

Report of the Head of Planning, Transportation and Regeneration

Address 4 CUNNINGHAM DRIVE ICKENHAM

Development: Retention of hard landscaping and provision of soft landscaping

LBH Ref Nos: 74795/APP/2019/3536

Drawing Nos: 02.01 Rev D Location Plan, Existing & Proposed Plans

Date Plans Received: 26/10/2019

Date(s) of Amendment(s):

Date Application Valid: 20/11/2019

1. CONSIDERATIONS

1.1 Site and Locality

The application site is located on the southern side of Cunningham Drive and comprises a three-storey detached townhouse. The property is provided with a garage at the rear of the garden which is located next to a parking area accessed via Truesdales. The site is bordered to the east by 6 Cunningham Drive and to the west by a garage belonging to 2 Cunningham Drive. 1-7 Cunningham Drive is located on the northern side of the road.

1.2 Proposed Scheme

The proposal is for the retention of hard landscaping and the provision of soft landscaping to the front of the application property, following the removal of a small front garden which was replaced with hard standing.

The proposed soft landscaping would comprise of planting beds along the front and side boundaries of the property.

1.3 Relevant Planning History

74795/PRC/2019/122 4 Cunningham Drive Ickenham

Retrospective planning approval for the unlawful removal of soft landscaping and replacement with hardstanding.

Decision Date: 24-09-2019

OBJ

Appeal:

Comment on Planning History

There is currently an enforcement investigation into the removal of the soft landscaping and its replacement with hard standing; an enforcement notice against the unauthorised hard landscaping laid was issued on 03 September 2019. The enforcement notice took effect on 04 October 2019 and had a one month compliance period.

It is noted that there have been various enforcement investigations into the removal of soft landscaping and replacement hard standing for a number of properties within this residential estate, along with various applications and appeals for retrospective permission or to reinstate soft landscaping, with various decisions.

Notwithstanding this, the current application would reinstate a proportion of soft landscaping to the application site and has been assessed on its own merits.

2. Advertisement and Site Notice

2.1 Advertisement Expiry Date:- Not applicable

2.2 Site Notice Expiry Date:- Not applicable

3. Comments on Public Consultations

EXTERNAL

Consultation letters were sent to 6 local owners/occupiers and a site notice was displayed. No responses were received.

Ickenham Residents Association:
No response received.

INTERNAL

Trees/Landscape Officer:

Drawing ref. 02.01 Rev D reflects the outcome of pre-application discussions aimed at replacing soft landscape (planting) to the front garden. While the site coverage is not 100% of the paved area, all boundaries will be composed of robust and attractive hedging to define the space. The residual area of hard-standing will be softened in appearance and be sufficient to provide pedestrian access and temporary space for bikes/pushchairs while preventing vehicle parking.

RECOMMENDATION

No objection.

4. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.EM6 (2012) Flood Risk Management

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 14 Trees and Landscaping

DMHD 1 Alterations and Extensions to Residential Dwellings

DMEI 9 Management of Flood Risk

DMEI 10 Water Management, Efficiency and Quality

LPP 5.12 (2016) Flood risk management

LPP 5.13 (2016) Sustainable drainage

5. MAIN PLANNING ISSUES

Permission was granted under ref: 38402/APP/2007/1072, dated 09-07-07, for redevelopment of site to provide a mixed use scheme comprising 415 units (Use Class C3) and (Use Class C2) with playing fields and open space. This property forms one of the consented units.

Condition 30 of the above permission (ref: 38402/APP/2007/1072) required landscaping details to be submitted to and approved by the Council. These landscaping details (specifically details of planting) were approved under application ref. 38402/APP/2015/847 on 14 September 2015. These landscaping details were further amended under application ref: 38402/APP/2016/935, which was granted on 12 August 2016. The approved landscape plan required planting to cover the majority of the front garden at No. 4 Cunningham Drive. The small front gardens provided under the approved development plans make an important contribution to the character and appearance of the area.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires that new developments achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place. Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) requires all development to be designed to the highest standards and incorporate principles of good design, either complementing or improving the character and appearance of the area.

Policy DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) expects all developments to retain or enhance existing landscaping and requires developments to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure that alterations to existing dwellings do not result in an adverse impact on the character, appearance or quality of the existing street or wider surrounding area, and that trees, hedges and other landscaping features are retained; 25% of front gardens should be retained for planting and soft landscaping.

This residential estate is a compact development featuring shared surfacing for pedestrian and vehicle movement. The amount of green infrastructure is limited to very small front gardens which make an important contribution to the character and appearance of the area.

The original small front garden to 4 Cunningham Drive has previously been removed and replaced with hard standing. This proposal is to replace part of the hard standing with soft landscaping (planting beds along the front and side boundaries of the property).

The Council's Trees/Landscape Officer has assessed the application and has no objection to the proposed replacement soft landscaping. Whilst the replacement soft landscaping is not to the same extent as the original front garden, the proposed scheme would provide 25% soft landscaping to the front of the property, in keeping with Council policy. All boundaries will be composed of robust and attractive hedging to define the space. The residual area of hard-standing will be softened in appearance and be sufficient to provide pedestrian access and temporary space for bikes/pushchairs while preventing vehicle parking. The proposed scheme would therefore bring back an appropriate front garden appearance to the property, thereby improving the visual amenity of the street scene and

surrounding area.

The proposal therefore complies with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 14 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

In accordance with Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), the principles of sustainable drainage should be used in any development of this site which should seek to manage storm water as close to its source as possible.

Policy DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) states that hard surfacing should be permeable (porous) and that surfaces of more than 5sq.m will need planning permission for laying traditional, impermeable surfacing. Policy DMRI 9 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure that developments provide adequate provision for flood risk mitigation whilst Policy DMEI 10 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) requires developments to incorporate appropriate sustainable drainage systems (SuDS).

Policies 5.12 and 5.13 of the London Plan (March 2016) seek to ensure that developments address current and future flood issues, minimise flood risks through appropriate flood risk management measures, utilise sustainable drainage systems (SuDS) and manage surface water run-off as close to the source as possible in line with the drainage hierarchy.

The original development was considered to be acceptable in regards to drainage with the original landscaping at the front of the property helping to control surface water run-off. Whilst the proposal does not reduce the amount of hard standing to a level similar to the original front garden, the proposed scheme would provide planting beds along the front and side boundaries of the property. It is considered that the re-introduction of soft landscaping to the front of the property will allow for surface water run-off, thereby reducing flood risk, in accordance with Policy EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), and Policies DMHD 1, DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies 5.12 and 5.13 of the London Plan (March 2016).

The application is therefore recommended for approval.

6. RECOMMENDATION

APPROVAL subject to the following:

1 HO1 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 HO2 Accordance with approved

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan ref: 02.01 Rev D Location Plan, Existing & Proposed Plans.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the London Plan (2016).

3 HO10 Front Garden Landscaping

Notwithstanding the details hereby approved a minimum of 25% of the front garden area shall be soft landscaped (eg.grass or planted beds) for so long as the development remains in existence.

REASON

To ensure the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with Policies DMHB 11, DMHB 14 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy 5.17 of the London Plan (2016).

INFORMATIVES

Standard Informatives

- 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 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 (July 2011) and national guidance.

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.EM6	(2012) Flood Risk Management

Part 2 Policies:

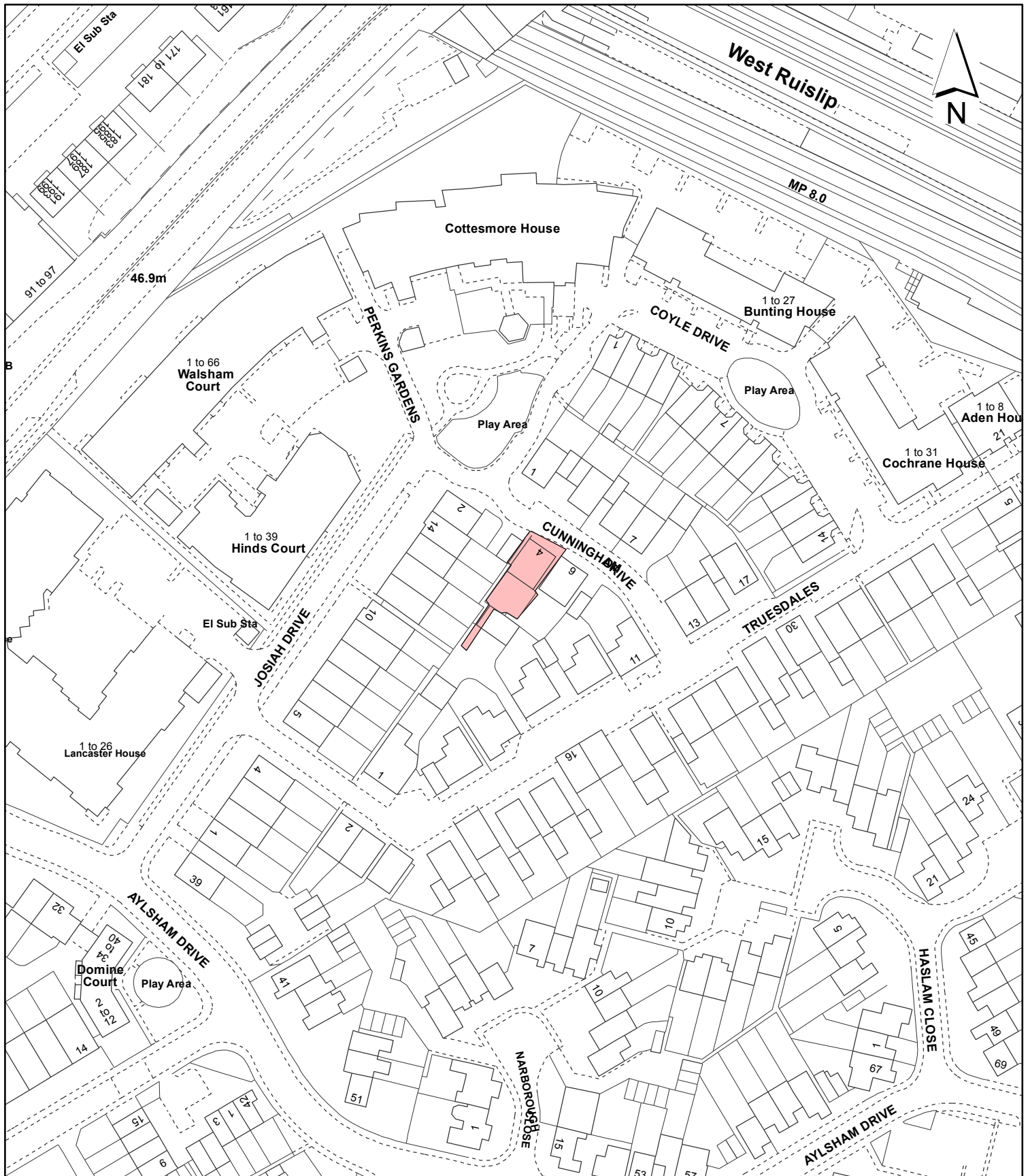
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMHD 1	Alterations and Extensions to Residential Dwellings
DMEI 9	Management of Flood Risk
DMEI 10	Water Management, Efficiency and Quality
LPP 5.12	(2016) Flood risk management
LPP 5.13	(2016) Sustainable drainage

- 3 You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.
- 4 You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.
- 5 Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning, Environment and Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).
- 6 You have been granted planning permission to build a residential extension. When undertaking demolition and/or building work, please be considerate to your neighbours and do not undertake work in the early morning or late at night or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway. You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Protection Unit, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190).
- 7 The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:
 - carry out work to an existing party wall;
 - build on the boundary with a neighbouring property;
 - in some circumstances, carry out groundworks within 6 metres of an adjoining building.Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning, Environment and Community Services Reception, Civic Centre, Uxbridge, UB8 1UW.

- 8 Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.
- 9 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 should only be carried out between the hours of 08.00 hours 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 and Public Holidays.
- B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.
- C) The elimination of the release of dust or odours that could create a public health nuisance.
- D) No bonfires that create dark smoke or nuisance to local residents.
- You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) 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.
- 10 You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.
- 11 To promote the development of sustainable building design and construction methods, you are encouraged to investigate the use of renewable energy resources which do not produce any extra carbon dioxide (CO₂) emissions, including solar, geothermal and fuel cell systems, and use of high quality insulation.
- 12 You are advised that 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).

Contact Officer: Katherine Mills

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**4 Cunningham Drive
 Ickenham**

**LONDON BOROUGH
 OF HILLINGDON**
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111

Planning Application Ref:
74795/APP/2019/3536

Scale:
1:1,250

Planning Committee:
North

Date:
March 2020

