

The proposed development by virtue of the relocated bin storage would give rise to an increase in noise, disturbance and odour resulting in a detrimental impact on the residential amenity of neighbouring occupiers. The proposal is therefore contrary to the Council's adopted policies in particular policies OE1 and OE3 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012).

2 NON2 Non Standard reason for refusal

The proposed development by virtue of the proposed cycle store location results in the loss of soft landscaping and may detrimentally impact on an existing tree and therefore makes inadequate provision for the protection and long-term retention of the tree located within the car parking area of this development. The potential loss of this tree and soft landscaping would harm the appearance, amenity and character of the area contrary to Saved Policy BE38 of the Hillingdon Local Plan (November 2012).

3 NON2 Non Standard reason for refusal

The applicant has failed to provide contributions towards the improvements of services and facilities as a consequence of demands created by the proposed development (in respect of affordable housing contribution). Given that a legal agreement to address this issue has not at this stage been offered or secured, the proposal is considered to be contrary to Policy R17 of the the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and the London Borough of Hillingdon's Supplementary Planning Document on Planning Obligations.

INFORMATIVES

1 152 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).

2 153 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.

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
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.
H4	Mix of housing units
H5	Dwellings suitable for large families
H6	Considerations influencing appropriate density in residential development.
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 3.11	(2016) Affordable housing targets
LPP 3.12	(2016) Negotiating affordable housing on individual private residential and mixed-use schemes
LPP 3.13	(2016) Affordable housing thresholds
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 3.7	(2016) Large residential developments
LPP 3.8	(2016) Housing Choice
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.3	(2016) Sustainable design and construction
LPP 5.5	(2016) Decentralised energy networks
LPP 5.6	(2016) Decentralised Energy in Development Proposals
LPP 5.7	(2016) Renewable energy
LPP 6.13	(2016) Parking
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF4	NPPF - Promoting sustainable transport
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R16	Accessibility for elderly people, people with disabilities, women and children
SPD-NO	Noise Supplementary Planning Document, adopted April 2006
SPD-PO	Planning Obligations Supplementary Planning Document, adopted July 2008

3 159 Councils Local Plan : Part 1 - Strategic Policies

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

4 171 LBH worked applicant in a positive & proactive (Refusing)

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.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the location of a former two storey public house located on the corner of Sutton Court Road and Snowden Avenue. The surrounding area is mixed use in nature with residential semi-detached dwellings to the south and east of the site and retail units with residential flats on the upper floors to the west. Also within the surrounding area are a number of community facilities.

The public house has been demolished and the approved scheme is in an advanced stage of construction. Whilst the site is not located within any flood zones, it is located within a Critical Drainage Area.

3.2 Proposed Scheme

The proposed change is to allow for the relocation of the previously approved internal bin storage area and to introduce an additional studio unit in it's currently consented location. This would result in associated elevation, parking and landscaping alterations.

The proposed change to the application would result in a scheme that locates all of its refuse storage externally, close to the boundary with the neighbouring property to the south No. 76 Snowden Avenue. The front elevation of the building would be amended to introduce a new entrance door and windows for the proposed studio unit. The car parking arrangement would be amended to locate the cycle parking onto the southern boundary and introduce an additional car parking space. New cycle storage is proposed to provide 28 spaces (an increase of 2 spaces) in green roofed cycle storage structures.

The proposed external bin store would be located on the southern elevation of the building and would have three access doors. The approved scheme included the provision of 4no. 1100ltr Eurobins for refuse and 3no. 1100ltr Eurobins for recycling. The current proposal would reduce this provision to 3no. refuse 1100ltr Eurobins and 3no. 1100ltr Eurobins for recycling. No further details of the proposed bin store are provided, however it is shown on elevation plan 214-PL-301 Rev 06 as a brick built structure.

3.3 Relevant Planning History

Comment on Relevant Planning History

8396/APP/2016/777 'Redevelopment of the site to provide a new three storey building

containing 26 flats (Class C3) with associated parking, balconies, landscaping and rear communal amenity space' Granted

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
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.H2 (2012) Affordable Housing

Part 2 Policies:

- AM14 New development and car parking standards.
- AM15 Provision of reserved parking spaces for disabled persons
- AM7 Consideration of traffic generated by proposed developments.
- BE13 New development must harmonise with the existing street scene.
- 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.
- H4 Mix of housing units
- H5 Dwellings suitable for large families
- H6 Considerations influencing appropriate density in residential development.
- 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 3.11 (2016) Affordable housing targets
- LPP 3.12 (2016) Negotiating affordable housing on individual private residential and mixed-use schemes
- LPP 3.13 (2016) Affordable housing thresholds
- 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 3.7	(2016) Large residential developments
LPP 3.8	(2016) Housing Choice
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.3	(2016) Sustainable design and construction
LPP 5.5	(2016) Decentralised energy networks
LPP 5.6	(2016) Decentralised Energy in Development Proposals
LPP 5.7	(2016) Renewable energy
LPP 6.13	(2016) Parking
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture
NPPF	National Planning Policy Framework
NPPF1	NPPF - Delivering sustainable development
NPPF4	NPPF - Promoting sustainable transport
NPPF6	NPPF - Delivering a wide choice of high quality homes
NPPF7	NPPF - Requiring good design
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R16	Accessibility for elderly people, people with disabilities, women and children
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:- **11th June 2018**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

84 residents were notified of the application and 7 responses and one petition against the proposals have been received.

The concerns raised by residents to the consultation are as follows:

- Loss of privacy
- Excessive exhaust fumes will disrupt our enjoyment of our garden
- Concern with original bin store location, this will be worse with waste storage for 27 homes now situated in the open
- Proposal is contrary to Environmental Protection Unit recommendations on previous application
- Exacerbated risk of being affected by smells, noise, vermin and associated nuisances
- Health risk
- Damage to fence as bins are regularly manoeuvred by waste operatives and residents

- Increased anti social behaviour
- Seek confirmation that this is compliant with designing out crime
- 24 hour high impact nuisance
- Insufficient bin storage though excessive numbers of bins would not be suitable
- Breach of health and safety for disabled persons
- Totally disregards the lengthy and very time consuming process with the previous planning application, objections and petitioning as well as attending the Majors committee
- Disrespectful to the immediate community
- Driven purely by financial gain
- Insufficient increase in parking/cycle parking
- No allocation for visitor parking
- Internal access to the bin store should be retained
- Noise and pollution during construction
- Over development/Increased density
- Local infrastructure is not in place to cater for additional new builds in the area
- Construction is proceeding and layout does not conform to the approved plan
- Reduced buffer around car parking leading to increased disturbance
- Internal space for bin store still remains and was not a show flat
- Loss of security access gate

The petition received in objection to the application has 43 signatories and states the following:

Petition Topic

Application to place all rubbish bins on the immediate border with resident on 76 Snowden Avenue, and placing another unit in the building, making 27 units.

Also to squeeze in another parking bay pushing the parking wider to the boundary especially very close to 5 Silver Way.

This application totally disregards the neighbours who border this new development and appears underhand and somewhat greedy.

What is the desired outcome?

To reject this application and revert to the previously contested but agreed application 8396/APP/2016/777.

This was a lengthy process to settle on this build, taking into account the impact on the immediate area, particularly the neighbours, the parking, the size and mass. Petitions and letters were submitted in objection to this application but were agreed in the end.

The desired outcome is to honour the previous contentious but agreed application.

Internal Consultees

WASTE STRATEGY

A suitable level of capacity has been provided for both waste and recycling containment based on 41 bedrooms in total. From a collection perspective the proposed bin store location is suitable. However, from a residents perspective the bin store is further than the recommended 30 metres (excluding any vertical distance) from some of the individual properties. The gradient of the path which the bulk bins will be moved across should be no more than 1:20, with a width of at least 2 metres. The surface must be smooth and if the storage area is raised above the area where the collection vehicle stops then a dropped kerb is required. Parking restrictions should be considered to ensure clear access for collections. BS5906:2005, Waste management in buildings - code of practice states that: designers should consider location and space (including avoidance to cause nuisance or injury). With this in mind, and based on the proximity of the proposed bin store location

to neighbouring properties, I would recommend that the constructed chamber is secure and an enclosed space with doors to access the bins. The doors should be well fitting and lockable. The height of the chamber should be suitable for residents to lift the bin lids to place waste inside. BS5906:2005 also state that: Special consideration is to be given to access and ease of use for older persons, persons of short stature and people with disabilities. According to BS8300:2009, an accessible environment is one which a disabled person can enter and make use of independently or with help from a partner or assistant. With this in mind, the developer / managing agent should put into place an agreement which assists people who are unable to place their own waste into the bins. The agreement should ensure that stored waste is securely contained and not left outside in the open air. I would suggest that if necessary, provisions are made for personnel to collect the waste from the appropriate property and transfer it to the bin store on behalf of the resident. For hygiene, arrangements should be made for the cleansing of the bin store with water and disinfectant. A hose union tap should be installed for the water supply. Drainage should be by means of trapped gully connected to the foul sewer. The floor of the bins store area should have a suitable fall (no greater 1:20) towards the drainage points. Gullies should be so positioned as not to be in the track of container trolley wheels.

Case Officer's comments

It is noted that the proposed location of the bin store is greater than 30 metres from some units within the northern part of the site. However the existing approved internal bin store is already greater than 30 metres from some units and therefore the minimal change is not deemed sufficient to warrant a reason for refusal.

Following receipt of these comments the proposal has been amended to relocate the bin store so that it is adjacent to the southern wall of the new building. This has resulted in a decrease in the waste storage provision from 4no. to 3no. 1100ltr Eurobins for refuse and 3no. 1100ltr Eurobins for recycling.

WASTE STRATEGY 2nd comments

They should still have capacity even with the reduction to three general waste bins.

HIGHWAYS ENGINEER

The proposal suggests the provision of a studio flat in addition to the extant planning permission (8396/APP/2016/777) for 26 flats at this address. To achieve this additional quantum it is proposed to provide the additional residential unit within the area of the approved internal bin store. This would involve relocating the bin store to an external location towards the site's southern boundary. It is also proposed to provide an additional car parking and cycle space to cater for the additional studio provision. As a consequence, there are no Transport/Highway concerns or objections to relocating the bin store to its new position and the additional parking provisions are welcomed as they allow the overall scheme to conform to the Council's adopted parking standards. The variation to condition 2 is therefore considered acceptable.

LANDSCAPE ARCHITECT

This proposed variation has an adverse impact on the two trees in the south-east corner of the site, which were already compromised by the car park layout. No arboricultural impact assessment or method statement has been submitted to show how the new layout can be built without losing the trees which are due to be retained.

Recommendation - Unacceptable. In the absence of updated tree information in accordance with BS5837:2012, the applicant has failed to demonstrate that the trees will be unaffected by the development and has not made provision for their long term protection.

Case Officer's comments

The Council's Landscape Architect has subsequently noted that the foundations will comprise

individual concrete pads to support the structure with gravel / shingle internal surfacing, less damaging to the root protection area of the trees than a solid concrete pad or continuous trenched foundations. He nonetheless retains an objection to the proposed location adjacent to the tree resulting in the loss of soft landscaping and failure to demonstrate that the tree will be unaffected by the development.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The London Plan (March 2016) aims to provide more homes within a range of tenures across the capital meeting a range of needs, of high design quality and supported by essential social infrastructure. In terms of new housing supply, the Borough of Hillingdon has been allocated a minimum target of 5,593 in the period from 2015-2025.

The National Planning Policy Framework (NPPF) and Hillingdon's Local Plan support the provision of residential accommodation in appropriate locations. The surrounding area is predominantly residential and therefore there is no objection to the redevelopment of the site for residential purposes, provided this is an appropriate design and scale, and meets the requirements of all the relevant criteria and policies of the Council's planning policies.

The principle of residential development on the site has been established through the granting of the original consent reference 8396/APP/2016/777.

7.02 Density of the proposed development

Policy 3.4 of the London Plan (2016) advises that Boroughs should ensure that development proposals maximise housing output having regard to local context, design principles, density guidance in Table 3.2 and public transport accessibility. Table 3.2 establishes a density matrix to establish a strategic framework for appropriate densities at different locations.

The approved scheme has a density of 264 habitable rooms/ha and 104 units/hectare, which is considerably higher than the London Plan policy target for this area which is 150-250 hr/ha and 50-95 units/hectare.

Whilst it was acknowledged that the scheme exceeded the density targets for such an area, given the sites corner position and architectural approach, mixed pattern of surrounding development, which contains family housing as well as flats and maisonettes, the scheme was considered to be of a wholly appropriate density for the site, which is in close proximity to services, shops and bus routes.

The increase in density proposed from 26 units to 27 units on a site of this size and in this location is deemed a minimal alteration and insufficient to warrant a recommendation of refusal.

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

The proposal is not sited within or close to a conservation area or an area of special local character. The scheme would also not affect any listed or locally listed building, nor is it sited within an area that is of archaeological interest.

7.04 Airport safeguarding

Not applicable to the consideration of this application.

7.05 Impact on the green belt

Not applicable to the consideration of this application.

7.06 Environmental Impact

Concerns regarding the potential environmental impact of the proposed changes to the

approved scheme are covered within section 7.08 of this report.

7.07 Impact on the character & appearance of the area

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fails to harmonise with the existing street scene, whilst Policy BE19 seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.

Policy 3.5 of the London Plan states that the design of all new housing developments should enhance the quality of local places, taking into account physical context and local character and Policy 7.4 states that buildings, should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area is informed by the surrounding historic environment.

The site is located on a prominent corner. The changes proposed as part of this application are minimal in terms of the elevation changes with the introduction of a new entrance door and windows on the Snowden Avenue elevation to the studio unit. The proposed external bin stores would be located behind a screening boundary feature and as such the visual impact would be minimal.

Overall, the scheme is considered to comply with Policies BE1, BE13 and BE19 of the Hillingdon Local Plan (November 2012).

7.08 Impact on neighbours

The Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to safeguard the amenities of neighbouring residents in a number of ways. The effect of the siting, bulk and proximity of a new building on the outlook and residential amenity of these adjoining occupiers are considered under Policy BE20, whilst potential impacts on daylight/sunlight (Policy BE21) and privacy (Policy BE24) are also assessed.

Policy OE1 states that planning permission will not normally be granted for uses or associated structures which are, or are likely to become, detrimental to the character or amenities of surrounding properties or the area generally because of, amongst other concerns, noise and vibration or the emission of dust, smell or other pollutants. Policy OE3 seeks to protect against potential noise annoyance from buildings or uses.

Paragraph 4.9 of the SPD, the Hillingdon Design & Accessibility Statement: Residential Layouts (July 2006) further advises that all residential developments and amenity spaces should receive adequate daylight and sunlight and that new development should be designed to minimise the negative impact of overbearing and overshadowing. Generally, 15m will be the minimum acceptable distance between buildings. Furthermore a minimum of 21m overlooking distance should be maintained.

Paragraph 4.11 of HDAS Residential Layouts states that the 45° principle will be applied to new development to ensure the amenity of adjoining occupiers and future occupiers are protected. Paragraph 4.9 states that a minimum acceptable distance to minimise the negative impact of overbearing and overshadowing is 15m. Paragraph 4.12 requires a minimum of 21m distance between facing habitable room windows to prevent overlooking and loss of privacy. Policy BE21 states that planning permission will not be granted for new

buildings which by reason of their siting, bulk and proximity would result in significant loss of residential amenity.

In terms of the impact of the proposed changes on the local residents and in particular on No. 76 Snowden Avenue to the south of the application site, the proposed development would not have a significant detrimental impact in terms of the increased built form and mass of the bin store that raises concerns regarding loss of daylight, outlook or privacy. However the proposed change to the location of the bin store from an internal and enclosed location accessed from within the building, to an external location accessed 24hrs by residents for the disposal of waste and recycling raises concerns regarding potential noise and odour.

Concerns have been raised by residents during both the approved scheme's application process and again within the current submission in relation to the location of the bin store, its smell and the potential to attract vermin to this part of the site. The approved scheme ensured that the external doors to the internal bin store would remain locked shut until collection day. A condition was attached to the consent to ensure that the external doors are only used during rubbish collection days. This would ensure that no smells or rubbish would overspill onto the site and reduce the risk of vermin being attracted. However with the new external location it would not be possible to secure these measures and with 27 units using the proposed bin store it is considered that the likely impact on neighbouring residents would be sufficiently detrimental in terms of residential amenity as to warrant a recommendation for refusal.

The impact on No. 5 Silver Way also raises concerns. The approved scheme involved a buffer zone of 9.4m between the closest car parking space and No. 5 Silver Way. The current scheme proposes a distance of 5.6m, losing the opportunity for 3.8m of soft landscaping that may increase the detrimental impact on this property in terms of noise and disturbance. However it is considered that measures, such as an acoustic fence and/or denser landscaping, could be introduced through condition to mitigate the detrimental impact such that it would not be possible to support a reason for refusal. Should the application be recommended for approval such conditions would be recommended to be attached.

Due to the impact of the relocated waste store the proposed scheme is deemed contrary to Policies OE1 and OE2 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.09 Living conditions for future occupiers

INTERNAL FLOOR SPACE

The London Plan (March 2016) in Policy 3.5 sets out the minimum floor areas required for proposed residential units in order to ensure that they provide an adequate standard of living for future occupants. This scheme proposes an additional studio unit of 44m². The London Plan standards for the accommodation proposed requires a minimum of 39m² (bathroom) or 37m² (shower room).

The gross internal floorspace for the proposed units would be in excess of these requirements. In terms of the internal layout of the proposed unit, this is considered acceptable and therefore the level of residential amenity provided for future occupiers would be considered to be in accordance with Policy 3.5 of the London Plan (2016).

EXTERNAL AMENITY SPACE

The Hillingdon Local Plan: Part Two Policy BE23 states that new residential buildings

should provide or maintain external amenity space which is sufficient to protect the amenity of existing and future occupants which is useable in terms of its shape and siting. Developments should incorporate usable, attractively laid out and conveniently located garden space in relation to the flats they serve. It should be of an appropriate size, having regard to the size of the flats and character of the area.

In terms of the garden space requirements, if the spaces are to be shared, the Council would expect there to be 20sqm for 1 bed flat and 25sqm for a 2 bed flat.

The approved scheme is required to provide a minimum of 590sq.m of amenity space to meet with the Council's requirements. The additional unit would increase this requirement to 610sq.m. Overall the scheme provides approximately 908sq.m of amenity space, in the form of terrace, balconies and communal gardens to the rear of the site.

The proposal therefore meets with the Council's requirements in terms of amenity space.

7.10 Traffic impact, car/cycle parking, pedestrian safety

CAR PARKING

London Plan policy 6.1 seeks to ensure that the need for car use is reduced and Table 6.2 sets out the parking requirements for developments.

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.

The proposed scheme to provide an additional studio unit also includes the creation of one additional car parking space. The Council's Highways Engineer has reviewed the submitted proposals and raised no objections to the application.

CYCLE PARKING

Secure, covered cycle parking is required with a minimum of one space for 1-2 bed units. The approved scheme proposed 26 cycle spaces and the current scheme proposes an increase of 2 spaces to 28 spaces. Details of the design and scale of the proposed cycle storage have been submitted, with green roofed cycle storage structures proposed.

7.11 Urban design, access and security

URBAN DESIGN

See section 7.07

SECURITY

A 'Secure by Design' condition was attached to the consented scheme and it is recommended that the same condition would be attached to the current application should it be recommended for approval.

7.12 Disabled access

New developments are required to meet with the requirements and standards of policy 3.8 of the London Plan (2016) and Approved Document M to the Building Regulations (ADM 2015).

The approved scheme was reviewed by the Council's Access Officer who has raised no objections. A condition was attached to the consented scheme to ensure that 10% of the

proposed ground floor units meet the standards for document M4(3) Category 3 - wheelchair user dwellings, with all remaining units designed to meet the standards for Category 2 (M4(2) - accessible and adaptable dwellings. If the current application was approved it is recommended that the same condition be attached.

7.13 Provision of affordable & special needs housing

Given the size of the original development proposed, the scheme was expected to provide 35% of the housing proposed as affordable housing. This provision is sought on site, except in exceptional circumstances.

As part of the consented application the applicants advised that as a result of development costs and land value associated with this scheme, that affect the viability, no affordable housing could be provided. The application was referred to an independent third party, appropriately qualified, financial advisor who concluded that based on their assumptions and comments, the appraisal of the scheme provided a surplus of £226,022, and as such, the scheme could contribute towards Affordable Housing.

It was therefore suggested to the applicant that the surplus be used a payment in-lieu of on-site provision of Affordable Housing. The applicant agreed to pay a contribution of £226,022 and this would be secured by S106.

Following the submission of the current application it is considered in this instance that a further pro-rata Affordable Housing contribution should be made. Taking into account inflation, it has been agreed with the applicant that should the application be approved, the applicant will provide a further contribution of £13,978 for the studio unit.

7.14 Trees, Landscaping and Ecology

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.

A Tree Survey, dated 25 January 2016, by GHA was submitted with the consented scheme, which has assessed the condition and value of the remaining trees on site.

T1, an English oak is rated 'B' whose condition and amenity value justify its retention within the new development. The remaining trees are G2, mixed fruit trees and T3, sycamore, which are rated 'C'. The condition, value and useful life expectancy of these trees indicated that these trees are not a constraint on development. Nevertheless, their retention was considered beneficial, if feasible.

The report concludes (section 9) that it is practicable to retain all of these trees and safeguard them during the demolition and construction process, subject to adherence to specified methodology. A Tree Protection Plan was submitted which showed the fencing alignment and areas where 'no dig' construction would be necessary. This was reviewed by the Council's Tree Officer, who recommended a condition to ensure site monitoring and supervision by an arboriculturist during the development of the site.

The amended Proposed Site Plan, ref. 214-PL-100 Rev 03 indicates a change to the parking and landscape layout which includes cycle storage directly adjacent to the existing trees. The Council's Landscape architect has raised an objection to the application on these grounds given the loss of soft landscaping and failure to demonstrate that the tree will be unaffected by the development. The proposal is therefore likely to result in damage or potential loss of a tree of merit.

The application therefore fails to accord with policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012).

7.15 Sustainable waste management

The bin storage area is proposed to be relocated externally to the southern part of the building. This would no longer be an integral feature of the building with internal access for residents no longer possible. The application also proposes to reduce the waste storage provision from 4no. to 3no. 1100ltr Eurobins plus 3no. recycling bins.

The scheme has been reviewed by the Council's Waste Officer who raises no objection to the location of the refuse store or its size stating that they should still have capacity even with the reduction to three general waste bins plus 3no. recycling bins.

7.16 Renewable energy / Sustainability

A Code Pre-Assessment and Energy Statement were provided with the consented scheme, which confirmed that the scheme would achieve a 35% reduction in carbon dioxide emissions, which complies with the London Plan and Council's policies. The energy strategy relies heavily on PVs to reach the London Plan target of 35% reduction of CO₂.

Should the current application be approved it is recommended that the same conditions as the original consent be imposed that require the development to accord with these documents and also provide details of proposed photovoltaic (PV) panels.

7.17 Flooding or Drainage Issues

The proposed change to the location of the bin store and the introduction of the additional unit is not considered to result in any flooding or drainage issues. The approved scheme was supported by a Suds Drainage Statement dated Feb 2016, the amended scheme would be required to accord with this document.

7.18 Noise or Air Quality Issues

Concerns regarding the potential noise impact of the development have been covered with section 7.08 of this report.

7.19 Comments on Public Consultations

The comments on material planning considerations arising from the public consultation have been dealt with throughout the body of the report.

7.20 Planning Obligations

As of 1st August 2014, the Council's CIL became effective which replaced a number of S106 requirements. Planning Obligations are still relevant for securing the provision of Affordable Housing, Air Quality Improvements, Employment training provision and open space and recreation.

The approved scheme (8396/APP/2016/777) secured the following contributions:

1. Highway Works: S278/S38 for required Highways Works subject to surrounding network adoption status and Highway Engineers Comments
2. Construction Training: A financial contribution to the sum of: Training costs: £2500 per £1m build cost plus Coordinator Costs - £9,600 per phase or an in kind scheme to be provided.
3. Travel Plan to include £20,000 Bond.
4. Project Management & Monitoring Fee: A financial contribution equal to 5% of the total cash contributions.
5. Affordable Housing Contribution

As discussed in section 7.13, taking into account inflation, it has been agreed that should the application be approved the applicant would provide a further contribution of £13,978 for the studio unit. No further changes to the agreed Heads of Terms are required to mitigate against the impact of the current application.

Community Infrastructure Levy (CIL)

No additional floorspace is proposed as part of this application and therefore no additional CIL payments are required. The CIL application form submitted as part of the previous proposal included the internal bin store within the CIL calculable area.

7.21 Expediency of enforcement action

Not applicable to the consideration of this application.

7.22 Other Issues

There are no other issues for consideration with this application.

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

None

10. CONCLUSION

The application relates to a variation of Condition 2 of planning application reference 8396/APP/2016/777, which granted consent for the 'Redevelopment of the site to provide a new three storey building containing 26 flats (Class C3) with associated parking, balconies, landscaping and rear communal amenity space'.

The proposed change is to allow for the relocation of the bin storage area and to introduce an additional studio unit in it's currently consented location, with associated elevation, parking and landscaping alterations.

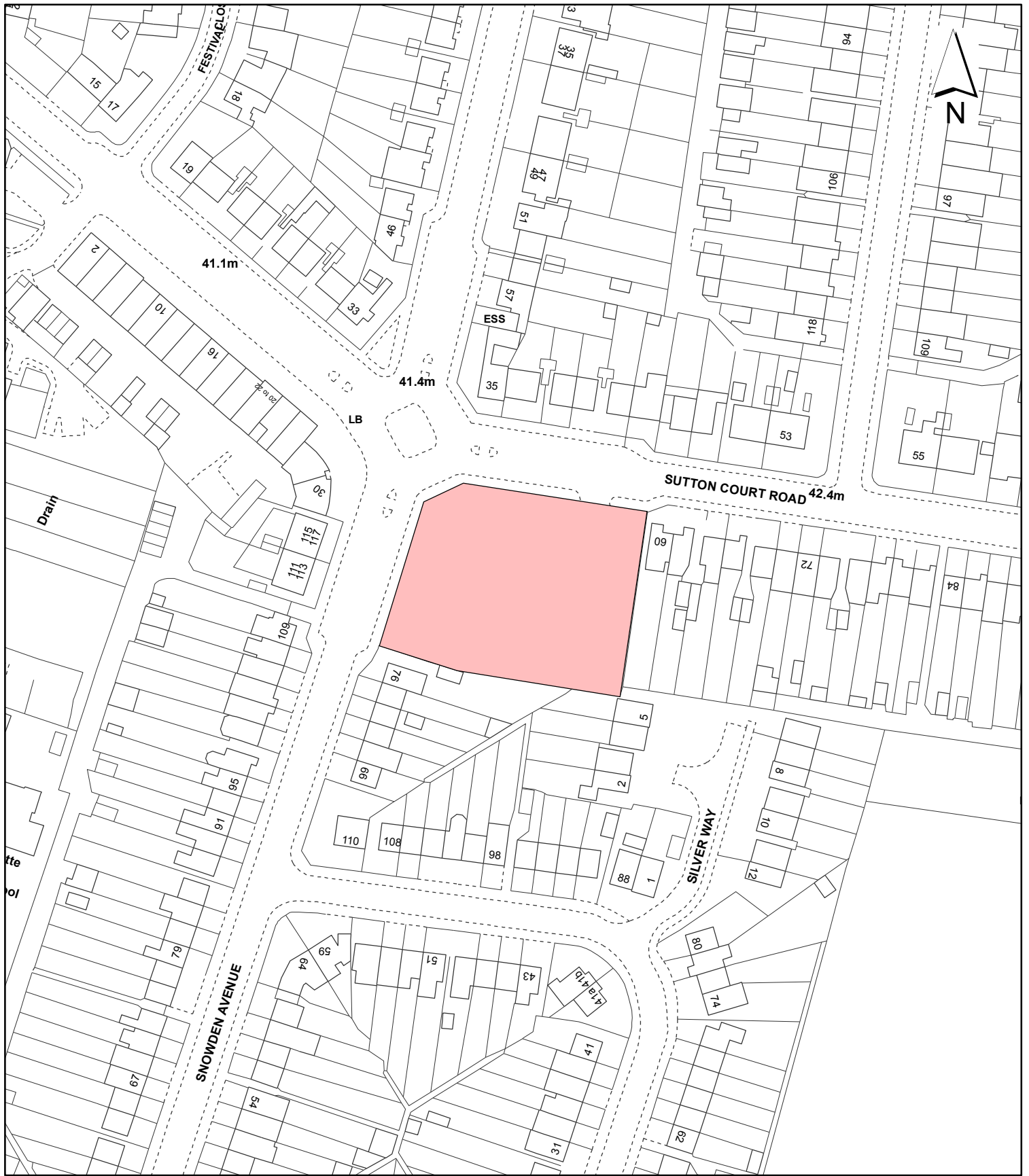
The proposed change to the development would result in a scheme that locates all of its refuse storage externally and close to the boundary with the neighbouring property. The impact of the proposed change is considered to result in an unacceptable impact on the amenity of the neighbouring property in terms of noise and odour and as such the application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
HDAS: Residential Layouts
The London Plan 2016
The Mayor's London Housing Supplementary Planning Document
HDAS: Accessible Hillingdon
National Planning Policy Framework
SPD 'Planning Obligations' July 2014

Contact Officer: Ed Laughton

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 2018 Ordnance Survey 100019283

Site Address:

**Former Tommy Flynn's P.H.
 Sutton Court Road**

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

Planning Application Ref:
8396/APP/2018/1635

Scale:
1:1,250

Planning Committee:
Major

Date:
September 2018



HILLINGDON
 LONDON