

## Report of the Head of Planning, Transportation and Regeneration

**Address** LAND AT GARAGE BLOCK SOUTHBOURNE GARDENS RUISLIP

**Development:** Three storey building comprising of 6 x 2-bed flats with associated parking and amenity space, involving demolition of existing garages.

**LBH Ref Nos:** 72211/APP/2019/664

**Drawing Nos:** 18/3217/104 A  
18/3217/2  
18/3217/103A  
18/3217/105  
Design and Access Statemen  
18/3217/1  
Daylight and Sunlight Assessmen  
Arboricultural Repor  
Ecology report  
Transport Assessmen  
Surface Water Drainage Strateg;

**Date Plans Received:** 25/02/2019                      **Date(s) of Amendment(s):** 25/02/2019

**Date Application Valid:** 13/03/2019

### 1. SUMMARY

The scheme proposes to demolish two garage blocks of 18 garages and erect a three storey building providing 6 x 2 bedroom flats with associated landscaping and parking. The proposal is considered to respect the character and appearance of the area and would not significantly impact on the amenity of the neighbouring occupiers. The proposal would also provide adequate parking and amenity provision. Concern over potential increase of parking pressure within the restricted parking zone area could be addressed with a S106 for the development to be 'Resident Permit Restricted'.

It is therefore recommended for approval.

### 2. RECOMMENDATION

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

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

**(i) The residents of this development not to be eligible for parking permits, apart from Blue Badge holders and a charge made against the site to ensure the future buyers are aware of the parking restrictions.**

**C) That the applicant meets the Council's reasonable costs in the preparation of the Section 106 agreement/Deed of Variation and any abortive work as a result of the agreement not being completed.**

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

E) That if any of the heads of terms set out above have not been agreed and the S106 Agreement has not been finalised before the 28th August 2019, or any other period deemed appropriate that delegated authority be given to the Head of Planning, Transportation and Regeneration to refuse the application for the following reason:

'The development has failed to secure obligations relating to the restriction of residents' parking permits. Accordingly, the proposal is contrary to policy AM7 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the Council's Planning Obligations SPD.'

F) That subject to the above, the application be deferred for determination by the Head of Planning, Transportation and Regeneration under delegated powers, subject to the completion of the legal agreement under Section 106 of the Town and Country Planning Act 1990 and other appropriate powers with the applicant.

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

**1 RES3 Time Limit**

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

REASON

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

**2 RES4 Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 18/3217/104 A and 18/3217/105, and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

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

**3 RES7 Materials (Submission)**

Prior to the commencement of the superstructure works details of all materials and external surfaces shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

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

REASON

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

**4 RES9 Landscaping (car parking & refuse/cycle storage)**

Prior to the commencement of the superstructure works details of a landscape scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping, including a minimum of 4 replacement trees,
  - 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 provision for 6 secure and covered cycle spaces,
  - 2.c Means of enclosure/boundary treatments
  - 2.d Car Parking Layouts for 6 vehicle spaces (including demonstration that 1 parking space is served by an electrical charging point (active provision) and 1 space is capable of being easily converted in the future (passive provision))
  - 2.e Hard Surfacing Materials
  - 2.f External Lighting
  
3. Details of Landscape Maintenance
  - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
  - 3.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
  
4. Schedule for Implementation

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).

#### **5 RES10 Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting

should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and to comply with Section 197 of the Town and Country Planning Act 1990.

### **6 RES15 Sustainable Water Management (changed from SUDS)**

Prior to the commencement of the superstructure works details of a scheme for the provision of sustainable water management shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

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

#### REASON

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

### **7 NONSC Non Standard Condition**

No development shall take place until a full and detailed Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The CLP will be a requirement given the constraints and sensitivities of the local residential road network in order to minimise/avoid potential detriment to the public realm.

#### REASON

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

**8 RES24 Secured by Design**

The dwelling(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

**REASON**

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to reflect the guidance contained in the Council's SPG on Community Safety By Design and to ensure the development provides a safe and secure environment in accordance with London Plan (2015) Policies 7.1 and 7.3.

**9 NONSC Accessible Units**

The development hereby approved shall ensure that the residential units are constructed to meet the standards for Category 2 M4(2) dwellings, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

**REASON**

To ensure that an appropriate standard of housing stock, in accordance with London Plan Policy 3.8 (c), is achieved and maintained.

**10 NONSC Parking allocation scheme**

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

**REASON**

To ensure that an appropriate level of car parking provision is provided on site in accordance with Policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (March 2016).

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

**2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including

Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM14	New development and car parking standards.
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
OE1	Protection of the character and amenities of surrounding properties and the local area
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 3.8	(2016) Housing Choice
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

### **3**            I59                            **Councils Local Plan : Part 1 - Strategic Policies**

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

### **4**            I47                            **Damage to Verge - For Council Roads:**

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

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

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3

3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

**5            I15                    Control of Environmental Nuisance from Construction Work**

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

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

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

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

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

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://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.

**6            I25A                    The Party Wall etc. Act 1996**

On 1 July 1997, a new act, The Party Wall etc. Act 1996, came into force.

This Act requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:-

- 1) carry out work to an existing party wall;
- 2) build on the boundary with a neighbouring property;
- 3) in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations or planning controls. Building Control will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by Building Control should be taken as removing the necessity for the building owner to comply fully with the Act.

**7            I70                    LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the Nation:

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.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site covers an area of approximately 870 square metres and currently accommodates 18 garages set in two blocks running along the western and eastern boundaries. The site falls within a predominantly residential area and is bounded by residential properties on all sides. To the north of the site is Ottawa House a three storey flatted development and 35-37 Dollis Crescent a two storey block of 2 flats recently constructed on land formerly garages. To the west are the ends of the gardens of nos. 2-8 Dollis Crescent and to the east, nos. 1-6 Green Lawns and to the south nos. 54-60 Southbourne Gardens. Access is provided via a narrow driveway off Southbourne Gardens, located between nos. 58 & 60 and no.62.

The application site lies within the 'Developed Area' as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

#### 3.2 Proposed Scheme

The application seeks planning consent for the demolition the garages and the erection of a three storey building to provide 6 x 2-bed self-contained flats with associated parking and amenity space.

#### 3.3 Relevant Planning History

72211/APP/2017/3911 Land At Garage Block Southbourne Gardens Ruislip

Three storey building comprising of 6 x 2-bed flats, parking and extension to access, involving demolition of existing garages.

**Decision:** 25-09-2018 Withdrawn

72211/APP/2018/4029 Land At Garage Block Southbourne Gardens Ruislip

Three storey building comprising of 4 x 2-bed and 2 x 1-bed self-contained flats with parking and extension to access, involving demolition of existing garages.

**Decision:** 15-01-2019 Refused

72211/PRC/2016/169 Land At Garage Block Southbourne Gardens Ruislip

Redevelopment of the site to include erection of a single, three storey accommodation block comprising nine residential units

**Decision:** 28-11-2016 OBJ



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

The previous submission was refused on the basis of the impact on the privacy of the neighbouring properties, insufficient parking and failure to provide a step free approach to the principle entrance.

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

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

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

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM14 New development and car parking standards.

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

OE1 Protection of the character and amenities of surrounding properties and the local area

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 3.8 (2016) Housing Choice

NPPF- 11 NPPF-11 2018 - Making effective use of land

NPPF- 12 NPPF-12 2018 - Achieving well-designed places

HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

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

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

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

## 6. Consultations

### External Consultees

190 neighbours were consulted for a period of 21 days expiring on the 4 April 2019. A site notice was also erected on the lamp post at the entrance. 9 responses were received raising the following issue

- Existing congestion on the road would be increased
- High rise building out of keeping
- Loss of privacy
- Loss of light
- Increased disturbance from traffic movements for the flats
- Lack of parking
- Disturbance due to construction works
- Overbearing
- Fear of crime due to more densely populated area
- Bulk and height
- Sets a precedent for other developments
- Close proximity to the boundary would make maintenance difficult
- Proposal cites 2011 census data for car ownership, this is out of date
- Increased flood risk
- If planning is approved the residents of the new properties should be excluded from the permit parking scheme
- The access to the site is very narrow making entry for larger vehicles extremely difficult
- The swept path diagram provided does not provide a clear picture of access to the site
- Bins on collection day would cause an obstruction on the access road or on the pavement
- The Arboricultural Report is inaccurate stating the site in Thornton Heath

### Internal Consultees

Access Officer - Having reviewed this application with reference to the London Plan policy 3.8 (c), the proposal falls short of the technical Housing Standard as set out in the approved Document M to the Building Regs. 2010 (2015 addition). Revised plans should be submitted to demonstrate compliance with the spatial requirements within the entrance level WC, bedrooms, bathrooms and kitchen areas. The floor plans should illustrate the requisite clear access zones in context to typical furniture items within the said rooms. The plans need to be amended to align with the M4(2) technical specifications set out in Approved Document M.

Conclusion: Unacceptable. Revised plans should be requested to demonstrate the feasibility of incorporating the above standards within the buildings footprint.

Officer response: Revised plans have been submitted to address the Access Officer's concerns. He has confirmed there are no further objections.

Highways - The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly 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).

Trees/Landscaping - A tree report by AD Tree Consulting, dated October 2017, has been submitted. The report identifies and assesses the condition and value of 16 trees and one group. There are no 'A' grade trees. Two trees are category 'B': T1 lime and T3 ash which are worthy of retention. Of these two T1 will be protected and retained, but T3 (close to the site entrance) will be removed to facilitate the development. The remaining trees are all 'C' grade specimens which are not normally regarded as constraints on development.

Three of these, T4, T5 and T6 will be removed together with a group of laurel, G1. The remaining trees will be protected and retained as part of the layout.

Full tree protection details and an arboricultural method statement have been provided. No detailed information has been submitted regarding the proposed landscape details. If you are minded to approve this application, landscape conditions should be imposed.

Flood and Water Management - The surface water drainage strategy is in principle acceptable, although layout into the drainage strategy is not based on the current proposed layout. There are properties on Southbourne Gardens that have experienced surface water flooding in recent years and it is therefore important that surface water is appropriately managed on the site. Details of the surface water drainage strategy should be secured by condition.

## **7. MAIN PLANNING ISSUES**

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

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

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

Policy 3.4 of the London Plan (2016) seeks to ensure that the new development takes into account local context and character, the design principles in Chapter 7 and public transport capacity development should optimise housing output for different types of location within the relative density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

The density matrix, however, is only of limited value when looking at small scale development such as that proposed with this application. In such cases, it is often more appropriate to consider how the development harmonises with its surroundings and its impact on adjoining occupiers.

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

Not applicable to this application.

### **7.04 Airport safeguarding**

Not applicable to this application.

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

Not applicable to this application.

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

The proposed building measures a maximum of 14.8m in width, 10.5m in depth and 10.05m in height. The building is designed with a slightly staggered front and rear elevation and two storey front projections on either side of the front elevation. The highest point is the ridge line above the side projections which is linked by a central ridge at right angles 9.6m. The properties to the front and side of the site are characteristically 2 storey of roughly 9m in height. The style of the building respects the architectural character of these properties and although higher would be set against the backdrop of the much larger 3 storey block of flats at Ottawa house to the north. Overall, the design and layout of the buildings is considered acceptable in the context of the site and surrounding area and to not have a detrimental impact on the character and appearance of the street scene. It is considered that the proposed development would be in keeping with the character and appearance of the surrounding area and that its visual impact is acceptable, in accordance with policies BE13 and BE19 of the UDP saved policies.

## **7.08 Impact on neighbours**

Policies BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) seek to safeguard neighbouring residential amenity from inappropriate development.

With regard to the impact of the amenities on the adjoining occupiers, Sections 4.9 of the SPD: New Residential Layouts, in relation to new dwellings, states all residential developments and amenity space should receive adequate daylight and sunlight. The daylight and sunlight available to adjoining properties should be adequately protected and careful design can help 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 distance between buildings. Furthermore, where habitable room windows face each other, a minimum 21m distance is required to safeguard privacy. This also applies to an area of private amenity space or patio, normally taken to be the 3m depth of rear garden immediately adjoining the rear elevation of a residential property. .

The proposed building is set back towards the rear of the site, positioned 1m off the western boundary, 3.85m from the eastern boundary and a minimum of 4.4m off the northern (rear) boundary. The principle windows to the new properties will all face front and rear. To the front of the building, the rear elevation of nos. 54-56 is situated approximately 21m away with private patio areas to the side of a rear projection at the same minimum distance. To the west nos 2-8 Dollis Crescent have good sized rear gardens backing onto the site and would maintain a minimum of 28.5m to the shared boundary, as such it is not considered the proposal would significantly impact on the amenity of those occupiers. To the north, the front elevations of nos. 29-37 Dollis Crescent are separated by in excess of 22m. Ottawa House is orientated at nearly 45 degrees from the application property with the corner of that building approximately 17.6m away. It is noted that the rear windows of the proposed flats would face the rear amenity space of the flats within Ottawa House however as this is a communal area already overlooked by other flats it would be unreasonable to object on this basis. To the east the rear elevation of nos. 1-4 would face the application site set back a minimum of 13.15m from the side wall of the proposal. However the submitted plans indicate that the nearest habitable room window would maintain a minimum 15m distance from the blank flank wall of the proposal, in accordance with adopted guidance. As such it is considered the proposed building would not result in an unacceptable degree of over dominance, visual intrusion, over shadowing or loss of privacy to the detriment of the neighbouring occupiers. Therefore the proposal would comply with the aims of Policy BE1 (Built Environment) of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies BE13, BE15, BE19 and BE24 of the adopted Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

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

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an

adequate level of amenity for existing and future occupants. The standards require a 2 bed 3 person flat to have a minimum floor area of 61sqm. The proposed flats have a minimum provision of 61sqm, in compliance with the requirements.

It is considered that all the proposed habitable rooms, and those altered by the extension, would maintain an adequate outlook and source of natural light, therefore complying with Policy 3.5 of the London Plan (2016).

The Hillingdon Design and Accessibility Statement Residential Layouts, requires the provision of adequate private amenity space and for a 2 bed flat 25sqm would be required. This gives an overall requirement of 150sqm. The layout plan shows a minimum provision of approximately 250sqm, including 2 areas of private garden area to protect the privacy of future occupiers of flats 1 and 2 and a larger communal garden area. The proposal therefore complies with policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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

The site is located in a residential catchment due west of Field End Road in Ruislip and consists of a bank of 18 redundant garages located immediately behind No's 56 & 58 Southbourne Gardens. A formal access to the garages is located between Nos. 58-62. The surrounding road network exhibits an 'all day' operation Controlled Parking Zone and the location displays a PTAL of 2 which is considered as low and therefore heightens dependency on the ownership and usage of the private motor vehicle.

Policy AM7 of the Hillingdon Local Plan: Part 2 - Saved UDP Policy requires the Council to consider 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.

In comparison to the previous garage uses when they were fully active, the level of traffic generation is anticipated to be lower as compared to the proposal. A two-way movement not exceeding 1-2 vehicles per hour during both peak traffic periods would be anticipated which is considered de-minimis in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

The Highways Officer has advised that the site is currently a redundant back-land garage site consisting of 18 existing garages. The garages are to be demolished to facilitate the build. 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 proposal would require an on-plot provision of up to 1.5 parking spaces per unit totalling 9 spaces to fully comply with Hillingdon's adopted parking standard and a quantum of 6 are proposed. This falls well below the adopted maximum standard.

As the location exhibits a low PTAL level of 2 there should be a provision toward the maximum end of the standard as dependency i.e. ownership/usage related to private motor transport is heightened as a result. As a consequence there are some concerns with regard to the on-plot parking under-provision as it may impact on the immediate highway in parking displacement terms. However this aspect of concern can be countered by the site address being made 'Resident Permit Restricted' in order to prevent future occupiers from obtaining parking permits for the local area within the adjacent CPZ. The applicant has indicated agreement to this mechanism which will help deter excess car ownership/usage from within the site. This would be secured by legal agreement under Section 106 of the Town and

Country Planning Act 1990 (T&CPA 1990).

In terms of cycle parking there would be a provision of at least 1 secure and accessible space for each housing unit in order which conforms to Hillingdon's cycle parking standard. A total of 6 spaces are indicated on-plan which conforms to the standard.

Parking is arranged in communal fashion and would be accessed via an existing and narrow private access road. The roadway would function as a shared surface accommodating both pedestrian and vehicle movements which conforms to the DfT (Manual for Streets circa 2007) best practice for road and parking layouts given the respective low flows involved.

In addition there is also a highway safety benefit from the sufficient turning space within the site arrangement which would allow vehicles (including emergency fire tenders and service vehicles) to enter and leave the site in a forward gear which is the recommended practice on highway safety grounds.

The existing aperture to the site displays a dropped kerb arrangement which is considered inadequate to cater for the anticipated vehicle movements into and out of the site. Some revisions are therefore considered necessary in terms of minor widening etc in accord with the Council's carriageway crossing standard. Such works would need to be undertaken to an appropriate Council specification under a S278 (Highways Act 1980) agreement (or suitable alternative arrangement) at the applicant's expense.

It is therefore considered that the proposal would comply with the requirements of policies AM7 and AM14 of the Council's Local Plan Part 2.

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

Refuse collection will be conducted via Southbourne Gardens with the need to enter the site. A main bin storage location is indicated in proximity of the public highway which is considered acceptable as it conforms to the Council's 'waste collection' maximum distance parameter of 10m i.e. distance from a refuse vehicle to the point of collection. However, an on-plot site management regime should ensure that waste generated by each of the 6 units is transferred to this collection point on collection days. This is usually undertaken informally as it is in the interest of the new occupiers to have their waste collected.

As regards security, a condition is included within the officer's recommendation to ensure that the development meets Secure by Design criteria.

#### **7.12 Disabled access**

The Access Officer initially raised concerns that the floor plans failed to illustrate the requisite clear access zones in context to typical furniture items within the rooms. Revised plans have been received to address these issues.

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

Not applicable to this application.

#### **7.14 Trees, Landscaping and Ecology**

There are no 'A' grade trees within the site. Two trees are category 'B': T1 lime and T3 ash which are worthy of retention. Of these two T1 will be protected and retained, but T3 (close to the site entrance) will be removed to facilitate the development. The remaining trees are all 'C' grade specimens which are not normally regarded as constraints on development. Three of these, T4, T5 and T6 will be removed together with a group of laurel, G1. The remaining trees will be protected and retained as part of the layout.

The Council's Landscape Officer has raised no objections to the proposal subject to a

condition for details of a landscaping scheme. A bespoke landscaping condition is recommended to ensure replacement trees are planted.

#### **7.15 Sustainable waste management**

Not applicable to this application.

#### **7.16 Renewable energy / Sustainability**

Not applicable to this application.

#### **7.17 Flooding or Drainage Issues**

The Flood and Water Management Officer has advised that the surface water drainage strategy is acceptable in principle, although this is not based on the current proposed layout. It is noted that properties on Southbourne Gardens have experienced surface water flooding in recent years and as such it is important that surface water is appropriately managed on the site. Details for a surface water drainage strategy could be conditioned for submission if all other aspects of the proposal were acceptable.

#### **7.18 Noise or Air Quality Issues**

Not applicable to this application.

#### **7.19 Comments on Public Consultations**

Noise and disturbance from construction is considered transitory in nature and as such is not sufficient reason for refusal in its own right. Each application is assessed on its own merits having regard to adopted policy and guidance. The reference to the site as Thornton Heath is inaccurate, however this refers to a aerial photograph clearly showing the site as the garages off Southbourne Gardens, which is clearly stated throughout the rest of the report. All other issues are addressed within the report.

#### **7.20 Planning Obligations**

The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for additional floorspace for residential developments is £95 per square metre and office developments of £35 per square metre. This is in addition to the Mayoral CIL charge of £40 per square metre.

#### **7.21 Expediency of enforcement action**

Not applicable to this application.

#### **7.22 Other Issues**

None.

### **8. Observations of the Borough Solicitor**

General

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

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

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

### Planning Conditions

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

### Planning Obligations

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

### Equalities and Human Rights

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

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

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

## **9. Observations of the Director of Finance**

Not applicable

## **10. CONCLUSION**

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 fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and the character of the area. Policy BE24 states that the proposals should protect the privacy of the occupiers and their neighbours.

The proposal is not considered have a negative impact upon the visual amenity of the site or the surrounding area, would not result in an unacceptable loss of residential amenity to neighbouring occupiers and would provide a satisfactory level of residential amenity to future occupiers.



The proposal complies with with policies BE13, BE19, BE20, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and is therefore recommended for approval.

#### **11. Reference Documents**

Hillingdon Local Plan Part 1 - Strategic Policies (November 2012).

Hillingdon Local Plan Part 2.

The London Plan (2016).

Supplementary Planning Document 'Accessible Hillingdon'.

National Planning Policy Framework.

**Contact Officer:** Liz Arnold

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**Notes:**

 Site boundary

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Site Address:

**Land at southbourne Gardens**

Planning Application Ref:

**72211/APP/2019/664**

Planning Committee:

**North**

Scale:

**1:1,250**

Date:

**July 2019**

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

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