Preservation Order (TPO) 49.

3.2 Proposed Scheme

The application is for a change of use to a residential institution and is described as "Part two storey, part single storey side/rear extension, enlargement of roofspace involving alterations to elevations and change of use from Class C1 (Hotels) to Class C2 (Residential Institutions)".

The scheme would include extensions to the side and rear and alterations to the site layout, including parking and landscaping. The plans were revised during determination to overcome initial concerns related to a flat roofed two storey rear extension proposed right upto the boundary with No.33 Frithwood Avenue.

3.3 Relevant Planning History

8032/APP/2004/3228 31 Frithwood Avenue Northwood
PART CHANGE OF USE OF GROUND FLOOR (28m²) FROM CLASS C1 (GUEST HOUSE) TO CLASS D1(a) (NON-RESIDENTIAL) TO PROVIDE 1 CONSULTING ROOM FOR PHYSIOTHERAPY PRACTICE (INVOLVING DEMOLITION OF EXISTING KITCHEN)

Decision: 25-01-2005 Approved

8032/PRC/2016/110 31 Frithwood Avenue Northwood
Redevelopment of 5 flats

Decision: 15-03-2017 PRM

8032/PRC/2017/26 31 Frithwood Avenue Northwood
Conversion to 17 room care home

Decision: 11-04-2017 OBJ

Comment on Relevant Planning History

The applicant received pre-application advice in April 2017. Concerns were raised at that time regarding the scale of the proposals at that time and impact of rear extensions. Advice was given by the Council's highway engineer at this time regarding what information was required to support an application.

4. Planning Policies and Standards

The development proposed has been assessed against the Development Plan Policies contained within Hillingdon Local Plan: Part 1, Saved Unitary Development Plan policies, the London Plan 2016, the NPPF and supplementary planning guidance prepared by both LB Hillingdon and the GLA.

The main policy in support of Care Home facilities is Policy 3.17 of the London Plan, which states that "The Mayor will support the provision of high quality health and social care appropriate for a growing and changing population, particularly in areas of underprovision or

where there are particular needs".

The applicant explains that the proposal is:

'to provide a managed CQC (care quality commission) regulated care resource that will house those with cognitive impairments. The facility will act as a secondary recovery care resource, and will serve to prepare individuals for independent living. This the facilities provide an element of self-contained as well as a social surrounding. It is envisaged that the residents will be guided and taught to live independently and will aid their development in a relaxed and informal environment.' Nonetheless no information has been submitted identifying that the proposal meets an identified underprovision.

Built Environment policies BE13, BE15, BE19, BE20, BE21, BE22, BE23 and BE24 of the Hillingdon Local Plan Part Two (saved policies) seek to ensure that the proposed development is designed so that it is suited to its location, complements the existing dwelling and does not unacceptably impact on the living conditions of the residents of neighbouring properties. Guidance on the detailed design of the application is included in the Hillingdon Design and Accessibility Statement: Residential Layouts.

Policies AM7, AM13 and AM14 of the Local Plan seek to address the parking and traffic implications of the proposal.

Policy OE1 concerns whether the use is acceptable as regards noise and disturbance and various amenity impacts.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
(i) Dial-a-ride and mobility bus services
(ii) Shopmobility schemes
(iii) Convenient parking spaces
(iv) Design of road, footway, parking and pedestrian and street furniture schemes

AM14 New development and car parking standards.

AM15 Provision of reserved parking spaces for disabled persons

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

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.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-EXT	Residential Extensions, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted December 2008
LPP 3.17	(2016) Health and social care facilities
NPPF7	NPPF - Requiring good design
NPPF8	NPPF - Promoting healthy communities

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to the occupiers of neighbouring properties and the Northwood Residents Association. A petition with 27 signatures and 3 further comments were received as follows -

Petition (27 signatures) -

1. Insufficient Parking - Although two additional on site (at front) parking spaces are shown on the plans, this will no doubt be insufficient to cope with a 24/7 staffing level forecast at up to 21 staff in total- including 8 part time - PLUS the need for visitor parking and the likelihood of the Care Home requiring a form of transport for residents from time to time eg a minibus. This will undoubtedly place a strain on the already concentrated number of vehicles that currently park in Canterbury Close, and to some extent, in Frithwood Avenue, given that, in addition, further strain on local parking is caused by the close proximity of Frithwood Primary School.

2. The Plans, as presented, show an overbearing alignment with the rear of No.33 Frithwood Avenue.

3. The proposed size, bulk and design would be out of keeping with the existing street scene in this traditional part of Northwood.

4. There appears to be a complete lack of community and amenity areas- as per the plans - for 18 "Care Home residents".

33 Frithwood Avenue - "I am extremely concern and clearly against and objecting the new application mentioned above. I live next door to this property and having this bulk of extension next to my border will significantly affecting me as a resident in all aspects in terms of overviewing , shading , light and also lots of disturbance due to constant visitors and 24 hours staffing . We have Petition of more than 20 people will be seriously affected by this planning and will be send to the planning committee today.

4 Canterbury Close - "Application states that there will be 13 staff and 8 part time workers. Maximum number of parking spaces (assuming an additional 2 at the front of the property) will be 7. I do not see how this will be adequate as the public roadway behind already has an average of 2 cars

parking on it daily. If this is a care home then I would envisage that the transport provided to the residents would be more of a mini bus type than a car, and hence the proposed parking might not be sufficient for 7 vehicles including mini buses. This would leave even less parking for staff leading to congestion in the roads nearby".

5 Canterbury Close - "The plans show 2 additional parking spaces at the front. However, one of these would have to cross a Double Yellow Line ! Is that permissible?"

Internal Consultees

Highways - "The proposed 8 parking spaces, 2.4 x 4.8 m should be shown on plans. No details provided on how the parking demand for 13 staff would be met".

Highways - further comments on the amended site layout plan -

The pre-application advice in respect of highways matters has not been complied with in full. No information provided on trip generation and parking demand. A statement that support staff and team leaders will all travel by public transport to this location, with a PTAL of 0, cannot be supported.

Two of the existing parking spaces cannot be accessed if an ambulance is parked as shown.

The scheme therefore cannot be supported at present on highway grounds."

Trees/Landscape - "This site is occupied by an attractive large detached house on a tight corner plot at the junction of Canterbury Close and Frithwood Avenue. The house has been used as a small hotel which has put pressure on the plot to provide parking within the open plan front garden and in a part-walled rear service yard which is clearly visible to the neighbouring houses in Canterbury Close. The conifer in the front garden is protected by TPO 49 (T38 on the schedule) - albeit not in a very good condition.

COMMENT The protected tree is due to be removed and the car park in the front garden expanded to accommodate four parking spaces. Although the front garden will retain some green space, the site will be dominated by car parking which will have an adverse impact on the character and appearance of this attractive residential area - which is characterised by large houses in spacious plots. The parking arrangement includes a large manoeuvring space (which is not large enough). Garden space could be retained if the car bays were located closer to the road edge accessed by a longer dropped kerb. The situation to the rear is similar to that at present with space for four cars which are partly hidden by a brick boundary wall (if it is to be retained?). Again there is much wasted space and excessive areas of tarmac. The bin store will be clearly visible from the rear entrance and the houses which overlook the site. this should be sited discretely out of public view. Finally, there is no external amenity space for the use and enjoyment of the residents.

RECOMMENDATION The treatment of the external areas is crude and ill-considered - dominated by functional requirements and car parks. Little, or no, thought appears to have been given to the attractive environment in which this house is situated or how the site could be used for the enjoyment of the residents. There is excessive hard surfacing, much of which could be reduced while retaining (if necessary) the quantum of parking and other essential functions. If the application is to be approved, the external spaces / landscape need to be rationalised and 'designed' to reduce the impact of the site detractors and provide a fitting environment for the inhabitants and those overlooking the site. Ideally the site layout plan should be amended prior to determination".

Trees/ Landscape - further comments on amended plans - "I note the following points which need to be addressed, if possible:

1. The visualisations indicate changes of levels to both the front and the rear of the property. Some

of these may be unavoidable. However, for the safety and comfort of the site users the external spaces should adhere to current accessibility standards.

2. Due to the geometry of the site and the attempt to use the existing narrow access points to the parking spaces, there is excessive use of hard-standing (at the expense of soft landscaped areas) - which is likely to be used to provide additional on site parking.

Environmental Protection Unit - Conditions were requested in relation to sound insulation, control of plant/machinery noise, dust, construction lights, construction environmental management plan and control of environmental nuisance.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

In accordance with Policy 3.17 of the London Plan, the principle of conversion of a guest house to a residential institution is considered acceptable. As it is not currently in residential use there would be no loss of a residential dwelling.

However, in order to be acceptable, the physical changes to the building and curtilage need to comply with planning policy and guidance in relation to design, residential amenity, parking and traffic. These are addressed below.

7.02 Density of the proposed development

Not applicable.

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

Not applicable.

7.07 Impact on the character & appearance of the area

Compliance is required with Built Environment policies BE13, BE 15 and BE19 in order to harmonise with the existing street scene and character of the surrounding area.

The main changes to the character and appearance will be as a result of the creation of 4 new car parking spaces to the front of the building on what is currently the front lawn. This will replace two existing spaces, which are in a slightly different configuration. The other major change would be the addition of an extension comprising a single storey extension to the side and a part single storey, part 2 storey extension to the rear. This would increase the bedrooms from 12 to 16. The two storey element would project 4.2 m to the rear of the main house and would have a gabled roof. The eaves height would be 5.6 m and the ridge of the extension would be 7.8 m high. It would be set down 0.85 m from the main ridge. The single storey element to the rear would project 6 m from the rear wall, have a flat roof and be 3 m high.

The scale of the extensions proposed would complement the design of the main house and would not appear incongruous in the street scene. They would not have a significant impact on the character and appearance of the area. However the Councils Landscaping officer has concerns regarding the amount of hardstanding proposed and adverse visual impact this will have. It is considered that the existing and proposed amount of hardstanding would appear excessive.

7.08 Impact on neighbours

Policies BE20, BE21, BE 22 and BE24 seek to ensure that the design of extensions does not have unacceptable impacts on the living conditions of neighbouring properties as regards daylight, sunlight, dominance and privacy. The policies are supported by the Hillingdon Design and Accessibility Statement: Residential Extensions.

Policy BE19 requires new development within residential areas to compliment the amenity

and character of the area. The pre-ambles refer to the cumulative effects of development. Policy OE1 states that planning permission will not normally be granted for uses and associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally, because of a number of potential reasons that are outlined. The reasons possibly applicable to this application would be; appearance, noise and traffic generation and congestion.

A concern from neighbours in terms of the direct impact of the extensions proposed arose as a result of a proposed 2 storey, flat roofed side extension. This would have been two-storeys, measuring 5.6 m to the eaves and would have been built right up to the boundary with No.33. The flat roofed 2 storey element has now been removed from the plans, leaving just a single storey extension to the boundary where there is an existing building. A two storey rear extension is proposed but this is much further from the boundary with No.33 Frithwood Avenue and does not breach a 45 degree line. As the main frontage of No.31 faces South West, the neighbouring property at No.33 would be located to the South East of No.31. As a result of the orientation there would be only a limited amount of sunlight to the garden to the rear of No.33. Loss of sunlight as a consequence of the extension would be very limited. The removal of the two storey element of the side extension will have removed the overbearing impact on the garden of No.33. Also, two obscure glazed windows at first floor level were removed to avoid a perception of overlooking from first floor level. The rear extensions are considered to comply with policies BE20, BE21, BE 22 and BE24 of the saved policies UDP.

The existing bed and breakfast has windows on the side elevations to rooms facing No.33 Frithwood Avenue. A reduced scale development could have enabled the applicant to design a layout which did not have any bedrooms facing the neighbouring property, but this has not occurred due to the number of rooms proposed. This means 3 rooms with beds have windows which open towards the neighbouring property; as these are existing windows to bed and breakfast bedrooms they cannot be refused due to overlooking. Nonetheless, a concern is raised that care homes includes alarms (24/7) within rooms to enable residents to call staff and therefore one difference between the proposed development and existing use is anticipated increased and potentially unacceptable noise disturbance to No.33 Frithwood Avenue. The proposed use would also have deliveries and ambulances adjacent to this properties boundary.

A further adverse impact on No.33 will be the parking area to the front. The combination of relatively large front and rear parking areas will further exacerbate potential noise disturbance.

A reduced scale development could possibly have mitigated these concerns, but as submitted the proposal is considered likely to cause unacceptable loss of residential amenity to the occupiers of neighbouring property, in particular to No.33 Frithwood Avenue

The proposals are therefore considered to be contrary to Policies BE19 and OE1 the saved policies UDP.

7.09 Living conditions for future occupiers

The proposal will increase the number of bedrooms to 16 over 3 floors. Each room will have an exterior window and be of a reasonable size. The Council does not have minimum floor areas for rooms in residential care homes. There would be no significant overlooking of the main rooms.

The en-suite bathrooms vary in size. Over 10% (re: 2 rooms) are of sufficient size including en-suite bathrooms that they could be conditioned to be fully wheelchair

accessible. The existing building has some en-suites that are very small, the applicant is replacing all the sub-standard en-suites with larger en-suites and some rooms have small kitchenette's. The rooms vary between 13 and 24 sq.m in area.

Bedroom 6 will have a restricted outlook (the window is 3.12m from the boundary fence), but it is considered that enough daylight/sunlight would reach the room that the application could not be refused for this reason.

Overall the living conditions of future occupiers are considered to be acceptable

7.10 Traffic impact, car/cycle parking, pedestrian safety

Traffic and parking need to be adequately assessed to meet the requirements of Policies AM7, AM13, AM14 and AM15 of the Local Plan Part Two (saved policies).

The proposed development includes 8 car parking spaces to serve staff and visitors. It is not anticipated by the applicant that any of the residents would have cars. 4 of these spaces would be located to the front, utilising part of the front lawn as well as the existing parking area. The other 4 spaces would be in a small parking area to the rear, which would accommodate 3 cars and a minibus.

The application form proposes that there would be 13 staff employed at the home, with 4 being part time. An additional statement from the applicant suggests that a maximum of 4 staff would be on site at any one time and they would be largely commuting by public transport. In terms of visitor parking, the applicants states that there would be very little need, without giving an explanation why. With 18 bedrooms and therefore 18 occupants this appears to be a significant under-estimate of the parking required. The petition from local residents raised significant concerns about the amount of parking proposed and the knock-on effects on parking on Canterbury Close and Frithwood Avenue. Given the limited parking on these roads, the quantity of parking is considered to be unacceptable.

As the location has a PTAL value of 0, the Highways Officer is not satisfied with a statement that most staff will arrive by public transport and there would be little need for visitor parking. No assessment has been included of the traffic likely to be generated by the development to support these statements.

The car parking proposed on the front lawn would lead to a loss of amenity space and would have a slight negative impact on the character and appearance of the area.

The agent has given some information about other facilities, some of which are in Harrow, but these detail smaller facilities in much more sustainable locations.

7.11 Urban design, access and security

Security issues could be addressed by Committee if all other matters were acceptable.

7.12 Disabled access

The proposal is largely a conversion and would introduce a lift and a number of accessibility improvements. The Councils landscaper notes level changes in the garden areas, but ramps could be used to address any accessibility concerns in this regard. It is considered that accessibility matters could have been covered by planning conditions had the development been considered acceptable.

7.14 Trees, Landscaping and Ecology

A Site Layout Plan and a number of Visuals have been provided to demonstrate that the scheme will incorporate an area of designed amenity space for use by future residents.

The site is covered by an area TPO, no trees of high amenity value are proposed for removal. A tree initially proposed for removal is retained in revised plans. The principle concern relates to the appropriateness of additional hardstanding to the front of the property. Taking into account the very residential character of the surrounding area it is considered, on balance, that it cannot be argued that the extent of hardstanding that is proposed is in character with the surrounding area and therefore the proposal is contrary to policy BE38 of the Hillingdon Local Plan Part Two (saved policies)

7.15 Sustainable waste management

Bin storage is proposed to the rear of the site close to the parking areas.

7.16 Renewable energy / Sustainability

No renewable energy proposals are included with the application. This matter could have been conditioned if the application was recommended for approval.

7.17 Flooding or Drainage Issues

No specific issues have been identified.

7.18 Noise or Air Quality Issues

No specific issues have been identified.

7.19 Comments on Public Consultations

The petition against this application raised four specific issues. Insufficient parking is a recommended refusal reason. The over-bearing impact of the initially proposed two storey extension has been addressed and is discussed in the report. As explained in the report the scale of the development raises various concerns regarding noise impacts/over-development impacts.

The fourth point raised is that it is suggested that there is a complete lack of community and amenity areas. It is considered that this has now been addressed and detailed plans and visualisations have been submitted to support the application. Whilst the space available is still modest in scale, the applicant has nonetheless sought to create a suitable quality environment to the rear of the property for use by residents and it is not considered that this issue would constitute a potential refusal reason.

7.20 Planning Obligations

Community Infrastructure Levy:

A CIL Application Form has been submitted indicating that the gross internal floor area would be increased from 327.7 m² to 409.8 m², an increase of 82.1 m².

As presently calculated the development is for a C2 use it would be exempt from the London Borough of Hillingdon CIL of £9,466.33, but would be liable for the Mayoral CIL. The Mayoral CIL would be charged at a rate of £35 per m², resulting in a total required payment of £3,706.55.

7.21 Expediency of enforcement action

Not applicable.

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

The design of the extensions and the principle of the use of the site for a care facility are acceptable, but the proposal fails to provide sufficient evidence to demonstrate that the traffic generation and parking provision would not lead to additional on-road parking in the surrounding area.

There are concerns over the scale of development and noise impacts that would arise and the scale of hardstanding required.

The application therefore conflicts with Policies BE 13, BE19, BE38, OE1, AM7, AM13, AM14 and AM15 of the Hillingdon Local Plan Part Two (Saved policies) (November 2012)

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

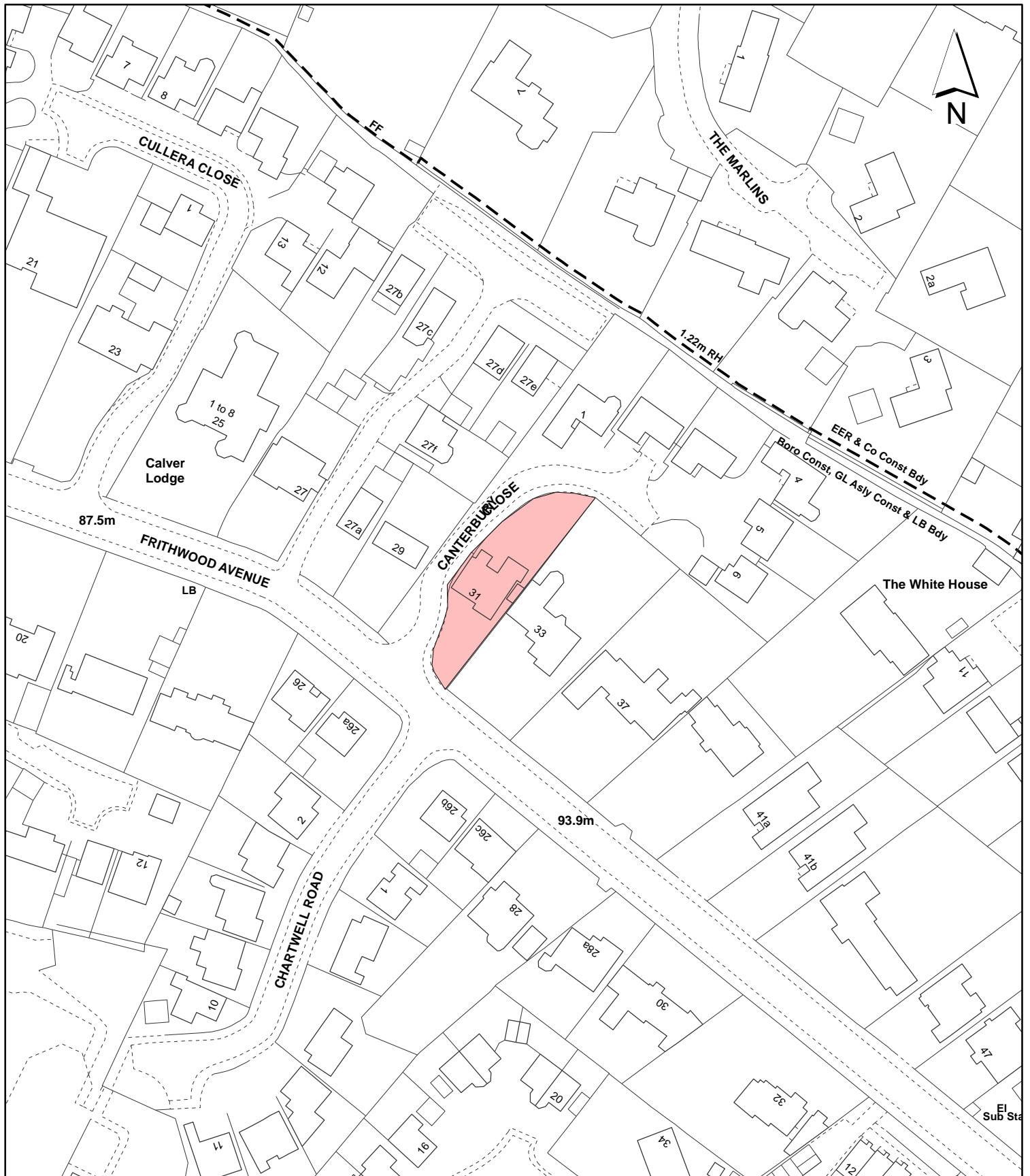
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

The London Plan (March 2015)

National Planning Policy Framework (2012)

Contact Officer: Colin Blundel

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

31 Firthwood Avenue

Planning Application Ref:

8032/APP/2017/1671

Planning Committee:

North

Scale:

1:1,250

Date:

August 2017

LONDON BOROUGH OF HILLINGDON

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



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