

Report of the Head of Planning, Transportation and Regeneration

Address R/O 17-21 THE CLOSE EASTCOTE PINNER

Development: Two storey building for use as Class B1 (Business) (Outline Application with all matters reserved).

LBH Ref Nos: 11448/APP/2018/2541

Drawing Nos: 4060/01
Location Plan

Date Plans Received: 09/07/2018 **Date(s) of Amendment(s):**

Date Application Valid: 20/07/2018

1. SUMMARY

The application seeks outline planning permission with all matters reserved for a two storey building for use as Class B1 (Business).

The principle of commercial development on the site was established by the Inspector who determined on Appeal application reference: 1448/APP/2008/3394 / APP/R5510/A/09/2107406.

The Inspector commented the site does not relate to the residential properties to the east, which in any event could be screened from the appeal proposal by vegetation. The building would be seen in the context of the commercial built development to the immediate west of the accessway, to which an appropriately designed building could relate satisfactorily.

Residents of The Close have expressed objections to this application on the grounds of overlooking and lack of privacy. The distance between the houses in The Close and the new build, the proposed fencing and existing tree cover mean the development will have only limited visibility from properties in The Close, and certainly not to a degree that would warrant the refusal of planning permission. As this is an outline application with all matters reserved, landscaping and design of the building can be conditioned with further details submitted at a later stage. The site is not within a flood zone or critical drainage area.

The application has been reviewed by the Highway Authority who are satisfied that the proposal (subject to the recommended cycle provision and condition) would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3,6.9, and 6.13 of the London Plan (2016).

The tree survey would be conditioned if the application is recommended for approval.

The scheme is therefore acceptable in principle, and complies with planning policies, as set out below.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM1 Outline Time Limit

The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990 (As Amended)

2 COM2 Outline Reserved Matters

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to the local planning authority before the expiry of three years from the date of this permission and approved in writing before any development begins.

The development shall be carried out in accordance with the approved details.

REASON

To comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (As Amended).

3 TL1 Existing Trees - Survey

Prior to any work commencing on site, an accurate survey plan at a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The plan must show:-

- (i) Species, position, height, condition, vigour, age-class, branch spread and stem diameter of all existing trees, shrubs and hedges on and immediately adjoining the site.
- (ii) A clear indication of trees, hedges and shrubs to be retained and removed.
- (iii) Existing and proposed site levels.
- (iv) Routes of any existing or proposed underground works and overhead lines including their manner of construction.
- (v) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees and other vegetation to be retained during construction work.

REASON

To enable the Local Planning Authority to assess the amenity value of existing trees, hedges and shrubs and the impact of the proposed development on them and to ensure that the development conforms with Policy BE38 of the Hillingdon Local Plan (2012).

4 COM25 Loading/unloading/deliveries

The commercial premises shall not be used for delivery and the loading or unloading of goods outside the hours of 22:00 and 07:00, Monday to Friday, and between the hours of 22:00 and 08:00 on Saturdays. The premises shall not be used for delivery and the loading or unloading of goods on Sundays or Bank Holidays.

REASON

To safeguard the residential amenity of the occupiers of adjoining and nearby properties in accordance with Policy OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

5 COM29 No floodlighting

No floodlighting or other form of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and

direction of light sources and intensity of illumination. Any lighting that is so installed shall not thereafter be altered other than for routine maintenance which does not change its details.

REASON

To safeguard the amenity of surrounding properties in accordance with policies BE13 and OE1 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012); and

To protect the ecological value of the area in accordance with Policy EC3.

6 COM30 Contaminated Land

(i) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted in accordance with the Supplementary Planning Guidance on Land Contamination and approved by the Local Planning Authority (LPA). The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:

(a) A desk-top study carried out by a competent person to characterise the site and provide information on the history of the site/surrounding area and to identify and evaluate all potential sources of contamination and impacts on land and water and all other identified receptors relevant to the site;

(b) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use.

(c) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement.

(ii) If during development or works contamination not addressed in the submitted remediation scheme is identified, an addendum to the remediation scheme must be agreed with the LPA prior to implementation; and

(iii) All works which form part of the remediation scheme shall be completed and a verification report submitted to the Council's Environmental Protection Unit before any part of the development is occupied or brought into use unless the LPA dispenses with any such requirement specifically and in writing.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy OE11 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

7 COM6 Levels

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

REASON

To ensure that the development relates satisfactorily to adjoining properties in accordance

with policy BE13 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012)

8 COM7 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)

9 COM9 Landscaping (car parking & refuse/cycle storage)

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

1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Cycle Storage
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layout
 - 2.e Hard Surfacing Materials

3. Living Walls and Roofs
 - 3.a Details of the inclusion of living walls and roofs or justification as to why no part of the development can include living walls and roofs

4. Details of Landscape Maintenance
 - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 4.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

5. Schedule for Implementation

6. Other
 - 6.a Existing and proposed functional services above and below ground
 - 6.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 Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 5.11 (living walls and roofs) and 5.17 (refuse storage) of the London Plan (2015)

INFORMATIVES

1 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

2 I52 Compulsory Informative (1)

The decision to 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).

3 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.
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
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.
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

OE1	new planting and landscaping in development proposals. Protection of the character and amenities of surrounding properties and the local area
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 5.3	(2016) Sustainable design and construction
LPP 5.13	(2016) Sustainable drainage
LPP 8.3	(2016) Community infrastructure levy

4 170 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.

5 115 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 Councils 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.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to land to the rear of Nos. 17 to 21 The Close, Eastcote. The site has an area of 350 m² and is currently vacant and overgrown with semi-mature trees and naturally regenerated shrubs. The boundary fencing, made up of chain link fencing, is in disrepair.

The site is bounded to the West by a vehicular access running along the rear of shops fronting onto Field End Road for loading/unloading, and access to two public car parks. The site is to the rear of properties in The Close between the two car parks.

The shops fronting Field End Road form part of the the Eastcote (Minor) Town Centre, immediately to the West (including part of the access lane), the public car park to the North of the site is also within the Eastcote Town Centre. There are residential dwellings to the South (fronting North View), and to the East (fronting The Close). The Eastcote (Morford Way) Conservation Area boundary lies close to the Western boundary of the site.

As part of the 2009 appeal decision the Inspector felt the development would be primarily seen in the context of the commercial built development to the immediate west of the access way, officers agree with this assessment.

The application site lies within the developed area as identified in the Hillingdon Local Plan: Part Two -Saved UDP Policies (November 2012).

3.2 Proposed Scheme

The application seeks outline planning permission with all matters reserved for a two storey building for use as Class B1 (Business).

3.3 Relevant Planning History

11448/APP/2006/186 R/O 17-21 The Close Eastcote Pinner

ERECTION OF A TWO STOREY BLOCK OF FOUR ONE-BEDROOM FLATS (OUTLINE APPLICATION).

Decision: 08-09-2006 Not Determined **Appeal:** 08-09-2006 Dismissed

11448/APP/2008/1365 R/O 17-21 The Close Eastcote Pinner

Two storey office building with associated parking accessed from service road (outline application).

Decision: 25-07-2008 Withdrawn

11448/APP/2008/3394 Land Rear Of 17-21 The Close Eastcote, Pinner

Two storey office building with associated parking accessed from service road (outline application).

Decision: 28-01-2009 Refused **Appeal:** 11-11-2009 Allowed

11448/APP/2010/2900 R/O 17-21 The Close Eastcote Pinner

Two storey detached building with level in roof for use as B1 (a) Office.

Decision: 20-01-2011 NFA

11448/APP/2011/238 R/O 17-21 The Close Eastcote Pinner

Erection of a two storey detached building with additional level in roofspace for use as Class B1 Office.

Decision: 15-09-2011 Refused **Appeal:** 05-03-2012 Dismissed

11448/APP/2015/3576 R/O 17-21 The Close Eastcote Pinner

Two storey detached building for use as an office including associated parking and new vehicle crossover to front

Decision: 29-01-2016 Withdrawn

11448/APP/2016/1100 R/O 17-21 The Close Eastcote Pinner

2-bed, detached bungalow with associated amenity space and parking.

Decision: 14-03-2017 Refused **Appeal:** 24-11-2017 Dismissed

Comment on Relevant Planning History

The most recent planning application on this site is 11448/APP/2016/1100 - Two storey office building with associated parking accessed from service road (outline application). Dismissed at appeal. The inspector commented:

' The introduction of the proposed bungalow would appear as an incongruous and uncharacteristic addition to the street scene of essentially what amounts to a service road.

In reaching my conclusions, I have been mindful of the appellant's contention, premised upon the conclusions of an Inspector from an appeal granted outline planning permission in 2009 (Ref. APP/R5510/A/09/2107406) on the site for an office development, that some form of development may be acceptable in principle. However, I note that this permission would appear to have subsequently lapsed without implementation, and my assessment in this respect has focussed on the acceptability of the principle of the introduction of a residential dwelling in this location, rather than whether the principle of development of the land in any form would have the potential to be acceptable.'

This site has an extensive planning history:

Relevant text from the two key appeal decisions is copied below:

The 2006 Planning appeal decision relates to a building with four one-bedroom flats. The Inspector stated:

'The area is one of mixed uses. The rear elevations of the Field End Lane shops and first floor flats to the front of the appeal site and the public car parks nearby are utilitarian townscape features with no particular architectural style or merit. To the rear and immediately to either side are the gardens of houses on The Close. They include mature trees and planting which would soften the visual impact of the proposed development and give it an attractive landscaped setting. However, the front elevation would be very close to the service lane and the two-storey bulk of the building would appear cramped up against

the lane, an effect that would be reinforced by the lack of a footway. I find that this element of the proposal would have a negative impact on the character and appearance of the surrounding area, contrary to the provisions of UDP Policies BE13 AND BE19.'

'The appeal site is untidy and used for fly tipping. However, the present scheme is not the only way in which the site can be properly managed. The applicant refers also to security benefits for neighbouring property and car parks. Neither of these matters alter my conclusions set out above.'

'I acknowledge that the Government encourages Councils to meet identified housing needs and that Planning Policy Note 3 Housing (PPG3) supports mixed use developments and the use of previously developed sites, including garden land, for new housing. It is not clear that the site is previously developed land but, more fundamentally, PPG3 also states that new housing should create places and spaces with the needs of people in mind and which respect and enhance local character. I find that the present proposal fails to meet these objectives.'

More recently the applicant sought to secure permission for a B1 Office Use. This proposal was granted consent on Appeal (APP/R5510/A/09/2107406) against the councils refusal of planning application 11448/APP/2008/3394.

The Inspector commented:

'Delivering sustainable development, at paragraph 32, promotes a more efficient use of land and the focusing of new office development in sustainable locations such as existing centres. The appeal site is unused land, adjacent to Eastcote centre and close to a public transport interchange. Although there is no development, other than car parks, fronting the north-eastern side of the access way, I am not persuaded that in the above circumstances, development should be precluded in principle. The site does not relate to the residential properties to the east, which in any event could be screened from the appeal proposal by vegetation. The building would be seen in the context of the commercial built development to the immediate west of the access way, to which an appropriately designed building could relate satisfactorily.'

'Whilst flat roofs are not a characteristic of the locality, two and three storey development with pitched roofs is and the scheme accompanying the application is for illustrative purposes only. In my view, an appropriately designed building would complement the surrounding built development and could harmonise with the existing street scene. The proposal therefore accords with saved Policies BE13 and BE19 of the London Borough of Hillingdon Unitary Development Plan.'

'Additionally, the site's development would reduce the potential for depositing litter and fly tipping, which adversely affect the immediate environment along this part of the access way. I therefore conclude that the proposal would have a positive effect on the character and appearance of the area.'

4. Planning Policies and Standards

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

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

- AM7 Consideration of traffic generated by proposed developments.
- AM13 AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): -
(i) Dial-a-ride and mobility bus services
(ii) Shopmobility schemes
(iii) Convenient parking spaces
(iv) Design of road, footway, parking and pedestrian and street furniture schemes
- AM14 New development and car parking standards.
- 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.
- BE23 Requires the provision of adequate amenity space.
- BE24 Requires new development to ensure adequate levels of privacy to neighbours.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- 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 5.3 (2016) Sustainable design and construction
- LPP 5.13 (2016) Sustainable drainage
- LPP 8.3 (2016) Community infrastructure levy

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Neighbouring properties were consulted on 27.07.2019 and a site notice displayed.

By the close of the consultation period 2 neighbouring residents had objected to the proposed development and a petition with 20 signatures was received which objects to the proposal and asks

for it to be refused.

The objections can be summarised as the following:

- i) Insufficient information on the proximity of the building to the fence boundaries. If it's only 0.5 m from the boundary of the rear gardens there is little scope for substantial planting within the space to provide adequate screening.
- ii) What is the height of the building. Is it a flat or pitched roof.
- iii) On the site plan parking bays have been included. If the application is based on the previously granted planning permission, on the advice of the planning department it was suggested removal of parking facilities on site and to obtain parking permits for the car park, of which there are two either side of this area.
- iv) The current proposal fails to provide appropriate screening and I don't believe the current two storey development could be satisfactorily screened to mitigate visual impact to residents of Nos 17 to 21 The Close.
- v) The area of transition, within which the site is located, forms a buffer between the rear of residential properties and commercial activities of a local centre. The proposed design would fail to preserve the sense of separation between the local centre and residents.
- vi) Significant change of outlook for residents in The Close.
- vii) This site, given its area of transition, would be better suited to low rise development.
- viii) The rear gardens get very water logged when there is heavy rain due to the inadequate drainage and build of Devonshire Lodge car park. The service road at the rear suffers the same problems. Would a new development exacerbate this?
- ix) No indication of nature of business, employees and operating hours.
- x) Construction would damage roots of mature trees in neighbouring gardens.
- xi) The planning issues regarding this plot have been ongoing for at least 20 years and it's always been a safety issue of cars driving out onto the alleyway. Traffic has significantly increased along the service road and frequently cars cannot get past due to parked lorries making deliveries.
- xii) Overshadowing;
- xiii) Noise nuisance;
- xiv) Right to light;
- xv) Appear out of character with the residential properties;
- xvi) The piece of land is subject to a schedule of restrictive covenants, which restrict the use of an office development on the land;
- xvii) Pressure on water facilities.

Case Officer Comments: These above concerns will be considered in the main body of the report. Issues regarding pressure on water, restrictive covenants, right to light are not planning material considerations.

Eastcote Conservation Panel & Eastcote Residents Association:

This current application is similar to 11448/APP/2008/3294, which was approved at appeal. Therefore, a precedence has been set for this application. There have been several applications in the past to build dwellings on this piece of land, 11448/APP/2006/186 and 11448/APP/2016/1100 both refused at appeal. Our concern is should planning permission be granted for office space, that at a later date attempts will be made to change to dwellings by Prior Approval. We understand that prior approval cannot be used on planning applications granted after 2013. If this is so please can this information form part of any informatives issued to the Applicant.

Officer Note: The GPDO clearly stipulates that for an Office to be converted to residential dwellings it has to have been in B1 use before 29th May 2013. Given the building is not yet even built it is obvious that this building, if approved and built, will never be able to meet this criteria and therefore will never be able to be converted into residential dwellings under a Prior Approval. Therefore a condition or informative are both unnecessary.

Internal Consultees

WASTE STRATEGY

There is suitable access to the site for the RCV. The gradient of any path that wheeled bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the storage area is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to the level of the collection vehicle. The bin should be presented for collection within 10 metres of the vehicle stopping point. There should be a storage provision for separated waste and recycling.

ACCESS OBSERVATIONS

Any future planning application would need to satisfy the requirements of London Plan policy 7.2. To this end, reference should be made to the Council's 'Accessible Hillingdon' SPD (adopted September 2017). Any future planning applications should demonstrate how the development meets the principles of inclusive design. Full access for older and disabled people must be provided throughout the development.

TREES AND LANDSCAPE

In the absence of any tree / survey information the application fails to satisfy saved policies BE38. The applicant has failed to consider the existing trees or demonstrate that they will be unaffected by the development. The application should be refused.

OFFICER COMMENT: The tree survey would be conditioned if the application is recommended for approval.

HIGHWAYS

The application has been reviewed by the Highway Authority who are satisfied that the proposal (subject to the recommended cycle provision and condition) would not exacerbate congestion or parking stress, and would not raise any highway safety concerns, in accordance with policies AM2, AM7 and AM14 of the Development Plan (2012) and policies 6.3,6.9, and 6.13 of the London Plan (2016).

EPU

No comments received.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The principle of commercial development on the site was established by the Inspector who determined on Appeal application reference: 1448/APP/2008/3394 / APP/R5510/A/09/2107406.

The Inspector commented the site does not relate to the residential properties to the east, which in any event could be screened from the appeal proposal by vegetation. The building would be seen in the context of the commercial built development to the immediate west of the accessway, to which an appropriately designed building could relate satisfactorily.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place. That new development should be 'designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials.'

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that the layout and appearance of new development should "harmonise with the existing street scene or other features of the area." The NPPF (2011) notes the importance of achieving design which is appropriate to its context stating that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

7.02 Density of the proposed development

Not applicable to the proposed development.

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

The site is not within or adjacent a special character area.

7.04 Airport safeguarding

No safeguarding issues arise from the proposal.

7.05 Impact on the green belt

The site is not within or adjacent to Green Belt land.

7.07 Impact on the character & appearance of the area

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. Policy BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seeks to ensure that new development within residential areas compliments or improves the amenity and character of the area.

The site is unused land, adjacent to Eastcote centre and close to a public transport interchange. Although there is no development, other than car parks, fronting the north-eastern side of the accessway, The site does not relate to the residential properties to the east, which in any event could be screened from the application proposal by vegetation. The building would be seen in the context of the commercial built development to the immediate west of the access way, to which an appropriately designed building could relate satisfactorily.

Whilst flat roofs are not a characteristic of the locality, two and three storey development with pitched roofs is and the scheme accompanying the application is for illustrative purposes only. The inspector commented in the 2009 appeal, an appropriately designed building would complement the surrounding built development and could harmonise with the existing street scene. The proposal therefore accords with saved Policies BE13 and BE19 of the London Borough of Hillingdon Local Plan.

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 three principal ways. The effect of the siting, bulk and proximity of a new building on the general 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.

Paragraph 4.9 of 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. It goes on to advise that 'where a two storey building abuts a property or its garden, adequate distance should be maintained to overcome possible domination'. Generally, 15 m will be the minimum acceptable back to back distance between buildings whilst a minimum of 21 m overlooking distance should be maintained.

Local Plan Policy BE21 of the adopted Hillingdon Unitary Development Plan states that planning permission will not be granted for new development which by reason of its siting, bulk and proximity, would result in a significant loss in residential amenity. Likewise UDP Policies BE20 and BE24 resist any development which would have an adverse impact upon the amenity of nearby residents and occupants through loss of daylight and privacy.

The proposed building would be sited circa 25 meters from properties in The Close. The building height would be 5.55 metres. The proposed development and its design will protect both the privacy of the occupiers and their neighbours in accordance with policy guidance.

Residents of The Close have expressed objections to this application on the grounds of overlooking and lack of privacy. The detailed design and location of the new bungalow and the proximity of the existing properties in the Close to the development site overcome these concerns. The distance between the houses in The Close and the new build, the proposed fencing and existing tree cover mean the development will have only limited visibility from properties in The Close, and certainly not to a degree that would warrant the refusal of planning permission. As this is an outline application with all matters reserved, landscaping and design of the building can be conditioned with further details submitted at a later stage. The site is not within a flood zone or critical drainage area.

In this regard the application is compliant with Policy BE20, BE21, BE23 and BE24 of the Hillingdon Local Plan.

7.09 Living conditions for future occupiers

Not applicable to the proposed development.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The site is located and fronts a 'service road' that links North View and Abbotsbury Gardens in Eastcote district town centre. The road serves as an access to several Council owned car parks and other retail outlets in terms of servicing provisions.

The public transport accessibility level (PTAL) is rated at a level of 2 and is considered below average.

There are no specific concerns with this B1 (GIFA -74m²) use class proposal in terms of parking or vehicular trip generation owing to the small scale of the proposal and the existing retail/commercial mix of the local district centre which limit the potential for measurable detrimental highway related impacts. The suggested footway on the site frontage would remain private in tenure and is welcomed as a provision as footways are lacking within this service road.

Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP policy states that new development will only be permitted where it is in accordance with the Council's adopted parking standards.

The new unit would not strictly demand a parking provision however 2 spaces are shown

on-site. Again this is welcomed as it lessens potential demand/displacement on the two neighbouring car parks and/or local residential road network.

The only parking requirement in this case is related to providing a minimum of 1 cycle space in order to conform to the Council's adopted cycle parking standard. An indicative location has been depicted on plan and it is assumed that this will be detailed within any subsequent reserved matters application. The same would apply to the refuse bin store which is acceptable in principle as shown on plan.

7.11 Urban design, access and security

ACCESS

Any future planning application would need to satisfy the requirements of London Plan policy 7.2. To this end, reference should be made to the Council's 'Accessible Hillingdon' SPD (adopted September 2017). Any future planning applications should demonstrate how the development meets the principles of inclusive design. Full access for older and disabled people must be provided throughout the development.

SECURITY

Secured by Design is now covered by Part Q of the Building Regulations which the development will be required to accord with.

7.12 Disabled access

No disabled access issues arise from the proposed development.

7.13 Provision of affordable & special needs housing

Not applicable to the proposed development.

7.14 Trees, landscaping and Ecology

This site is an area green space to the rear of 17-21 The Close which is accessed via a rear service road. According to the aerial photographs, there are several trees on the site, which might constrain development. The trees are not protected by TPO or Conservation Area designation.

This is an outline application. No site assessment or tree survey has been submitted. The proposed development is for an office building in an area which is primarily residential. The proposed plan shows planting around the boundaries. This appears to be indicative only and it is unclear whether it is existing or proposed.

In the absence of any tree / survey information the application fails to satisfy saved policies BE38. The applicant has failed to consider the existing trees or demonstrate that they will be unaffected by the development.

The tree survey would be conditioned if the application is recommended for approval.

7.15 Sustainable waste management

There is suitable access to the site for the RCV. The gradient of any path that wheeled bins have to be moved on should ideally be no more than 1:20, with a width of at least 2 metres. The surface should be smooth. If the storage area is raised above the area where the collection vehicle parks, then a dropped kerb is needed to safely move the bin to the level of the collection vehicle. The bin should be presented for collection within 10 metres of the vehicle stopping point. There should be a storage provision for separated waste and recycling.

7.16 Renewable energy / Sustainability

Not applicable to the proposed development.

7.17 Flooding or Drainage Issues

The site is not within a flood zone or a critical drainage area.

7.18 Noise or Air Quality Issues

It is considered that the proposal would not give rise to any additional noise or air quality issues of concern.

7.19 Comments on Public Consultations

No further comments with regards to public consultation.

7.20 Planning obligations

There are no planning obligations required on this site.

7.21 Expediency of enforcement action

There are no enforcement issues on this site.

7.22 Other Issues

COMMUNITY INFRASTRUCTURE LEVY (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. It should be noted that this is subject to adjustment for inflation in line with the Tender Price Index (TPI).

8. Observations of the Borough Solicitor

General

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

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

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

Planning Conditions

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

Planning Obligations

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

Equalities and Human Rights

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

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

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

9. Observations of the Director of Finance

10. CONCLUSION

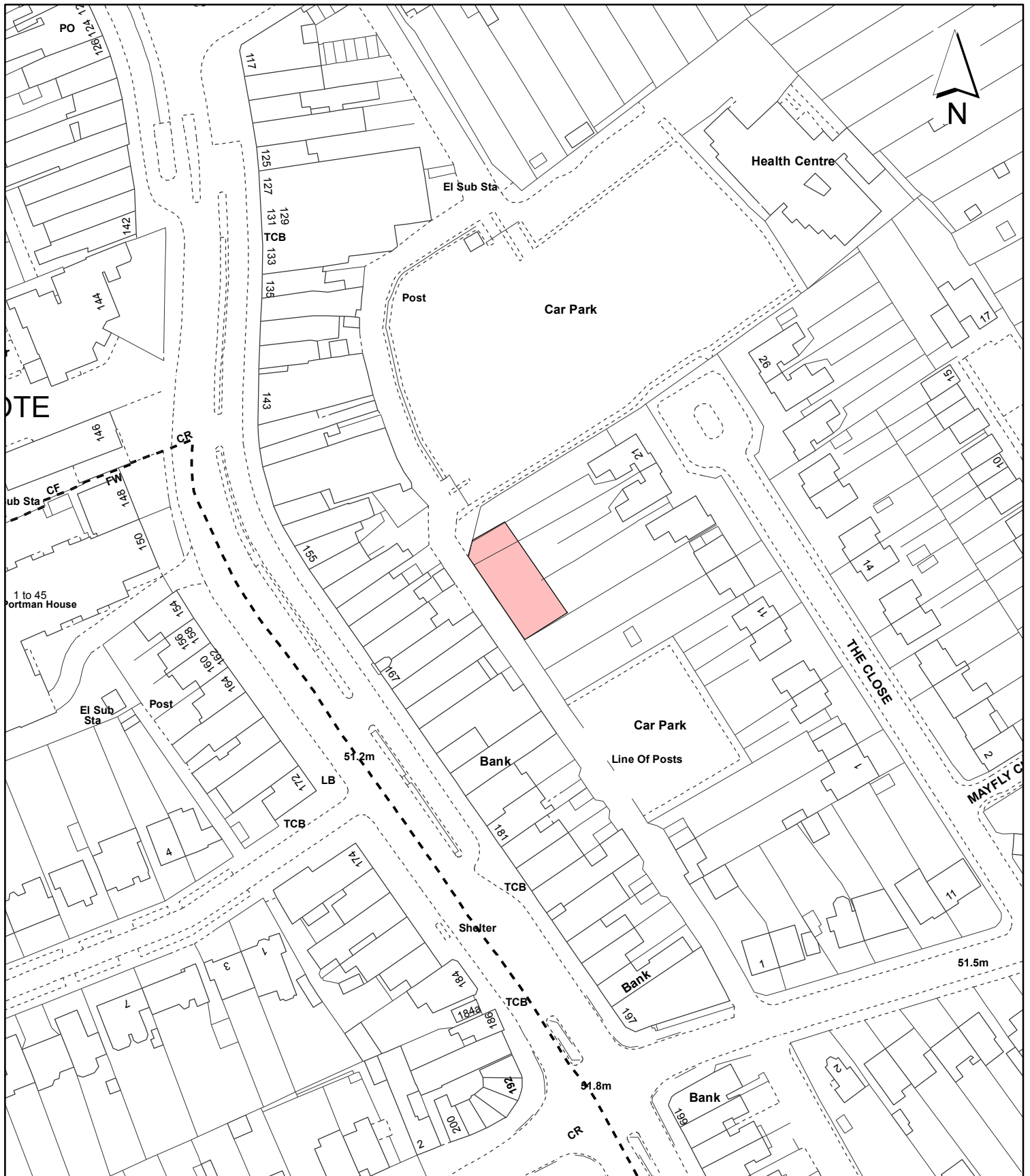
The development is considered to comply with national, regional and local policies and is recommended for approval.

11. Reference Documents

Hillingdon Local Plan (November 2012)
London Plan (2016)
National Planning Policy Framework
Supplementary Planning Guidance - Community Safety by Design
Supplementary Planning Guidance - Noise
Supplementary Planning Guidance - Air Quality
HDAS: Accessible Hillingdon

Contact Officer: Diane Verona

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:

**R/O 17-21 The Close
 Eastcote**

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

Planning Application Ref:
11448/APP/2018/2541

Scale:
1:1,250

Planning Committee:
North

Date:
January 2019

