

Report of the Head of Planning, Transportation and Regeneration

Address GARAGE SITE ADJACENT TO 45 CORWELL GARDENS HILLINGDON

Development: Two storey building with habitable roof space, parking and amenity space for use as 4 x 2-bed flats and 2 x studio flats.

LBH Ref Nos: 72968/APP/2018/199

Drawing Nos: Location Plan (1:1250)
3865/01 Rev. A
3865/03 Rev. A
3865/02 Rev. B

Date Plans Received: 15/01/2018

Date(s) of Amendment(s):

Date Application Valid: 18/01/2018

1. SUMMARY

The application seeks planning permission for the erection of a two storey building with habitable roof space, parking and amenity space for use as 4 x 2-bed flats and 2 x studio flats and follows a recent refusal of application reference 72968/APP/2017/2212. The proposal is considered to have addressed the previous three reasons for refusal and subject to the completion of a Section 106 agreement to secure contributions for the no waiting signs on the access road, is recommended for approval.

2. RECOMMENDATION

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

A) That the Council enter into a legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 (as amended) and/or other appropriate legislation to secure the following:

1. installation of no-waiting restrictions on the access to the site

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

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

D) That subject to the above, the application be deferred for determination by the Head of Planning, Transport and Regeneration 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.

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

1 RES3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

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

2 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 3865/01 Rev. A, 3865/02 Rev. B and 3865/03 Rev. A. and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

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

3 RES7 Materials (Submission)

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

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

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

4 RES6 Levels

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

REASON

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

5 RES9 Landscaping (car parking & refuse/cycle storage)

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

1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

2.a Cycle Storage - for 6 bicycles

2.b Means of enclosure/boundary treatments

2.c Car Parking Layouts (including demonstration that two of the parking spaces are served by active electrical charging point and a further two are served by passive electrical charging points)

2.d Hard Surfacing Materials

2.e External Lighting

3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years.

3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

5. Other

5.a Existing and proposed functional services above and below ground

5.b Proposed finishing levels or contours

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

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies BE13, BE38 and AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policy 5.17 (refuse storage) of the London Plan (2016).

6 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 garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration 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, BE21, BE23 and BE24 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

7 RES15 Sustainable Water Management (changed from SUDS)

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

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

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

REASON

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

8 RES22 Parking Allocation

The residential units hereby approved shall not be occupied until a parking allocation scheme has been submitted to, and approved in writing by, the Local Planning Authority. The parking allocation scheme shall, as a minimum, include a requirement that all on-site car parking shall be allocated and dedicated for the use of each of the residential units hereby approved and shall remain allocated and dedicated in such a manner for the lifetime of the development.

REASON

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

9 RES18 Lifetime Homes/Wheelchair Units

The development hereby approved shall ensure that the ground floor residential units are constructed to meet the standards for M4(2) standards set out in Approved Document M to the Building Regulations (2015 edition), and all such provisions shall remain in place for the life of the building.

REASON

To ensure that sufficient housing stock is provided to meet the needs of disabled and elderly people in accordance with London Plan (2016) Policies 3.1, 3.8 and 7.2

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.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 7.4	(2016) Local character
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

3 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.

4 I47 Damage to Verge - For Council Roads:

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

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

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

5 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.

6 I5 Party Walls

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

carry out work to an existing party wall;

build on the boundary with a neighbouring property;

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

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

7 I6 Property Rights/Rights of Light

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

8 I15 Control of Environmental Nuisance from Construction Work

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

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

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

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

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

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

9 170 LBH worked applicant in a positive & proactive (Granting)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

10 173 Community Infrastructure Levy (CIL) (Granting Consent)

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

The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

3. CONSIDERATIONS

3.1 Site and Locality

The site comprises a garage court of 14 lock up garages, a communal drying area and a residual area of wasteland at the rear of the garages. The site is bound by St Jerome's Grove to the East, a cul de sac highway and parking lot to the South and East; private gardens to the West and a disused communal area and stores for the block of flats to the North. The existing site access is from an entrance at the end of Corwell Gardens at the North West corner of the site. The site is currently enclosed by hoardings and demolition of the garages appears to have commenced.

The surrounding buildings are predominantly residential two and three storey flats and maisonettes arranged as purpose built blocks with shared amenity space and semi detached houses with private gardens. The site is within the developed area as identified in the Hillingdon Local Plan - Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks planning permission for the erection of a two storey building with

habitable roof space, parking and amenity space for use as 4 x 2-bed flats and 2 x studio flats.

3.3 Relevant Planning History

72968/APP/2017/2212 45 Corwell Gardens Hillingdon

Two storey building with habitable roofspace, parking and amenity space for use as 4 x 2-bed flats and 2 x studio flats

Decision: 15-12-2017 Refused

Comment on Relevant Planning History

72968/APP/2017/2212 - Two storey building with habitable roofspace, parking and amenity space for use as 4 x 2-bed flats and 2 x studio flats was refused for the following reasons:

1. The proposed development fails to provide sufficient off street parking provision which meets the council's approved parking standards to service the proposed dwellings or provide justification for the loss of the existing garage parking to serve the nearby dwellings. The development would therefore lead to additional on-street parking to the detriment of public and highway safety and is therefore contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012), to Hillingdon's Adopted Parking Standards as set out in the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

2. The proposed development by reason of its siting and proximity to the adjacent properties at Nos. 45 and 46 Corwell Gardens and the side facing bedroom window would result in unacceptable overlooking of the private amenity space for these properties. The proposal is therefore contrary to Policy BE24 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

3. The proposal would fail to provide a satisfactory residential environment for future occupants of the ground floor side-facing bedrooms which would achieve very poor levels of outlook, light and privacy. The proposal is therefore contrary to Policies BE19, BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 3.5 of the London Plan (2016), the Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

66930/APP/2014/3466 - Erection of 2 x two storey, three-bedroom detached dwellings with associated landscaping and parking, involving demolition of 8 of the 12 existing lock-up garages. Approved 4.12.14 subject to conditions which have not been discharged.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
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LPP 3.5	(2016) Quality and design of housing developments
LPP 7.4	(2016) Local character
NPPF1	NPPF - Delivering sustainable development
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

15 neighbouring properties were consulted by letter dated 22.1.18 and a site notice was displayed to the front of the site which expired on 21.2.18.

1 letter of comment has been received raising concerns about parking outside of the site and the parking stress in the area. The neighbour raises concerns about where to park during construction.

Internal Consultees

Access Officer:

Having reviewed this application, it is clear that step free access to the proposed dwellings above ground floor would not be possible for wheelchair users and other persons unable to use a staircase. Paragraph 3.48A of the London Plan (March 2016) recognises that the application of M4(2), which requires lift access (a step free approach to the principle private entrance), may have particular implications for developments of four storeys or less where historically the London Plan may not have required a lift. Local Planning Authorities are therefore required to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. Research indicates that the provision of a lift does not necessarily have a significant impact on viability and does not necessarily lead to a significant increase in service charges. However, in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents. Unless the applicant submits a clear, well evidenced and compelling case to the LPA as to why lift access cannot be provided, the application should not be supported on the grounds of non-compliance with London Plan policy 3.8 C. To accord with London Plan Policy 3.8(c), the internal layout of the proposed flats is required to be compliant with the prescribed standards set out in M4(2) of Approved Document M to the Building Regulations (2015 Edition). Plans should be amended and annotated as appropriate. Conclusion, unacceptable.

Access Officer Revised Comments:

In view of the additional information submitted previously by Pottle & Co, and the attached supporting financial viability analysis, it would be acceptable for this development not to provide lift access to the first floor dwellings.

The two dwellings on the ground floor however, should be constructed to accord with the prescribed M4(2) standards set out in Approved Document M to the Building Regulations (2015 edition).

Highways Officer:

This application is for the construction of 6 flats on an existing garage site in Corwell Gardens Hillingdon. Corwell Gardens is a local road on the Council road network. The site has an existing vehicular access from Corwell Gardens that serves an existing block of 12 garages. There was a previous application on the site that was refused and lack of off-street car parking was one of the reasons for refusal. There is evidence of parking stress in the surrounding streets as there is little off-street car parking. The site has a PTAL value of 1b (poor) which suggests there will be a strong reliance on private cars for trip making to and from the site. The proposal is to convert the existing garage site into 6 flats and provide 8 car parking spaces, a bin store and a cycle store. This provision would meet the Council's off-street car parking standards. The cycle store is shown on the layout plan as a store type arrangement which is supported. I do have concerns over the narrow access to the site and would suggest that the applicant pays for the installation of no-waiting restrictions on the access to the site through a S106 contribution or similar mechanism. Given there are 8 proposed car parking spaces on site I suggested that 2 EVCP are actively wired and 2 are passively connected which should be conditioned. The traffic generation is likely to be slightly more than the existing use but is not significant. On the basis of the above comments and providing a S106 is entered into I do not have significant highway concerns over this application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed site is located within the 'Developed Area' as identified in the Hillingdon Local

Plan: Part Two - Saved UDP Policies (November 2012). The site is not located in a Conservation Area and the building is not Listed. There are no policies which prevent the demolition of the existing garages and the erection residential units, in principle.

7.02 Density of the proposed development

The density of the proposed development is 67 units/ha. It should be noted that on a development of the scale proposed, density in itself is of limited use in assessing such applications and more site specific considerations are more relevant.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan (November 2012) requires that all new development achieves a 'high quality of design in all new buildings, alterations and extensions'. In addition, Policy BE13 of the Hillingdon Local Plan (November 2012) acknowledges that 'development will not be permitted if the layout and appearance fail to harmonise with the existing street scene'. The emphasis placed on the impact of a development upon the character of the surrounding area is further emphasised under Policy BE19 of the Hillingdon Local Plan (November 2012), which recognises that 'The Local Planning Authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area'. Paragraph 4.14 of the Residential Layouts HDAS SPD specifies that developments should incorporate usable, attractively laid out and private garden space conveniently located in relation to the property or properties it serves. It should be of an appropriate size, having regard to the size of the dwelling and character of the area. Paragraph 4.27 of the HDAS SPD gives advice that building lines within a new development should relate to the street pattern of the surroundings whilst the height of the development is best determined by reference to the proportions, siting and lines of surrounding buildings.

The site currently accommodates a single storey block of garages. It is noted that there is an extant planning permission for the erection of 2 x two storey, three-bedroom detached dwellings orientated towards the entrance of the garage block, sited approximately 5 m off the rear boundary of the site. The application site is currently enclosed by hoardings.

The character of the area is defined by two storey blocks of maisonettes and three storey blocks of flats set in communal gardens.

The proposed building would have a half hipped roof (measuring 9.9 m at the ridge and 5.29 m at the eaves) with two forward projecting gables and one rear projecting gable and accommodation within the roofspace served by two rear facing dormers. The building would be more prominent within the street scene than the extant permission for two dwellings or existing garages, however the overall bulk of the building would not appear out of keeping with the character of the area which does contain three storey blocks of flats. The half hipped roof form is not a characteristic roof form within this locality. However the building would be domestic in scale and is not considered to cause sufficient harm to the character and appearance of the area to justify a refusal of planning permission. As a result it is considered that it would not have a negative impact upon the visual amenity of the site or the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part

One - Strategic Policies (November 2012) and policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

Policies BE20 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) give advice that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded.

Policies BE23 and BE24 of the Hillingdon Local Plan (Part Two) stress the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

The Council's adopted HDAS SPD: Residential Layouts (July 2006) specifies in paragraph 4.9 that where a two or more storey building abuts a property or its garden, a minimum acceptable distance of 15 m should be maintained, so as to overcome possible over-domination, overbearing and overshadowing. Paragraph 4.11 of the HDAS SPD specifies that the Council's 45 degree principle will be applied and is designed to ensure that adequate daylight and sunlight is enjoyed in new and existing dwellings. The principle involves drawing a line from the mid-point of an existing/new habitable window that is potentially affected by a new dwelling at an angle of 45 degrees towards the new building. Paragraph 4.12 of the HDAS SPD specifies that new residential development should be designed so as to ensure adequate privacy for its occupants and that of the adjoining residential property. It gives advice that the distance should not be less than 21 m between facing habitable room windows.

The site abuts property and gardens on the Western boundary. There are also residential properties to the North and East (on the opposite side of St Jeromes Grove). There are also dwellings to the South and North. The proposed development has been amended since the previous refusal to remove any side facing windows at first and second floor. The proposed bulk of the building is not considered to give rise to an unacceptable loss of light or outlook and the revised fenestration arrangements would not result in an unacceptable loss of privacy to occupants of numbers 45 and 46 Corwell Gardens. Therefore, it is considered that the proposed development would not constitute an un-neighbourly form of development in compliance with Policies BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

On 25 March 2015, the Government introduced new technical housing standards in England, which comprise of new additional 'optional' Building Regulations on water and access, and a nationally described space standard (referred to as "the new national technical standards"). These new standards came into effect on 1 October 2015. The Mayor of London has adopted the new national technical standards through a minor alteration to The London Plan.

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants. A two bedroom (3 person) flat is required to provide an internal floor area of 61 m² and a one person studio is required to provide 37 square metres which the proposal complies with. Furthermore the habitable rooms would enjoy a satisfactory outlook in accordance with the requirements of Policy 3.5 of the London Plan (2016).

Policy BE23 of the Hillingdon Local Plan (November 2012) recognises that new residential buildings should 'provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings'. The submitted plans indicate that each of the ground floor rear facing flats would be provided with a private amenity space measuring 40 square metres and a communal amenity space measuring 100 square metres would be provided to serve the remaining flats. The amenity space provision is considered to be acceptable in accordance with Policy BE23 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy AM14 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that all development is in accordance with the Council's adopted Car Parking Standards.

This application is for the construction of 6 flats on an existing garage site in Corwell Gardens Hillingdon. Corwell Gardens is a local road on the Council road network. The site has an existing vehicular access from Corwell Gardens that serves an existing block of 12 garages. There was a previous application on the site that was refused and lack of off-street car parking was one of the reasons for refusal. There is evidence of parking stress in the surrounding streets as there is little off-street car parking. The site has a PTAL value of 1b (poor) which suggests there will be a strong reliance on private cars for trip making to and from the site. The proposal is to convert the existing garage site into 6 flats and provide 8 car parking spaces, a bin store and a cycle store. This provision would meet the Council's off-street car parking standards. The cycle store is shown on the layout plan as a store type arrangement which is supported. The highways officer has raised concerns over the narrow access to the site and has requested that the applicant pays for the installation of no-waiting restrictions on the access to the site through a S106 contribution. The applicant has agreed to enter into a S106 agreement. Given there are 8 proposed car parking spaces, a condition is recommended to secure 2 EVCP are actively wired and 2 are passively connected.

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

Paragraph 3.48A of the London Plan (March 2016) recognises that the application of M4(2), which requires lift access (a step free approach to the principle private entrance), may have particular implications for developments of four storeys or less where historically the London Plan may not have required a lift. Local Planning Authorities are therefore required to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. Research indicates that the provision of a lift does not necessarily have a significant impact on viability and does not necessarily lead to a significant increase in service charges. However, in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments non-viable and/or have significant implications for the affordability of service charges for intended residents. The applicant has submitted a financial viability statement which supports the view that the installation of a lift would render the scheme non-viable. The Council's access officer has raised no objection to the scheme subject to the ground floor flats being constructed to accord with the prescribed M4(2) standards set out in Approved Document M to the Building Regulations (2015 edition).

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Landscaping

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a Conservation Area. While no specific landscape design details have been specified, the layout plans indicate that there is sufficient space and opportunity to provide attractive and functional external amenity space. In the event of an approvable scheme, a condition could be imposed to secure landscaping details.

7.15 Sustainable waste management

The proposed plans indicate the provision of bin stores to serve the flats.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The comments received are addressed in the sections above.

7.20 Planning obligations

S106 Agreement

The applicant has agreed to enter into a S106 agreement to provide no waiting signs on the narrow access road in line with the comments of the Council's Highways Officer and has submitted Heads of Terms to the Legal Department to complete such an agreement.

CIL

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

The scheme would be CIL liable. Presently calculated the amounts would be as follows;

LBH CIL £61,853.82

London Mayoral CIL £24,218.90

Total CIL £86,072.72

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues are raised.

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

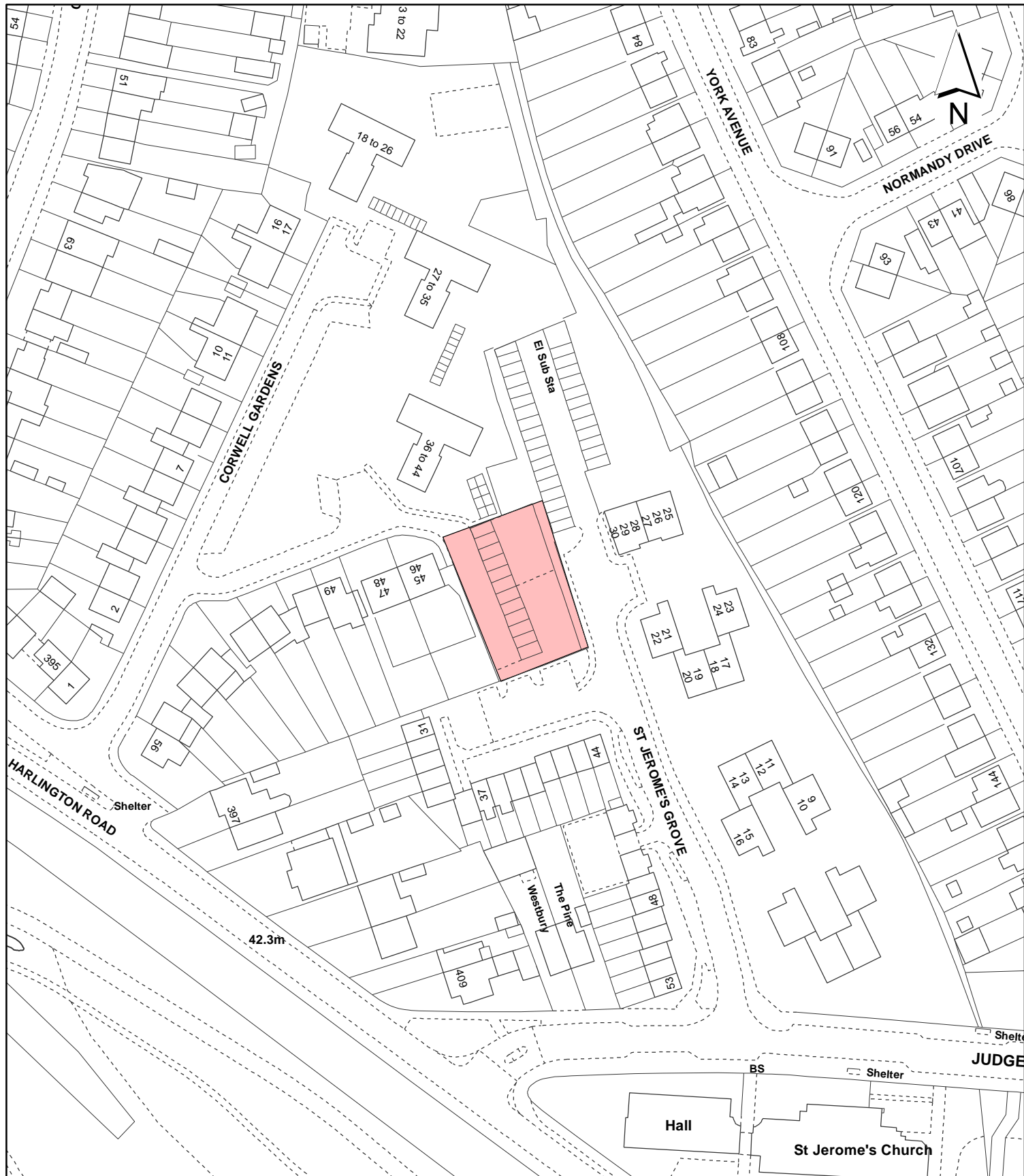
The application seeks planning permission for the erection of a two storey building with habitable roof space, parking and amenity space for use as 4 x 2-bed flats and 2 x studio flats and follows a recent refusal of application reference 72968/APP/2017/2212. The proposal is considered to have addressed the previous three reasons for refusal and subject to the completion of a Section 106 agreement to secure contributions for the no waiting signs on the access road, is 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)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Hillingdon Design and Accessibility Statement: Residential Layouts
Hillingdon Design and Accessibility Statement: Residential Extensions
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Garage Site Adjacent to
45 Corwell Gardens**

Planning Application Ref:

72968/APP/2018/199

Planning Committee:

Central & South

Scale:

1:1,250

Date:

June 2018

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

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HILLINGDON
LONDON